

**PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY,
SOLAPUR**



**NAAC Accredited-2022
B ⁺⁺ Grade (CGPA2.96)**

**Name of the Faculty: Humanities
Syllabus: L.L.M. Part-I & LL.M-II
[LL.M. in Constitutional Law]
(For University Campus)
With effect from: August-2023**

PG Course as per NEP 2020 New Structure

**PUNYASHLOK AHILYADEVI HOLKAR
SOLAPUR UNIVERSITY, SOLAPUR**



**RULES, REGULATIONS AND SYLLABUS FOR TWO YEARS
POST GRADUATION LL.M COURSE (FOUR SEMESTERS)
LL.M. IN CONSTITUTIONAL LAW**

**CHOICE BASED CREDIT SYSTEM (CBCS) WITH CUMULATIVE GRADE POINT AVERAGE
(CGPA) FROM ACADEMIC YEAR 2023-2024 AND
ONWARDS
w.e.f. AUGUST 2023**

PUNYASHLOK AHILYADEVJI HOLAKAR

SOLAPUR UNIVERSITY, SOLAPUR

LL.M. IN CONSTITUTIONAL LAW

CHOICE BASED CREDIT SYSTEM (CBCS)

**WITH CUMULATIVE GRADE POINT AVERAGE (CGPA)
FROM ACADEMIC YEAR 2023-2024 AND ONWARDS**

w.e.f. AUGUST 2023

- 1. Duration of the Programme of LL.M Post Graduate Degree Course:** - The duration of the programme is of two academic years which spread over four semesters with the University Examination at the end of each semester. Each Academic year shall be divided into Two Semesters. The academic session for odd semester (1st& 3rd) will commence as far as possible from 1st July, while for even semester (2nd& 4th) will commence from 1st January every year. The courses / papers and credits assigned to each course shall be as given in the LL.M. Post Graduate Course Structure
- 2. Medium of instruction:** The medium of instruction and Examination shall be in English.
- 3. Eligibility for admission: -**
 - A) LL.M. 1st Year – For admission to the LL.M.-I, the candidate must have passed, the LL.B. three years degree course after graduation, or five years LL.B. course after 12th standard or equivalent qualifications, of this university or any other recognized university. Admission will be in accordance with the CET conducted by the University or otherwise decided by the university.
 - B) LL.M. Course shall be a full-time and of semester pattern. The LL.M. course cannot be done externally i.e., without keeping regular terms in Department /Law College.
 - C) Admissions are completely governed by rules and regulations made by the university from time to time.
- 4. Attendance: -**
 - (i) Regular 100% attendance is expected to all students for LL.M. course and shall be monitored in the semester rigorously. Students shall be informed at the end of every month if they are falling short of attendance requirement.
 - (ii) A Maximum of 25% absence for the attendance may be permitted only on valid grounds such as illness, or other emergency reason which is beyond control of a student and shall be approved by the concerned affiliated The Centre of Higher Education/ Department.

5. Rules of Promotion / ATKT: - LL.M Course.

To promote a student in to 3rd Semester: A student is being eligible for admission to the 3rd Semester must have either passed in the 1st and 2nd Semester or must have got exemption in at least Six Papers of the 1st and 2nd Semesters.

6. Interpretation Clause: Unless the context otherwise requires, the following words shall have the meaning as assigned to them in this clause.

a) Choice Based Credit System (CBCS):

Choice Based Credit System provides choice for students to select from the prescribed courses (Core, elective, minor, OJT, RM, FP courses etc.)

b) Credit: Credit means the unit by which the course work is measured. In this Direction one Credit means one hour of teaching work or two hours of practical work & one credit are equivalent 15 lectures in a semester.

c) Credit Point (CP): It is the value obtained by multiplying the Grade Point by the Credit i.e., No. of Credits assigned for the course x Grade Points secured for that course.

d) Cumulative Grade Point Average (CGPA): CGPA means the value obtained by dividing total number of credit points in all the semesters by the total number of credits in all the semesters.

d) Grade Letter: Grade Letter **means** an index to indicate the performance of a student in a Particular course / Paper. It is the transformation of actual marks secured by a student in a course / paper into a letter grade i.e., O, A, B, C, D, E and F. There shall be arrange of marks for each Grade

e) Grade Point: Grade Point means weightage allotted to each grade letter.

f) Programme: It means the Two Year Post Graduate Programme of study and examination spread over four semesters, the successful completion of which would lead to the award of Master of Laws (LL.M) degree.

g) Semester Grade Point Average (SGPA): It means the value obtained by dividing the total credit points earned by a student in all the courses of a given semester by the total number of credits assigned to that semester.

h) Course: It is equivalent to a paper/subject in a programme. It is a complete unit of learning which will be taught and evaluated within a Semester. All courses need not Carry the same weight. A course may be designed to comprise lecturing / tutorial / fieldwork / outreach activities / project work / vocational training / viva / seminars / term papers / assignments / presentations / self-study etc. or a combination of some of these & other activities designed and prescribed by the

concern center of higher education.

7. The UGC guidelines on CBCS system prescribe following courses: Core, Elective, Minor and OJT / FP /RP in a programme.

a. Core Course:

This is the course/subject which is to be compulsorily studied by a student as a core requirement to complete the programme. It shall be related to the discipline of study.

b. Elective Course:

Elective course is a course which can be chosen from a pool of prescribed papers. & as per the availability of faculties.

c. Minor Course:

The Minor Courses is a course based upon the content that leads to Knowledge enhancement in research area. They are mandatory for research inquiries in a discipline.

d. OJT/FP/RP

The On-job training, field project & Research Project is practical training component designed to enhance practical knowledge, operation of a law of any given subject. The Centre of higher education shall have a choice to select/opt any of the above components as per their choice & convenience.

8. Scheme of evaluation: -

The students have to appear external evaluation (University Exam) for 80 Marks and internal evaluation of 20 marks for each paper except Dissertation & OJT/FP/RP. The internal evaluation is a process of continuous assessment. The nature of internal evaluation is decided by The Centre of higher education and concerned subject teacher with the prior permission of the Head, Principal at the beginning of semester. The distribution of 20 marks (any two components) internal evaluation shall be as follows.

- | | |
|--|-------------|
| a) Seminar & Presentation | - 10 Marks. |
| b) Project Work (Doctrinal / Non-Doctrinal) | - 10 Marks |
| c) Participation & Assistance in Lok-Adalat | - 10 Marks. |
| d) Writing Case Comment (Two Cases) | - 10 Marks. |
| e) Any other Activity Prescribed by the Centre | - 10 Marks |
| f) Field Visit | - 10 Marks |
| g) Government, Semi Government Office Visit etc. | - 10 Marks |

9. OJT/FP/RP (Practical Paper)

a. OJT:

Student has to Prepare and Maintain detail record of On Job Training and has to submit at the end of the Semester. Student have to submit the report based on the practical work given by the Centre of Higher Education. 100 marks are divided as follows:-

1. Dairy Submission: 60Marks
2. Viva- Voce :40Marks

b. Research Project / Field Project Work

- i. a. Doctrinal Research - 60 Marks OR
- b. Non-Doctrinal Research - 60 Marks

Student has to select a topic relating to law in consultation with subject teacher at the beginning of the semester. By using research methodology students has to submit report (Doctrinal and Non-Doctrinal or both) at the end of the semester.

ii. Viva-voce

Viva Voce will be conducted by Internal/ External Examiners Relating to project Work / Teaching and Research Methodology - **40 Marks**

Dissertation: - **200 Marks**

Phase-I Synopsis Submission: At the beginning of the 3rd Semester students are expected to carry out intensive literature survey for a period of one month in the field of interest and to select topic for dissertation in consultation with assigned teacher. After one month the student shall then submit report and deliver a seminar on the problem chosen by him/her to the panel of faculty members.

Phase-II Term Work and Progress of the Research Work and Presentation: It is based on the efforts put by the student to carry out his / her work and submit a progress report and presentation of progress seminar before panel of faculty members at the beginning of fourth semester

Phase III Final Evaluation: After completing the dissertation work to the satisfaction, the student shall submit three copies of dissertation in prescribed format along with softcopy to the college. Open defence viva- voce of the student shall be arranged by the university in front of panel of examiners appointed by university authority.

Evaluation System on the basis of Credit based Award Pattern:

The academic performance of a student during a semester shall be graded on a Seven- point scale. The grade awarded to a student shall depend on his/her performance in external and internal examinations. The academic performance of a student during a semester and at the end of the programme shall be evaluated on the basis of: (i) **Grade Point (GP) obtained in each subject**

(ii) **Semester Grade Point Average (SGPA), (iii) Cumulative Grade Point Average (CGPA)**

At the end of each semester examination, a student shall be awarded a Semester Grade Point

Average (SGPA). A Cumulative Grade Point Average (CGPA) shall be awarded to each student at the end of Final Semester of the Programme. The details regarding method of calculating SGPA & CGPA is explained below.

10. Award of Grade Letter, Grade Points, Credit Points, SGPA, CGPA:

(a) Award of Grade Letter and Grade Points:

Each course/paper shall be valued in Seven Grades. The letter grades and their equivalent grade points are listed below.

Conversion of Marks into Grades

S No.	Range of Marks	Grade	Grade Points	Description of performance
1	80 onwards	O	10	Excellent/Outstanding
2	70–79	A+	9	Very Good
3	60–69	A	8	Good
4	55–59	B+	7	Fair
5	50–54	B	6	Above Average
6	45–49	C+	5	Average
7	40–44	C	4	Below Average
8	< 40	F	0	Fail
9	-	XX	0	Detained
10	-	DR	-	Dropped Out

(b) Calculation of Credit Points:-

Credit Points for the course = (No. of Credits assigned for the course x Grade Point secured for that course.)

(c) Semester Grade Point Average (SGPA):-

SGPA indicates the performance of a student in a given Semester. SGPA is based on the **total credit points earned by the student in all the courses and the total Number of credit assigned to the courses/papers in a Semester.**

$$SGPA = \frac{\text{Total Credit Points Obtained in the Semester}}{\text{Total Number of Credits for the Semester}}$$

Provided that SGPA is computed only if the candidate passes in all the courses (gets a Minimum 'E' Grade in all Courses).

(d) Cumulative Grade Point Average (CGPA): CGPA refers to the Cumulative Grade

Point Average weighted across all the semesters.

$$\text{CGPA} = \frac{\text{Total Credit Points Obtained in all semesters}}{\text{Total Credits of All Semesters}}$$

Total Credits of All Semesters

The CGPA is calculated only when the candidate passes in all papers of all semesters. The final Grade Sheet shall show the Grade and Grade Points only.

11. Mode of University Examination Question Paper

1. Maximum Marks–80
2. Time–Three Hours

12. Standard of Passing:

1. A candidate shall be declared 'Pass' in the examination of a Semester if he has secured at least aggregate of 50 marks in each paper in semester examination. And a minimum 10 marks in internal examination and 40 marks in external (University) examination in each of the subject in semester examination.
2. The student has to secure minimum of 5-grade points (Grade E) in examination prescribed for a Particular semester.
3. A student who failed in University semester examination (Theory) and passed internal examination of paper (subject) shall be given FU Grade. Such student will have to appear for term end examination only. A student who failed in internal examination and passed in University Examination (Theory) shall be given F Grade. Such student will have to appear for term end examination as well as internal examination.

13. Award of the Degree:

A student will be eligible for the award of the Degree of Master of Laws (LL.M) with his chosen specialization/s, after he has successfully completed all the four semesters. The degree shall specify the division and CGPA of successful candidates as per the following criterion:

Conversion of Average grade points into grades

SGPA/CGPA	Letter Grade
9.5–10	O
8.5–9.49	A+
7.5–8.49	A

6.5-7.49	B+
5.5-6.49	B
4.5-5.49	C+
4.0 -4.49	C
< 3.99	F/ FC

LL.M. IN CONSTITUTIONAL LAW

LL. M PART: I (SEMESTER-I)

SEM	CODE	SUBJECTS	NATURE	CREDITS	SEMESTER EXAM			DURATION OF EXAM FOR U.A.	TOTAL CREDITS
					U.A.	C.A.	Total		
I	DSC1-1	Indian Constitutional Law: Rights and Duties	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-2	Introduction to Legal Theory	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSCI-3	Law and Social Transformation in India	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-1 OR DSE1-1	A. Judicial Process OR B. Human Rights	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	DSE1-2 OR DSE1-2	A. Public Utilities Law OR B. Centre – State Relation and constitutional Governance	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	RM	Legal Research Methodology-I	Major	4	80	20	100	3 Hrs.	

LL.M PART: I (SEMESTER-II)

SEM	CODE	SUBJECTS	NATURE	CREDITS	SEMESTER EXAM			DURATION OF EXAM FOR U.A.	TOTAL CREDITS
					U.A.	C.A.	Total		
II	DSC1-4	Feminist Jurisprudence and Gender Studies	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-5	Comparative Constitutional Law and Governance(Comparative Study limited to U.S.,U.K and India)	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSC1-6	Judicial Review and Judicial Activism	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-3 OR DSE1-3	A. Constitutionalism, Pluralism and Federalism OR B. Health Law	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	DSE1-4 OR DSE1-4	A. Public Policy and Development OR B. Police and Security Administration	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	OJT	On Job Training	Major	4	80	20	100	3 Hrs.	

LL.MPART: II (SEMESTER-III)

SEM	CODE	SUBJECTS	NATURE	CREDITS	SEMESTER EXAM			DURATION OF EXAM FOR U.A.	TOTAL CREDITS
					U.A	C.A.	Total		
III	DSC1-7	National Security, Public Order and Rule of Law	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-8	Administrative Law	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-5 OR DSE1-5	A. Local Self Government Law OR B. Globalization, Law and Justice	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	DSE1-6 OR DSE1-6	A. Law making in India Polity & Statutory Interpretation OR B. Public Authorities: Liability	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	RM-II	Legal Research Methodology-II	Major	4	80	20	100	3 Hrs.	
	RP	Research Project		4					

LL.MPART: II (SEMESTER-IV)

SEM	CODE	SUBJECTS	NATURE	CREDITS	SEMESTER EXAM			DURATION OF EXAM FOR U.A.	TOTAL CREDITS
					U.A.	C.A.	Total		
IV	DSC1-9	Introduction to Alternative Dispute Resolution	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-10	Minorities Law	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-7 OR DSE1-7	A. Administrative Process and Judicial Control OR B. Human Right & Environmental Development Policy	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	DSE1-8 OR DSE1-8	A. Mass Media Law OR B. Law, Science and Technology	Elective [Minor]	3	60	15	75	2.15 Hrs.	
	RP	Dissertation	Major	4			200		

PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR
LL.M SYLLABUS
LL.M. IN CONSTITUTIONAL LAW

Semester-I

Paper I: Discipline Specific Core: 1-1
Indian Constitutional Law-Rights and Duties

Credits: 4

Objectives of the Course:

Constitution is the Grundnorm and all other norms flow from it. Constitution is the Supreme law of the land. Constitution being the fundamental law of any country, the objective of this paper is to introduce the basic concepts of the Constitution of India to the students and to make them aware some of the important aspects of the contemporary issues in the working of the Constitution. This will enable the students to integrate the perspectives of the Constitution in various other disciplines and branches that they study in their LL.M. program.

1. Constitutional developments

1.1 Making of Indian Constitution

1.2 Debates of Constituent Assembly relating to drafting of Constitution

1.3 Constitutionalism

1.4 Supremacy of Constitution

2. Preamble-Reflection of Constitution

2.1 Significance of Preamble

2.2 Source, Aim and Objective of Preamble

2.3 Amendments relating to the Preamble

3. State, Law and Fundamental rights

3.1 State- Definition, public function test

3.2 Law and the fundamental rights

3.2.1 Definition of law

3.2.2 Personal law and violation of fundamental rights

3.2.3 Waiver of fundamental rights

3.3. Fundamental Rights: Nature and scope

3.3.1 Horizontal and Vertical application of Fundamental Rights

3.3.2 Social rights and individual rights

4. Fundamental rights and Directive Principles

4.1 Right to equality

4.1.1 Doctrine of reasonable classification

4.1.2 Doctrine of non- arbitrariness

4.1.3 Doctrine of manifest arbitrariness

4.2 Equality and Social Justice

4.3 Equality and rule of law

4.4 Protective discrimination

4.5 Special protection to SC/ST and backward classes, women

5. Freedoms and Social control

5.1 Freedom of Speech and expression

5.2 Freedom of assembly, association, movement, to reside and settle, profession and business

5.3 Constraints on these freedoms

6. Personal Liberty

6.1 Rights of an accused–double jeopardy–self-incrimination

6.2 Right to life and personal liberty

6.3 Due process of law

6.4 Article 21-Ocean of rights

6.5 Compensatory Jurisprudence

6.6 Right to Education

7. Judiciary under the Constitution

7.1 Judicial Process

7.2 Separation of Powers

7.3 Independence of Judiciary

7.4 Judicial Activism

7.5 Judicial Accountability

8. Secularism

8.1 Freedom of Religion in India

8.2 Uniform Civil Code

8.3 Personal laws and Minority Rights

9. Part IV-A Fundamental Duties: Meanings and possibilities of its enforcement

SUGGESTED READINGS:

1. Constituent Assembly Debates Vol. 1 to 12 (1989)
2. H M Seervai, Constitution of India Vol.1- 3(1992), Tripathi, Bombay
3. G. Austin, History of Democratic Constitution the Indian Expenditure (2000), Oxford
4. G. Austin, Indian Constitution: cornerstone of a Nation (1972)
5. M. Galanter, competing equalities–law and the backward classes in India (1984), Oxford
6. D. D. Basu, Shorter Constitution of India (1996), Prentice Hall of India Delhi
7. M. P. Singh(ed.) V. N. Shukla, Constitutional Law India (2000), Oxford

Paper II: Discipline Specific Core: 1-2
INTRODUCTION TO LEGAL THEORY

Credits:4

Objectives of the Course:

The course aims at developing and insight into the juristic foundations of a legal system-an understanding of the law as it exists and functions in society. Further, this course gives a clear understanding about the nuances of law and its nature, function. It gives a clear understanding about the impact of law on various other branches and its functioning and its relationship to ethics and justice.

1. Introduction

1.1 Meaning and concept of Jurisprudence

1.2 Relevance of Jurisprudence in the contemporary era

1.3 Meaning and definition of Law

1.4 Law and Morals, Value of Judgments

2. Relevance of Natural Law: Theoretical Perceptions

2.1 The Origin and Significance of Natural Law

2.2 Theoretical Perceptive of Natural Law

2.3 S T Thomas Aquinas; Grotius; Hobbes; Locke; Rousseau

2.4 German Transcendental Idealism-Immanuel Kant

2.5 Revival of Natural Law-Stammler; Fuller; John. Finnis

2.6 Semi-sociological Natural Law-H. L. A. Hart

2.7 Liberty and Civil disobedience

3. Legal positivism

3.1 Austin's analytical theory of Law

3.2 Pure Theory of Law-Hans Kelson

4. Sociological Jurisprudence

4.1 Prof. Pound-Social Engineering Theory

4.2 Prof. Patterson

4.3 Prof. Selznick

5. American legal Realism

5.1 Jerome Frank

5.2 Karl Lewellyn

5.3 Indian Judicial process & relevance to American legal realism

5.4 Post Modern Theories

5.5 Hart's concept of Law

5.6 Rawls theory of Justice

5.7 Amartya Sen's theory of Justice

6. Basic Concepts

6.1 Legal Rights and Morals

6.2 Doctrine of Precedent

6.3 Possession

6.4 Person

6.5 Obligation

6.6 Liability

Suggested Readings:

1. Basi Mitchell—Law morality and religion in a secular society
2. C. K. Allen—Law In the Making
3. Catherine Mackinnon—Difference & Dominance on sex discrimination
4. Catherine Mackinnon— Towards a Feminist Theory of State
5. Dias—Texton Jurisprudence

6. H. L. A. Hart–Law, Liberty and Morality
7. Hohfeld– Fundamental Legal Conceptions
8. J. M. Balkin–The Legal Subject and the Problem of Legal Coherence
9. John Rawls–Political Liberalism
10. John Rawls –Theory of Justice
11. Julius Stone–Social Dimension of Law & Justice
12. K. Barlett & Kennedy Feminist Legal Theory
13. K. Weis Berg–Feminist Legal Theory Foundation
14. Lloyd–Introduction to Jurisprudence
15. Lord Devlin–The Enforcement of moral
16. Patton–Text on Jurisprudence
17. Precedent in Indian Legal System-Prof. A. Lakshminath
18. Prof. Julius Stone–Human Law and Human Justice
19. Prof. Julius Stone–Province & functions of Law
20. Prof. Roscoe Pound–Jurisprudence Vol. I to IV
21. R. Warrenton–Post modern Jurisprudence
22. Ronald Dworkin–Laws Empire
23. Ronald Dworkin–Morality principle
24. W. Friedmann–Legal Theory

Paper III: Discipline Specific Core: 1-3
LAW AND SOCIAL TRANSFORMATION IN INDIA

Credits: 4

Objectives of the Course:

This course is designed to create awareness in the student who is the future generations of India, about the Indian approach to social and economic problems and to address the remedial measures through Law as an instrument of social control and change.

Further, it aims to create awareness in the minds of the students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law. Such an approach certainly creates not only an in depth understanding about the mechanism of law but also able to appreciate the nuances of the Constitution of India and the philosophy with which the Constitutional Framers made a Sovereign, Democratic and Republic.

1. Introduction

- 1.1. Meaning and concept of Social Transformation
- 1.2. Law as an Instrument of Social Change
- 1.3. Law as the product of traditions and culture

2. Tools of Social Transformation

- 2.1. Religion as a divisive factor–Secularism as a solution
- 2.2. Language Policy of India
- 2.3. Linguistic States-Problems and Perspectives
- 2.4. Regionalism-Problems and perceptions-Constitutional Philosophy

3. Constitution and Protective Groups

- 3.1 Concessions to Women and Children
- 3.2 Reservations to Scheduled Castes and Tribes
- 3.3 Status of Physically Challenged People
- 3.4 Religious Minorities
- 3.5 Legislative Measures to uplift the Protective Groups

4. Social Transformation and Democratic Process

- 4.1 Political Parties-Constitutional and Legal Position
- 4.2 Trends in the Growth and Functioning of Political Parties
- 4.3 Problems in the Functioning of Political Parties, Corruption, Nexus with anti-social elements, Inner Party Democracy
- 4.4 Role of the Election Commission

4.5 Democratic Decentralization and Role of Local Self Government

5. Role of Legal Institutions, Law and Social Transformation

5.1 The Role of Law Commission in Transforming the Law

5.2 The Role of Judiciary in Expanding the horizons of Law, New Rights Philosophy, Public Interest Litigation

5.3 Role of Legislature and Executive in reforming the Law, Agrarian Reforms, Industrial Reforms, Prison Reforms, Plea Bargaining

5.4 Lok Adalats and Legal Aid Cells

5.5 Right to Information, Problems and Perspectives

6. Alternate Approaches to Law

6.1 The jurisprudence of Sarvodaya- Gandhiji, Vinoba Bhave, Jayaprakash Narayan

6.2 Socialist Thought on Law and Justice, The philosophy of M. N. Roy

6.3 Naxalite and Anti Insurgent Movements, Causes and Cure

6.4 Effectuation of Fundamental Duties

6.5 Concept of Gram Nyayalayas

7. Women and the law

7.1 Crimes against women

7.2 Gender injustice and its various forms

7.3 Women's Commission

7.4 Empowerment of women: Constitutional and other legal provisions

8. Children and the law

8.1 Child labour

8.2 Sexual exploitation

8.3 Adoption and related problems

8.4 Children and education

SUGGESTED READINGS:

1. Marc Glanter: Law and Society in Modern India, 1977

2. Indian Law Institute; Law and Social Change

3. Ishwar Bhat: Land Social Transformation, 2009

4. University of Madras: Sarvodaya, 1972

5. Reports of the National Commission to Review the functioning of the Constitution Vol-II, Book-I 2002

6. Duncan Derret: The State, Religion and Law in India, 1999

7. Granville Austin: Working a Democratic Constitution: The Indian Experience, 2000

PAPER IV: DISCIPLINE SPECIFIC ELECTIVE 1-1
A. JUDICIAL PROCESS

Credit: 3

Objectives of the course

A lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

1. Nature of judicial process

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law – common law model – Legal Reasoning and growth of law –change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

- 2.1. Notions of judicial review
- 2.2. ‘Role’ in constitutional adjudication – various theories of judicial role.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4. Varieties of judicial and juristic activism
- 2.5. Problems of accountability and judicial law-making.

3. Judicial Process in India

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The “independence” of judiciary and the “political” nature of judicial process
- 3.3. Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity
- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
- 3.5. Institutional liability of courts and judicial activism – scope and limits.

4. The Concepts of Justice

- 4.1. The concept of justice or Dharma in Indian thought

4.2. Dharma as the foundation of legal ordering in Indian thought.

4.3. The concept and various theories of justice in the western thought.

4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5. Relation between Law and Justice

5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.

5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.

5.3. The independence of justice – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Suggested Readings:

1. Julius Stone, *The Province and Function of Law*, Part II, 1.8-16 (2000), New Delhi.

2. Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi.

3. Henry J. Abraham, *The Judicial Process* (1998), Oxford.

4. W. Friedmann, *Legal Theory* (1960), Stevens, London.

5. Bodenheimer, *Jurisprudence – the Philosophy and Method of the Law* (1997), Universal, Delhi

6. J. Stone, *Legal System and Lawyers' Reasonings* (1999), Universal, Delhi

7. U.Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow.

8. Rajeev Dhavan, *The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi, Bombay.

9. John Rawls, *A Theory of Justice* (2000), Universal, Delhi

10. Edward H. Levi, *An introduction to Legal Reasoning* (1970), University of Chicago

OR
PAPER IV: DISCIPLINE SPECIFIC ELECTIVE 1-1

B. HUMAN RIGHTS

Credits: 3

Course Objective

The Course on Human Rights aims at to create awareness among all categories of persons & to make aware the basic human rights value so as to strengthening Human Rights culture in society. It is designed for give basic information about Human Rights its implementation problems of implementation & measures for its implementation etc. as well as National & International perspective of the rights & different categories of Human Rights. It focuses on basic issues of Human Rights & deals with evaluation of Human Rights, classification of Human Rights its implementation & special issues of violation of Human Rights at National & International level.

1. Panoramic View of Human Rights

1.1 Human Rights in Non-Western Thought, Awareness of Human Rights during the nationalist Movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International Law and the Position in India (e.g., Convention of Social Discrimination, Torture, Gender discrimination, Environment and the Two human right covenants.)

1.2 Fundamental Rights Jurisprudence as Incorporating Directive Principles

The dichotomy of Fundamental Rights and Directive Principles, The interaction between Fundamental Right and Directive Principles, Resultant expansion of basic needs oriented human rights in India.

2. Right not be Subject to Torture, Inhuman or Cruel Treatment

2.1 Conceptions of torture, third-degree methods, 'Justification' for it, Outlay of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform-proposed and pending.

2.2 Minority Rights : Conception of minorities, Scope of protection, The position of minority 'Woman' and their basic rights, Communal Riots as involving violation of rights.

2.3 Rights to Development of Individuals and Nations: The U. N. Declaration on right to Development, 1987, The need for constitutional and legal changes in India from human rights standpoint.

2.4 People's Participation in Protection and Promotion of Human Rights : Role of International NGOS, Amnesty International, Minority Rights Groups, International Bars Association, Law Asia, Contribution of these groups to protection and promotion of human rights in India.

3. Development Agencies and Human Rights:

3.1 Major International funding agencies and their operations in India, World Bank lending and resultant violation/promotion of human rights, Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

3.2 Comparative Sources of Learning: EEC Jurisprudence, The Green Movement in Germany, The International Peace Movement, Models of Protection of the rights of indigenous peoples : New Zealand (Maoris), Australia, Aborigines and Canada (Indians).

3.3 Freedom: Free Press-its role in protecting human rights, Right of association, Right to due process of law, Access and Distributive justice.

4. Independence of Judiciary:

4.1 Role of the Legal Profession, Judicial appointments-tenure of judges, Qualifications of judges, Separation of judiciary from executive.

5. European Convention of Human Rights:

5.1 European Commission/Court of Human Rights, Amnesty International, PUCL, PUDR, Citizens for Democracy, Minorities Commission, Human Rights Commission, Remedies Against Violation of Human Rights.

SELECT BIBLIOGRAPHY

1. M.J. Akbar, Riots after Riots, 1988
2. U. Baxi (ed.) The right to be Human, 1986
3. U.Baxi, The Crisis of the Indian Legal System, 1982
4. F. Kazmi, Human Rights, 1987
5. L. Levin, Human Rights, 1982
6. H. Beddard, Human Rights and Europe, 1980
7. Nagendra Singh, Human Rights and International Co-operation, 1969
8. S.C.Kashyap, Human Rights and Parliament, 1978
9. Moskowitz, Human Rights and World Order, 1958
10. J.A. Andrews, Human Rights in International Law, 1986

PAPER V: DISCIPLINE SPECIFIC ELECTIVE 1-2

A. PUBLIC UTILITIES LAW

Credits: 3

Objectives of the course

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study - a) government policy in regard to such utilities in general and to each utility in particular; b) the growth and evolution of the public utilities; c) patterns of the laws of incorporation and d) powers, functions and liabilities of the public utilities vis-a-vis their employees consumers and others.

1. Public Utilities and Its Impact

1.1 Government machineries and functioning - Impact of failure of Public Utility Service

1.2 Railways, Electricity, Gas, Road Transport, telephone, post and telegraph services, Police, Fire Brigade, Hospital etc.

1.3 Growth and evolution of public utilities and their legislation- Concept Essential services

2. Public Utilities - Why Government Monopoly?

2.1 Government and Parliamentary Control - Strategies to deal with dispute in Public Utility Services

2.2 Constitutional Division of power to legislate

3. Utilities Legislation

3.1 Administrative Authorities - Structure of the Administrative Authorities

3.2 Subordinate legislation

4. Public Utilities and Fair Rearing

4.1 Quasi-Judicial Decision - Administrative Discretion

4.2 Judicial approach

5. Public Utilities and Consumer Protection

5.1 Exclusion from M.R.T.P. Act

5.2 Rights of consumers protected by the Consumer Protection Act, 1986

5.3 Rights Arising from law of Contract and law of Torts

6. Public Utilities and their Employees

6.1 Application of Article 16, 19 and 311?

6.2 Application of Industrial law

6.2.1 Public Interest vis-a-vis Right to Strike - Emerging trends

7. Public Utilities and Fundamental Rights

7.1 The right to equality: the Airhostess case

7.2 Public utilities "State" for the purpose of Article 12 of the Constitution?

7.3 Extension of concept of State

7.4 Public Utilities under changing market strategies-Liberalization & Privatization

8. Liabilities and Special Privileges of Public Utilities

8.1 In contract

8.2 In tort

8.3 In Criminal law

Suggested Readings:

1. P.M. Bakshi, Television and the Law, (1986)

2. VasantKelkar, "Business of Postal Service" 33 I. J. P A. pp. 133-141 (1987)

3. G. Ramesh, "Characteristic of Large Service Organization in a Developing Country like India"

4. NaliniParanjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171- 180 (1985)

5. Arvind K. Sharma, "Semi-Qutonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.PA. 99-113

6. S.P. Sathe, Administrative Law, (1998)

7. Jain & Jain, Principles of Administrative Law, (1986)

8. Jagdish UI, Handbook of Electricity Laws, (1978)

9. Bhaumik, The Indian Railways Act, (1981)

10. Law Commission of India, (38th Report) : Indian Post Office Act, 1898, (1968)

OR
PAPER V: DISCIPLINE SPECIFIC ELECTIVE 1-2

B. CENTRE – STATE RELATION AND CONSTITUTIONAL GOVERNANCE

Credits:3

Course Objectives:

The course aims at giving the students an insight into the federal structure as envisaged in the Constitution of India and focuses upon educating them about the Legislative, Administrative and Financial relations between the Centre and the States.

1. Nature of Indian polity

1.1 Introduction to the Constitution of India

1.2 Constitutional law---Constitutionalism

1.3 Introduction to the concept of Federalism

1.4 Historical evolution of federal features in India

1.5 Different forms of Governments-Unitary, Federal and Confederation, their features, merits, de-merits and distinction between them

1.6 Different forms of Governments-Unitary, Federal and Confederation, their features, merits, de-merits and distinction between them

1.7 Judicial Perspective over the Indian federalism

2. Legislative relations between the center and the states

2.1 Doctrine of Territorial Nexus

2.2 Scheme of distribution of legislative powers between Union and States

2.3 Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation

2.4 Residuary Powers

2.5 Parliament's power to legislate on the State List

2.6 Inconsistency between laws passed by Parliament and State legislature

3. Administrative relations between the union and states

3.1 Distribution of executive powers

3.2. Inter-governmental delegation of powers

3.3. Centre's directive to State & other Constitutional provisions

3.4. All India services

3.5. Co-operative federalism; disputes relating to waters, Inter-State Council

4. Financial relations between the union and the states

4.1 Introduction to Allocation of taxing powers-Central taxes, State Taxes, Concurrent Taxes,
No tax outside the tax entries

4.2. Funds-Consolidated and Contingency funds

4.3. Public Accounts

4.4. Tax and Fees

4.5. Restrictions on taxing powers

4.6. Inter-Government Tax immunities

4.7. Tax-sharing

4.8. Grants-Grants-in-lieu; Grants-in-aids; Specific Purpose Grants

4.9. Finance Commissions

4.10. Borrowing Powers

5. Freedom of Trade, Commerce and Intercourse

5.1 Introduction to Freedom of Trade, Commerce and Intercourse

5.2 Regulatory and Compensatory Tax

5.3 Restrictions on Freedom of Trade and Commerce – Parliament’s Power to regulate trade and commerce in public interest; States power to regulate trade and commerce; Savings of existing laws

6. Services under the Union and the States

6.1 Recruitment and Regulations of Conditions of Services

6.2 Doctrine of Pleasure-Restrictions on Doctrine of Pleasure

6.3 Constitutional Safeguards to Civil Servants

6.4 Public Service commission-Appointment of Member of Public service commission

6.5 Functions of Public Service Commission

7. Emergency Provisions

7.1 National Emergency

7.2 State Emergency

7.3 Financial Emergency

Suggested Readings

1. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley SaehneyProgrammeforTraining, 1972.
2. Ashok Chandra, Federalism in India
3. De JatindraRanjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974

4. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism
5. Dr. Subhash C. Kashyap, The Framing of India's Constitution- A study & Constitution making since 1950- An Overview
6. Dr. Subhash C. Kashyap, Constitution of India: Review and Reassessment
7. Dr. Subhash C. Kashyap, Indian Constitution-Conflicts and Controversies
8. Dr. Subhash C. Kashyap, Commentary on Constitution of India
9. Dr.Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014.
10. G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
11. Glanville Austin, The Indian Constitution: Cornerstone of a nation, Delhi; Oxford University Press.
12. H.M. Seervai, Constitutional Law of India – Vol.I&II
13. K.C.Wheare, Federal Government.
14. K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
15. K.Subba Rao, the Indian Federation.
16. Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004
17. Keith A.B. , Constitutional History of India
18. L.M Singhvi, Union-State Relations in India
19. M.P Jain, Outlines of Indian Legal History.
20. M.P.Jain, Indian Constitutional Law.
21. M.V Pylee, Constitutional History of India
22. Monica David, Indian Legal and Constitutional History, 1600-1949, Vimala Publications, 1968.New Delhi: Deep & Deep Publications, 1981
23. O. P. Sharma, Financial Relations Between Centre & States and Local-Self Governments in India
24. Pal, Chandra Centre-State Relations and Cooperative Federalism, New Delhi: Deep & Deep Publication, 1983
25. Pande G S, Constitutional law of India
26. Prasad, Anirudh Centre-State Relations in India, New Delhi: Deep & Deep Publications,1985.
27. Pylee M.V Our Constitution government & politics
28. Rama Jois M, Legal and Constitutional History of India.
29. Rama Jois, Services under the States, Indian law Institute, New Delhi

30. Saharay H K, Constitution of Indi
31. Samaraditya Pal,India's Constitution –origins and evolution (Constituent Assembly debates, Lok Sabha debates on constitutional amendments and Supreme Court judgments,2014
32. Seetalvad's Lectures on Constitutional law
33. Setalvad M.C, Constitutional History of India.
34. Shubh Narayan Singh, Centre state relations in India: major irritants & post-Sarkaria review
35. Subba Rao G C V Indian Constitutional law
36. Subbarao's Lectures on Constitutional law
37. Telang's Lectures on Constitutional Law
38. Tope T K ,Constitutional law of India by Justice Sujata Manohar, Eastern book company
39. V.D. Sebastian, Indian Federalism: the Legislative Conflict.

ESSENTIAL READING / RECOMMENDED READING

Federalism In India, Benjamin N. Schoenfeld, [Http://Www.Jstor.Org/Stable/42743497](http://www.jstor.org/stable/42743497)

**PAPER VI: RM (RESEARCH METHODOLOGY)
LEGAL RESEARCH METHODOLOGY-I**

Credits: 4

Objectives of the Course:

The growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner. Legal Writing and Methods of Legal Research aims to equip students with skills of conducting legal research and expressing legal analysis effectively in writing. By the end of the course, students are expected to gain the following knowledge and skills, understand how to use key research methods and approaches, understand how to collect, analyze and interpret the data, to explain and justify the methodological approaches used, to explain the methods of data collection. Understand the main requirements and the structure of a thesis or a dissertation. The aim is to help students develop critical knowledge of fundamental concepts, elements and processes of legal research. To help them develop research-based professionalism, to encourage involvement in multi-faceted research of laws, and to help thereby development of laws and justice in India.

1. Research Ethics and Plagiarism

2. Introduction to Research

2.1 What is Research? Meaning and Objectives, Research methods vis a vis Research Methodology,

2.2 Legal Research- Meaning, scope and purpose. Relation between law and society.

2.3 Types / kinds: Doctrinal and Non-Doctrinal (empirical); Applied, fundamental; Library research, field research and laboratory research, analytical, descriptive, conceptual; Participatory and Non-Participatory; Comparative, historical, statistical, critical, socio-legal; Mono disciplinary and Tran disciplinary; quasi disciplinary, inter-disciplinary (multi- disciplinary) research; Quantitative and qualitative, one time and longitudinal, clinical or diagnostic research; Research for legal reform

3. Research Methods

3.1 Research Design

3.2 Various Steps in Research: Research Process

3.2.1 Research Problem: Identification and Formulation

3.2.2 Hypothesis

3.2.3 Use of Library

3.2.4 Use of Modern Technology/Computer Assisted Research

4. Tools and Techniques for Collection of Data

4.1 Primary and Secondary Sources

4.1.1 Literature Review

4.1.2 Observation Method

4.1.3 Questionnaire

4.1.4 Interview

4.1.5 Case study

4.1.6 Sampling

4.1.7 Jurimetrics

5. Analysis and Interpretation of Data

5.1 Use of Deductive and Inductive Methods in Research

5.2 Preparation of Research Report and Writing of Research report

5.3 Budgeting of Research

5.4 Ethical and Legal Issues: Plagiarism and Copyright Violation

6. Legal Writing

6.1 Essentials of Good Legal Writing

6.2 Structured Legal Writing: Organization of Legal Materials

6.3 Framing of write up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion

6.4 Sources of Authority

Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; writing for Publication: reviews, articles, books etc.; judicial writing, Citation, Reference and Foot noting, Editing and Proof reading

Writing of Research Proposal, Dissertation/Thesis Writing

7. Rules of Citation

SUGGESTED READINGS:

1. Bruce L. Berg, *Qualitative Research Methods for the Social Sciences* (London, Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research—Contemporary Perspectives* (New Jersey: Prentice Hall Inc., Engle wood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore: McGraw Hill Book Co., 1985).
6. Harvard Law Review Association, *The Blue Book: Uniform system of Citation* (Harvard Law Review, Harvard).
7. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).

8. Johan Galtung, Theory and Methods of Social Research (London: George Allen &Unwin Ltd., 1970).
9. Leon Festinger (ed.), Research Methods in Behavioral Sciences (Holt, Rinehart and Winston, New York, 1953).
10. Pauline V. Young, Scientific Social Surveys and Research (New Delhi: Prentice Hall of India Pvt. Ltd., 1984).
11. S.K. Verma and Afzal Vani, Legal Research and Methodology, ILI, New Delhi Selltiz, Jahodaet.al. Research Methods in Social Relations (Holt, Rinehart and Winston, NewYork,1964).
12. Vijay K. Gupta, Decision Making In The Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research (Delhi: Kaveri Books,1995)

SEM-II

PAPER VII: DISCIPLINE SPECIFIC CORE: 1-4 FEMINIST JURISPRUDENCE AND GENDER STUDIES

Credits: 4

Objectives of the Course:

This course aims at questioning the understanding that law is universal, protects everybody equally and is accessible to all equally. It uses gender, particularly in relation to women and persons with non-heterosexuality as examples to show discrimination perpetuated by law and legal processes. This course aims to focus on discrimination on the ground of sex and non- heterosexuality in the extant law and judicial decisions. It also explores the jurisprudential explanations for the existing state of affairs. It focuses on the patriarchal nature of state and family and contemporary feminist and queer debates.

1. Introduction

- 1.1 Gender justice, Notions of sex and gender
- 1.2 Deconstructing ‘Man’, ‘Woman’, ‘Other’, Private-Public dichotomy
- 1.3 Women in ancient, medieval and modern India: An overview
- 1.4 Indicators of Status: Difference in - likelihood of survival; female feticide, assigned human worth; and control over property, valued goods and services, working conditions, knowledge and information, political processes, symbolic representation, one’s body, daily lifestyles, reproductive processes

2. Patriarchy and Feminist Jurisprudence

- 2.1 Understanding Patriarchy
- 2.2 Issues and contradictions in feminism
- 2.3 Sameness and difference debate
- 2.4 Liberal feminism
- 2.5 Radical feminism
- 2.6 Socialist/Marxist feminist approaches

3. International Instruments on Gender Justice

- 3.1 UDHR, ICESCR, ICCPR
- 3.2 UN Convention for the Elimination of Discrimination against Women
- 3.3 The Yogyakarta Principles 2007
- 3.4 UN Human Rights Council Resolution on Human rights, Sexual Orientation and Gender Identity, 2011
- 3.5 Human Rights Council Resolution on sexual orientation and gender identity (2014)

4. Gender Justice: Constitutional and Legal Perspective

4.1 Gender Justice: Constitutional and Legal Perspective

4.2 Equality provisions in the Constitution of India

4.3 Preamble, Fundamental Rights and Directive Principles

5. Sexuality and Morality in Law

5.1 Indian Penal Code 1860

5.2 Immoral Traffic Prevention Act, 1956 read with section 379o IPC

5.3 Indecent Representation of Women (Prohibition) Act, 1986

6. Economic Empowerment and Law

6.1 Labour Laws

6.1.1 Gender Protective Laws

6.1.2 Gender neutral Laws

6.1.3. Gender corrective laws

6.2 Law Protecting Women against Sexual Harassment at Workplace

6.2.1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

7. Reproductive Rights

7.1 Indian Penal Code, 1860

7.2 Medical Termination of Pregnancy Act, 1971

7.3 Maternity Benefits Act, 1964

7.4 PC & PNDT Act 1994

8. Law Protecting Women Against Violence at Home: Domestic Violence, Dowry Harassment, Sati

8.1 Protection of Women against Domestic Violence Act 2005

8.2 Dowry Prohibition Act 1961

8.3 Commission of Sati (Prevention) Act 1829

Suggested Readings:

1. Sarla Gopalan, Towards Equality – The Unfinished Agenda – Status of Women in India 2001, National Commission for Women.

2. Amita Dhanda, ArchanaParashar (ed) Engendering Law Essays In Honour Of LotikaSarkar (1999). Eastern Book Depot.

3. RatnaKapur and BrendiaCossman, Subversive Sites: Feminist Engagements with Law In India (1996).

4. Towards Equality Report of the Committee of Status in India Government of India (1974).
5. Kalapana Kannabhiran (ed), Women and Law Critical Feminist Perspectives (Sage Publications India 2014)
6. UshaTandon (ed), Gender Justice: A Reality or Fragile Myth (2015)
7. Rajesh Talwar, The Third Sex and Human Rights (2016)
8. National Family Health Survey-4 (2017)

DISCIPLINE SPECIFIC CORE: 1-5

PAPER VIII: COMPARATIVE CONSTITUTION LAW AND GOVERNANCE (COMPARATIVE STUDY LIMITED TO U.S., U. K AND INDIA)

Credits: 4

Objectives of the Course:

A Constitution is being the Supreme Law of the Land; it derives its directives from various aspects. The paper is designed to give an overall picture of Constitution and constitutionalism and to examine the different types of governments in U.S., U.K., and India. The three functions of the state are also given importance so that the students will be able to appreciate the Constitutional functions of the state in a comparative environment.

Since the Constitution is a dynamic document, timely modification is a necessity, but often results in challenges raised before the superior courts. It is important to understand how the judiciary strikes a balance between the political efforts and stability of the Constitution while ensuring the dynamic character of the Constitution. The various issues of governance affecting the people and the remedies available to them are also part of this paper. The aim of the paper, it introduces to the student the differences that exist in the basic structural patterns in the Constitutional perspective in the world.

1. The Concept of Constitution & Constitutionalism

- 1.1 Meaning and Idea of Constitution
- 1.2 Constitution as a Dynamic and Supreme Law
- 1.3 Concept of Constitutionalism
- 1.4 Distinction between Constitution and Constitutionalism

2. Study of Comparative Constitutional Law

- 2.1 Relevance
- 2.2 Problems and Concerns in Using Comparison

3. Some Constitutional Principles

- 3.1 Rule of law
- 3.2 Modern Concept of Rule of Law
- 3.3 Social and economic rights as part of rule of law
- 3.4 Separation of powers
- 3.5 The doctrine of Checks and Balances
- 3.6 Position of Rule of Law and Separation of Powers in the Indian Constitution

4 . Constitutional foundations of powers

4.1 Legislative Power

4.2 The Executive Power

4.3 The Judicial Power

4.3.1 Appointment of Judges and Judicial Accountability

4.3.2 Role of Courts and Fundamental Rights

4.3.3 Role of the Courts in ensuring Good Governance

5 .The State and Governance

5.1 The concept of Good Governance

5.2 The methods to ensure Good Governance

5.3 State and Civil Liberties

6 .Forms of Governments

6.1 Federal and Unitary Forms

6.2 Features, Advantages and Disadvantages

6.3 Models of Federalism Quasi-federalism

6.4 Parliamentary and Presidential Forms of Government

7 . Amendment of the Constitution

7.1 Methods of Amendment

7.2 Limitations on the Amending Power: Comparative Perspective

7.3 Theory of Basic Structure: Origin and Development

8 . Constitutional Review

8.1 Concept and Origin of Judicial Review

8.2 Methods of Constitutional Review

8.2.1 Judicial and Political Review

8.2.2 Concentrated and Diffused Review

8.2.3 Anticipatory and Successive Review

8.2.4 Limitations on Judicial Review

SUGGESTED READINGS:

1. christopher forsyth, mark elliot, swati jhaveri, effective judicial review: a cornerstone of good governance (oxford university press, 2010)
2. d.d. basu, comparative constitutional law (2nded., wadhwa nagpur)
3. david strauss, the living constitution (oup,2010)
4. dr. Subash Kashyap, framing of indian constitution (universal law, 2004)
5. Elizabeth giussani, constitutional and administrative law (sweet and maxwell, 2008)

6. Erwin chemerinsky, constitutional law, principles and policies (3rded., aspen,2006)
7. m. v. pylee, constitution of the world (universal, 2006)
8. Mahendra p. singhy, comparative constitutional law (eastern book company,1989)
9. neraldevins and louis fisher, the democratic constitution (oup, 2010)
10. s. n. ray, judicial review and fundamental rights (eastern law house,1974)
11. Sudhir krishna swamy, democracy and constitutionalism in india – a study of the basic structure doctrine (poup,2009)
12. Sunil khilnani, vikramraghavan, arunthiruvengadam, comparative constitutionalism in south asia (poup, 2013)
13. Vikram david amar, mark tushnet, global perspectives on constitutional law (oup, 2009)
14. Zachery elkins, tom ginsburg, james melton, the endurance of national constitutions (cambridge university press, 2009)
15. d. d. Basu, comparative constitutional law (2nded., wadhwa nagpur, 2008)
16. d. d. Basu, comparative federalism (lexis nexis, 2007)
17. d. d. Basu, introduction to the constitution of india (lexis-nexis –butterworth- wadhwa,2008)
18. Granville Austin, the indian constitution: cornerstone of a nation (oup, 2008)
19. m. p. Singh, comparative constitutional law (eastern book company, 2011)
20. m. p. Jain, Indian constitutional law (6thed., wadhwa, nagaur)
21. pier giuseppe monateri, methods of comparative law (edward elgar publishing, 2012)
22. vickic. jackson, mark v. tushnet, comparative constitutional law (2nd ed. foundation press, 2006)

PAPER IX: DISCIPLINE SPECIFIC CORE: 1-6
Judicial Review and Judicial Activism

Credits: - 4

Objectives of the subject: -

The Indian Constitution establishes the values of democracy, freedom, and equality and offers a framework for the defense of basic rights. In India, the court has been instrumental in safeguarding these ideals and defending the rights of the population. The Indian court has a reputation for being aggressive in its interpretation and application of the Indian Constitution. In order to enhance social justice and human rights, the judiciary plays a proactive role in guiding public policy and providing constitutional interpretation.

1. Meaning, Nature and Development of Judicial Review

Fundamental Concept of Judicial Review, Meaning, Nature and Development of Judicial Review, Constructing Judicial Review, Litigation and Impact, Theories of Judicial Review, Judicial Review in Contemporary World, Judicial Review in the Indian Constitution, Judicial Review in New Democracies- A revisionist Analysis of Marbury v. Madison.

2. Scope of Judicial Review

Scope of Judicial Review, Judicial Review of Government organs and Actions— Judicial Review of Legislative Action, Judicial Review of Administrative Action, Judicial Review over Judicial Decisions, Power of Judicial Review and Conflict between Legislature, Executive and Judiciary

3. Judicial Independence and Accountability

Judicial Independence and Accountability, Appointment and Removal of Judges Doctrine of Stare Decisis, Ratio Decidendi and Obiter Dicta of a case, Judicial Supremacy v. Popular Constitutionalism

4. Interpretation of Statutes and Constitution

Interpretation of Statutes and Constitution, Value Judgments in Law, Judicial Reasoning, Public Interest Litigation Judicial Activism and Judicial Overreach, Entrenchment and Judicialization

Suggested Readings:-

1. Lakshminath: Precedent in Indian Law: Judicial Process (2009)
2. Aharon Barak: Purposive Interpretation in Law (2005)
3. Aharon Barak: The Judge in a Democracy (Princeton University Press, 2008)
4. B.N. Cardozo: The Nature of the Judicial Process (1964)

5. Bernard C. Gavit, Ralph F. Fuchs: Cases and Materials on an Introduction to Law and the Judicial Process (1952)
6. Bodenheimer: Jurisprudence: The Philosophy and Method of the Law (2006)
7. Craig R. Ducat: Constitutional Interpretation (2004)
8. Duncan Kennedy: A Critique of Adjudication (Harvard University Press, 1998)
9. Duncan Kenney: Legal Reasoning: Collected Essays (2008)
10. Edward H. Levi: Introduction to Legal Reasoning (1972)
11. F.A.R. Bennion,: Statutory Interpretation (1992)
12. F.S. Nariman: Before Memory Fades: An Autobiography (2010)
13. George H. Gadbois, Jr.: Judges of the Supreme Court of India: 1950–1989 (OUP, 2011)
14. Jeffrey Goldsworthy: Interpreting Constitutions: A Comparative Study (OUP, 2006)
15. Lloyd L. Weinreb: Legal Reason: The Use of Analogy in Legal Argument (Cambridge University Press, 2005)
16. Martin Philip Golding: Legal Reasoning (2001)
17. Mauro Cappelletti: The Judicial Process in Comparative Perspective (Clarendon Press: Oxford,1989)
18. Helen Fenwick : Judicial Review, LexisNexis, 2010
19. Clive Lewis : Judicial Remedies in Public Law, Sweet and Maxwell, 2009
20. H.W.R. Wade and C.F. Forsyth: Administrative Law, 10th Edition 2009
21. Publication Oxford University Press, Newyork
22. Richard J Pierce & Kenneth Culp Davis: Administrative Law Treatise
23. Garner"s : Administrative Law, 8th Edition 1996, Oxford University Press
24. Seervai, H.M.: Constitutional Law of India
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26. Kashyap, Subhash : Constitutional Law of India
27. Singhvi, : Constitutional Law of India
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29. P. Massey: Administrative Law 7th Edition 2008. Publication-Eastern Book Company, Lucknow
30. S. P. Sathe : Administrative Law, 7th Edition 2006. Lexis Nexis, Butterworth"s Publication
31. D D Basu : Administrative Law, Kamal Law House, 6th Edition, 2005
32. Bhagawati Prasad Banerjee & Bhasker Prasad Banerjee : Judicial Control of Administrative Action, Wadhwa & Co., Nagpur, 2001

33. Mamata Rao: Public Interest Litigation, EBC, 3rd Edition, 2010
34. Dr. CD Jha: Judicial Review of Legislative Acts 2nd Edition, 2009

PAPER X: DISCIPLINE SPECIFIC ELECTIVE 1-3

A. CONSTITUTIONALISM: PLURALISM AND FEDERALISM

Credits: 3

Objectives of the course

Constitutionalism essentially means a limited government, where government functions according to certain principles. It is said to be abiding by constitutionalism. Must it be 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 John Austin defined sovereign 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.

1. Constitutionalism

1.1 Authoritarianism – Dictatorship

1.2 Democracy – Communism

1.3 Limited Government - concept - Limitations on government power

1.4 What is a constitution?

1.5 Development of a democratic government in England - Historical evolution of constitutional government

1.6 Conventions of constitutionalism - law and conventions

1.7 Written Constitutions: U.S.A. Canada, Australia, Sweden, South Africa and India

1.8 Separation of powers: Montesquieu

1.9 Rule of Law: Concept and new horizons

1.10 Marxist concept of Constitutionalism

1.11 Dictatorship of the proletariat

1.12 Communist State from Stalin to Gorbachov and Post Gorbachov era

- 1.13 Fundamental rights: Human Rights
- 1.14 Judicial Review: European Court of Human Rights
- 1.15 Human Rights: International Conventions
- 1.16 Limits & doctrine of domestic jurisdiction in International Law

2. Federalism

- 2.1 What is a federal government?
- 2.2 Difference, between confederation and federation
- 2.3 Conditions requisite for federalism
- 2.4 Patterns of federal government - U.S.A., Australia, Canada, India
- 2.5 Judicial review - for federal umpiring
- 2.6 New trends in federalism: Co-operative federalism
- 2.7 India - Central Control V. State Autonomy
- 2.8 Political factors influencing federalism
- 2.9 Plural aspects of Indian federalism: Jammu & Kashmir, Punjab, Assam
- 2.10 Dynamic of federalism

3. Pluralism

- 3.1 What is a pluralistic society?
- 3.2 Ethnic, linguistic, cultural, political pluralism
- 3.3 Individual rights - right to dissent
- 3.4 Freedom of speech and expression
- 3.5 Freedom of the Press
- 3.6 Freedom of Association
- 3.7 Rights to Separateness
- 3.8 Freedom of Religion
- 3.9 Rights of the religious and linguistic minorities
- 3.10 Compensatory discrimination for backward classes
- 3.11 Women - rights to equality and right to special protection
- 3.12 Scheduled tribes, Distinct identity - protection against exploitation Exclusion from Hindu Law

4. Uniform Civil Code

- 4.1 Non-State Law (NSLS) and State Law System
- 4.2 Problem of a Uniform Code v. Personal Laws-vertical federalism

5. Equality in Plural Society

- 5.1 The concept of "Equality" in heterogeneous society

- 5.2 Effect of concept like Multiculturalism, ethnicity and its consideration pluralistic society
- 5.3 Right to equality and reasonable classification
- 5.4 Prohibition of discrimination on ground of religion, caste, sex, language
- 5.5 Abolition of untouchability
- 5.6 Secularism - Constitutional principles
- 5.7 Tribal groups and Equality

6. Pluralism and International Concerns

- 6.1 International Declaration of Human Rights
- 6.2 Conventions against genocide
- 6.3 Protection of religious, ethnic and linguistic minorities
- 6.4 State Intervention for protection of human rights
- 6.5 Right of self-determination

SUGGESTED READINGS:

1. Upendra Baxi, "Law, Democracy and Human Rights" - 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar, "Unitary Elements in a Federal Constitution"
3. Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression"
4. M.A. Fazal, "Drafting A British Bill of Rights"
5. M.P. Jain, Indian Constitutional Law 2004
6. JagatNarain, "Judicial Law making and the place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985)
7. Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development
8. S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India 2002, Universal Publication

OR
PAPER X : DISCIPLINE SPECIFIC ELECTIVE 1-3

B. HEALTH LAW

Credit:3

Course Objectives

The matters relating to medicine and health are as ancient as human civilization itself, giving rise to many legal and moral issues of varying degree at different stages of advancement in the sphere of medical science. The advancement in the field of medical technology, though a boon to the mankind, has its own flip side. The invention of pre-natal diagnostic techniques, transplantation of human organs, assisted reproduction techniques and other medical procedures have forced new legal challenges. Medicine and health are inter-related aspects. Administration of treatment is a joint endeavour of doctors, para-medical staff, state and private agencies, which calls for effective legal control to protect the interest of medical and para-medical professionals as well as the patients. In the light of the above the course is designed and divided into eight units and the description of each unit in brief is as follows:

1. Introduction to law and medicine

- 1.1 Concept of right to health and its enforcement, WHO & international conventions on health laws
- 1.2 Health care administration in India, Globalization and the changing dimensions of health laws, Climate change and health, The relation between law and medicine, Medical ethics, Bio-ethics

2. Legal regime for health and medicine

- 2.1 Policy framework for the right to health, NRHM, Universal health insurance scheme,
- 2.2 The National Medical Commission Act, 2019
- 2.3 Dentists Act, 1948
- 2.4 Medical Degrees Act, 1916,
- 2.5 Clinical Establishments (Registration & Regulation) Act, 2010
- 2.6 The Indian Medicine Central Council Act, 1970

3. Drugs and Cosmetics

- 3.1 Legal control of drugs and cosmetics – Drugs and Cosmetics Act and Rules, Product liability for defective medicine – contractual liability, tortious liability, liabilities under the English and Indian Consumer Protection Acts, English Medicines Act.

4. Reproductive Health

4.1 Reproductive health- Termination of Pregnancy – Legal issues;

4.2 The Medical Termination of Pregnancy Act, 1971;

4.3 Medical Termination of Pregnancy Rules, 2003;

4.4 Medical Termination of Pregnancy Regulations 2003;

4.5 Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994

4.6 Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Rules 1990.

5. Insanity

5.1 Medical insanity – Types, medical and legal insanity, the watershed of medical and legal insanity – McNaughton's case – Legal protection of mentally ill persons with special reference to Mental Health Act, Liability of professional doctors for negligence and ethics

6. Health of special categories of people

6.1. Disabled people: Locomotor disability, hearing impaired, visually impaired, aged people, People suffering from infectious diseases e.g. HIV/ AIDS; Swine flu etc.

6.2 People suffering from occupational diseases, People subjected to Clinical trial.

7. Forensic Medicine

7.1. Medico-legal concept of death, asphyxia death, legal consequences of death, injuries under medicine (abrasion, bruise (contused wound), laceration, incised wound and stab wound) and their medico-legal significance – Post mortem report – inquest – Aids and medico-legal issues. Forensic medicine – the significance of forensic medicine and forensic evidence – Hippocrat's oath

8. Legal effects to modern development

8.1. Therapeutic and non-therapeutic research, Stem cell research; Transplantation of Human Organs and Tissues Act, 1994; Transplantation of Human Organs Rules, 1995

TEXT BOOKS AND REFERENCE BOOKS:

1. Cameron, Cecily, and Elizabeth-Anne Gumbel. Clinical Negligence: A Practitioner's Handbook. Oxford: Oxford University Press, 2007. Print.
2. Chaudhri, V. K. Medical Jurisprudence and Toxicology. Allahabad: Dwivedi Law Agency, 2007.

3. Dogra, T. D., and Rudra, Abhijit. *Lyons' Medical Jurisprudence and Toxicology*. New Delhi: Delhi Law House, 2005.
4. Herring, Jonathan. *Medical Law and Ethics*. Oxford; New York: Oxford University Press, 2006.
5. Jackson, Emily. *Medical Law*. 2nd ed. London: Oxford University Press, 2010.
6. Kannan, Justice; Mathiharan, Dr. K. A. *Textbook of Medical Jurisprudence and Toxicology*. Nagpur: LexisNexis Butterworth Wadhwa, (1920).
7. Lewis, Charles. *Clinical Negligence: A Practical Guide*. 6th ed. Haywards Heath: Tottel, 2006.
8. Mason, J. K., et al. *Mason & Mccall Smith's Law and Medical Ethics*. 7th ed. Oxford: Oxford University Press, 2006.
9. McLean, Sheila. *Contemporary Issues in Law, Medicine and Ethics*. Aldershot: Dartmouth, 1996.
10. Miola, José. *Medical Ethics and Medical Law: A Symbiotic Relationship*. Oxford: Hart, 2007.
11. Morgan, Derek. *Issues in Medical Law and Ethics*. London: Cavendish, 2001.
12. Patnaik, Amrit K., and Mathiharan, K. (Eds). *Modi's Textbook of Medical Jurisprudence and Toxicology*. Nagpur: LexisNexis Butterworths., 2005.
13. Pattinson, Shaun D. *Medical Law and Ethics*. 2nd Ed. London: Sweet & Maxwell; Thomson Reuters, 2009.
14. Plomer, Aurora. *The Law and Ethics of Medical Research: International Bioethics and Human Rights*. London: Cavendish, 2004.
15. Powers, Michael J., and Nigel H. Harris. *Clinical Negligence*. 3rd ed. London: Edinburgh; Dublin: Butterworths, 2000.
16. Thomson. *Medical Law and Ethics (Law Library)*. Sweet & Maxwell, 2006.
17. Veitch, Kenneth. *The Jurisdiction of Medical Law*. Aldershot: Ashgate, 2007.

PAPER XI: DISCIPLINE SPECIFIC ELECTIVE 1-4

A. PUBLIC POLICY AND DEVELOPMENT

Credits: 3

Course Objectives

This course orients students with mechanisms of public administration that are fundamental to effective policy making. It is focused to Define key concepts in public administration and to understand the role of public institutions in the policy process.

1. Introduction to Public Administration

- 1.1 Good Governance: concept and application; New Public Management.
- 1.2 Weber's bureaucratic model its critique and post-Weberian Developments;
- 1.3 Human Relations School (Elton Mayo and others); Simon's decision-making theory;
- 1.4 Participative Management (R. Likert, C. Argyris, D. McGregor.)

2. Structural Framework of Administration

- 2.1 Ministries and Departments, Boards and Commissions;
- 2.2 Dicey on Administrative law;
- 2.3 Delegated legislation; 'Anti-development thesis'; Bureaucracy and Development; Administrative ethics.

3. Issues with Accountability and Control

- 3.1 Values in public service;
- 3.2 Regulatory Commissions; National Human Rights Commission;
- 3.3 Problems of administration in coalition regimes;
- 3.4 Citizen administration interface; Corruption and administration; Disaster management.
- 3.5 Impact of liberalization on administration in developing countries;
- 3.6 PM Cares Fund: Debates and issues

4. Policy Formulation in Public Administration

Administration and politics in different countries; The machinery of planning; Role, composition, and functions of the Planning Commission and the National Development Council; 'Indicative' planning; Process of plan formulation at Union and State levels; Constitutional Amendments (1992) and decentralized planning for economic development and social justice.

5. Policy Implementation by Administrators

- 5.1 Changing role of the Collector;
- 5.2 Union-State-local relations;

5.3 Imperatives of development management and law and order administration;

5.4 74th Constitutional Amendment; Important Committees and Commissions;

6. Global trends in Public Administration

6.1 Global-local debate; New localism; Development dynamics, politics and administration with special reference to city management.

6.2 Women and development - the self-help group movement. Reforms in financial Management and human resource development; Problems of implementation

SUGGESTED READINGS:

1. Bhattacharya, M. (2018). *New Horizons of Public Administration*. Jawahar Publishers & Distributors.
2. Prasad, D. and Prasad, V. (1980). *Administrative Thinkers*. Sterling Publishers Pvt Limited.
3. Sharma, M. and Sadana, B. (2019). *Public Administration In Theory And Practice*. 48th ed. KitabMahal.
4. Arora, R. (1996). *Comparative Public Administration*. 2nd ed. New Delhi: Associated Publishing Ho.
5. Baker R J S. (1972). *Administrative Theory and Public Administration*. Huthinson, London
6. Barnard, Chester. (1969). *The Functions of Executive*, Cambridge, Harvard University Pres
7. Donald Menzel and Harvey White (eds) (2011). *The State of Public Administration: Issues, Challenges and Opportunity*. New York: M. E. Sharpe.
8. Jay M. Shafritz (ed) (1998), *International Encyclopedia of Public Policy and Administration*, Westview Press
9. Luther Gulick& LyndallUrwick (eds.) (1937), *Papers on Science of Administration*, New York Institution of Public Administration, New York

OR
PAPER XI: DISCIPLINE SPECIFIC ELECTIVE 1-4
B. POLICE AND SECURITY ADMINISTRATION

Credit:3

Course Objective:

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed Rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. This course aims to familiarize the students with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

1. National Security, Public orders and Rule of law

1.1 Emergency Detention in England - Civil Liberties.

1.2 Subjective satisfaction or objective assessment?

1.3 Pre-Independence law.

2. Exceptional Legislations

2.1 COFEPOSA and other legislation to curb economic offenders.

2.2 TADA: "the draconian law"-comments of NHRC

2.3 Special courts and tribunals

2.4 Due process and special legislation

3. Martial Law

3.1 Provisions in English Law

3.2 Provisions in the Indian Constitution

4. Access to Courts and Emergency

4.1 Article 359: ups and downs of judicial review

4.2 Constitution (Forty-fourth), Amendment Act, 1978.

4.3 Constitution (Fifty-ninth) Amendment Act, 1988.

TEXT & REFERENCES:

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966)

PAPER XII OJT ON JOB TRAINING (CREDITS: 4)

The On-job training is practical training component, designed to enhance practical knowledge, operation of a law of any given subject. The Centre of higher education shall have a choice to design the one component for OJT or they may design different components under the OJT and same can be assigned to the students as per the rules.

Semester-III

Paper XIII: Discipline Specific Core: 1-7 National Security, Public Order and Rule of Law

Credits: 4

Objectives of the Course:

In depth understanding about Rule of Law in the context of the Indian Constitution. Analysis of Preventive Detention Laws in the light of Constitutional Jurisprudence. Critical Appraisal of National Security of Public order in India .After completion of this paper, students will be in position to know various detention laws such as COFEPOSA and laws relating to economics offences. Carry out critical analysis of Human Rights issues of detainees in the light of Constitutional Provisions Perform in depth analysis of detention Law.

1. National Security, Public Orders and Rule of Law:

- 1.1 Emergency Detention in England
- 1.2 Civil Liberties Subjective satisfaction or objective assessment?
- 1.3 Pre-Independence law

2. Preventive Detention and Indian Constitution:

- 2.1 Article 22 of the Constitution
- 2.2 Preventive Detention and Safeguards
- 2.3 Declaration of Emergencies
- 2.4 1962, 1965 and 1970 Emergencies
- 2.5 1975 Emergency

3. Exceptional Legislation:

- 3.1 COFEPOSA and other legislation to curb economic offenders
- 3.2 TADA: “The draconian Law”- comments of NHRC Special Courts and tribunals
- 3.3 Due process and special legislation

4. Civil Liberties and Emergency:

- 4.1 Article 19
- 4.2 Meaning of “Security of State”
- 4.3 Meaning of “Public Order”
- 4.4 Suspension of Article 19: rights on declaration of emergency
- 4.5 President’s Right to suspend right to move any court
- 4.6 Article 21 – special importance- its non-suspendability -44th Amendment

5. Access to Courts and Emergency:

- 5.1 Article 359: Ups and downs of judicial review

5.2 Constitution (Forty-fourth), Amendment Act, 1978

5.3 Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law:

6.1 Provisions in English Law

6.2 Provisions in the Constitution

7. Human Rights in India:

7.1 Constitutional Philosophy

7.2 Human Rights of Disadvantaged Groups – Women, Children,

7.3 Dalit's, Unorganized Labour and Minorities.

7.4 Police, Prison and Human Rights

7.5 Judicial Activism.

References: —

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287(1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus : A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966)

Paper XIV: Discipline Specific Core: 1-8

Administrative Law

Credit: 4

Objectives of the Course:

Administrative law is that branch of the law which is concerned with the composition of powers, duties, rights and liabilities of various organs of the government. The rapid growth of Administration in modern times is the direct result of the growth of Administrative powers.

The Administrative Law is primarily the Judge made law and the course will primarily deal with study of different principles of Administrative Law which have been evolved by the courts to prevent arbitrary use of power and protect the rights of the citizens. The main goal of the Administrative Law is to protect the interests of the public as it interacts with government.

1. Introduction

1.1 Evolution and significance of Administrative Law in various systems of governance- from ancient to modern.

- a) England and USA
- b) France
- c) Other systems

1.2 Doctrine of Separation of Powers: Comparative survey-Common Law and Continental System: England, USA, France and India from Rigidity to Flexibility.

1.3 Rule of Law: Changing dimensions, Regulation of administrative process.

2. Delegated Legislation

2.1 Delegated Legislation: Problems, Process and Control

2.2 Judicial Review of delegated legislation.

3. Role of Judiciary in Administration of Justice

3.1 Processual Fairness: Evolution and Significance of Natural Justice,

3.2 England: Judicial Process,

3.3 Doctrine of fairness and doctrine of legitimate expectation.

3.4 U.S.: Due process and judicial decision,

3.5 India: Through judicial decision-

3.6 Doctrine of Fairness (Art.14, 19, 21)-

3.7 Doctrine of Legitimate Expectation, Privilege against disclosure, official secrecy, Access to information and Right to Information Act.

4. Control on Mal administration

4.1: Ombudsman, Commissions of Inquiry, Vigilance Commissions, 4.2 Investigative Agencies:
The CBI, Inquiries by Legislative Committee, Legislative control, Judicial Inquiries.

SUGGESTED READINGS

1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government³¹
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh, Lok Ayukta: A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law

Paper XV: Discipline Specific Elective: 1-5

A. Local Self Government Law

Credit: 3

Objectives of the course:

With the introduction of the Constitution seventy third and seventy fourth amendments, India is moving towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formulation of new and pragmatic working methods.

1. Historical Perspectives

- 1.1 Early period
- 1.2 Gram Swaraj: the Gandhian concept

2. Constitutional Scheme

- 2.1 Directive Principles
- 2.2 Structure and powers of local bodies

3. Legislative Powers

- 3.1 Direct democracy and grass root planning
- 3.2 Municipalities and corporations
- 3.3 Gram Sabha

4. Quasi-legislative Powers

- 4.1 Rule making power of the State Government
- 4.2 Regulations and Bye-laws

5. Financial Powers

- 5.1 Levying taxes
- 5.2 Licensing power
- 5.3 Financial resources and powers

6. Judicial and Quasi-judicial powers of the Local Bodies

7. Election to Local Bodies

8. Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha

9. Institutional and Judicial Control.

SUGGESTED READING

1. Friedman, the State and the Rule of Law in a Mixed Economy
2. Neville L. Brown and J.F. Garner, French Administrative Law
- 3 Dicey, Introduction to the Law of the Constitution,
4. Ivor Jennings, Law and the Constitution
5. Schwartz & Wade, Legal Control of Government
6. Davis, Discretionary Justice
7. Jain & Jain, Principles of Administrative Law (1986),
8. Tripathi, Bombay De Smith, Judicial review of Administrative Action (1995)
9. Indian Law Institute, Government Regulation of Private W.Thornhill (ed.),
10. The Growth and Reform of English Local Self-government (1971). Weidenfeld and Nierlson, London
11. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
12. M.Venketarangaiya & Pattabhiram, Local Government in India (1969) Allied, New Delhi.

OR
PAPER XV: DISCIPLINE SPECIFIC ELECTIVE: 1-5

B. GLOBALIZATION, LAW AND JUSTICE

Credit: 3

Course Objectives

It is said that we are now living in a global neighborhood, which is not yet global village. This is the result of the so called “globalization” which refers to those processes that tend to create and consolidate a unified economy, a single ecological system, and a complex network of communications that covers the whole globe, even if it does not penetrate into every part of it. We find in every discipline studies under the titles global, globalism and globalization but not much in the discipline of law and now it is entering it also. The process of globalization has its own impact on every discipline and this paper or course intends to study its influence on the discipline of law. The purpose is to sensitize students of law about implications of the process of globalization on basic principles, concepts and ideas underlying the discipline of law. To name a few the concept of law itself, justice, human rights and legal process. The thrust is to analyze and evaluate them from a global perspective.

1. GLOBALIZATION: PROCESS AND ITS EFFECTS

- 1.1 Concept of Liberalization, Privatization, Globalization, Meaning and definition of globalization, nature, scope and limits of globalization, Different kinds.
- 1.2 History and evolution of globalization.
- 1.3 Causes and consequence of globalization, effect of globalization on economic, social, cultural and political aspects of life in twenty-first century.
- 1.4 Effect of globalization on law and justice - An introduction

2. GLOBALIZATION AND LEGAL THEORY

- 2.1 Jurisprudence, globalization and the discipline of law
- 2.2 Globalization and legal theory, the need for the study of concept of law from a global perspective.
- 2.3 Basic concepts of law in western legal thought. A brief analysis of positivist, normative and realist theories of law in western tradition.
- 2.4 The concept of justice and its relation to law in Western and Indian Legal thought and concept of Dharma as a legal tradition. The relation between law and justice.
- 2.5 Normative Jurisprudence, the western heritage, classical utilitarianism, Benthamite and modified Benthamite utilitarianism.
- 2.6 Theories of Justice Rawls and Pogge.

3. POLICY ISSUES

- 3.1 Globalization and Democracy
- 3.2 Rule of Law-economic development-political development
- 3.3 Globalization and Justice
- 3.4 Globalization and Security

4. HUMAN RIGHTS IN THE CONTEXT OF GLOBALIZATION

- 4.1 Human rights Theory and Perspectives
- 4.2 Human Rights law as universal-criticism and rhetoric or Rights
- 4.3 Human Rights and the challenges-pluralist theories and Sen's challenge
- 4.4 Human Rights and Southern voice - Upendra Baxi.

5. HARMONIZATION OF LAW

- 5.1 Public and Private International Law governance
- 5.2 Regulation of International banks and money laundering
- 5.3 Harmonization of private commercial law-lex mercatoria
- 5.4 Harmonization of Intellectual Property law
- 5.5 Jurisdictional Issues in the era of globalization.

TEXT BOOKS AND REFERENCE BOOKS:

- 1. Jan Aart Scholte, Globalization – A critical introduction
- 2. Jarrod Wiener – Globalization and the harmonization of law
- 3. Michael Goodhart – Democracy as Human Rights – Freedom and Equality in the age of Globalization
- 4. James H Mitelman, The Globalization Syndrome
- 5. Manfred B. Steger, Globalization –A very Short introduction-Oxford introductory series.
- 6. Thomas Fleiner & Lidija R. Basta Fleiner, Constitutional democracy in a multicultural and globalised world, Springer.
- 7. William Twining, General Jurisprudence; Understanding Law from a Legal perspective, Cambridge, Cambridge University, 2009
- 8. William Twining, Globalization and Legal Theory, New York: Butterworths, 2006.
- 9. Boaventura d Sousa Santos, Towards a New Legal Common Sense: Law, Globalization and Emanicipation, London: Butterworths, 2002.
- 10. Otto A Bird, The Idea of Justice, New York: Frederick A Praeger, 1968
- 11. M.D.A. Freeman, Lloyd's Introduction to Jurisprudence, London: Sweet and Maxwell, 2010
- 12. Amartya Sen, The idea of Justice, New Delhi: Allen Lane, 2009.

13. Upendra Baxi, *The Future of Human Rights*, New Delhi: Oxford University Press, 2006.
14. Thomas Pogge, *Global Justice*, Oxford: Blackwell, 2001
15. B.S. Santos and Cesar A. Rodriguez-Gravito (ed.,) *Law and Globalization from below: Towards a Cosmopolitan Legality*, New York Cambridge University Press, 2005.

Essential Reading / Recommended Reading

1. William Twining, *General Jurisprudence; Understanding Law from a Legal perspective*, Cambridge, Cambridge University, 2009
2. William Twining, *Globalization and Legal Theory*, New York: Butterworths, 2006
3. Boaventura d Sousa Santos, *Towards a New Legal Common Sense: Law, Globalization and Emancipation*, London: Butterworths, 2002.
4. Thomas Pogge, *Global Justice*, Oxford: Blackwell

Paper XVI: Discipline Specific Elective: 1-6

A. LAW MAKING IN INDIA POLITY & STATUTORY INTERPRETATION

Credit: 3

Course Objective:

The students shall learn the skills and techniques of understanding the intention and objective of the law and the factors that contribute towards making of the law. Statutory interpretation is intended to imbibe in the students the ability to understand the philosophy behind the law for proper application of the law in the given society.

1. Introduction:

1.1 Significance. Utility. Scope and objective of the course, its theoretical and practical relevance

2. Law Making Processes:

2.1 Constitutional Law making

2.2 Statutory Law making & general scheme of legislative drafting.

2.3 Objectives of civil, criminal, commercial and international law.

2.4 Sub-ordinate Law making

2.5 Judicial Law making

(Its interrelation and significance in delivery of justice and social mobilization)

3. Anticipated Goals and Obstacles in Implementation of law

3.1 Law and morals.

3.2 Law and Public Opinion.

3.3 Law and Politico-Economic structure

3.4 Law and administrative machineries.

4. General Principles of Statutory Interpretation

4.1 Primary rules, literal rule Golden rule, Mischief rule, rule of harmonious construction.

4.2 Secondary Rules - Noscitur a sociis. Ejusdem generis, Reddeno singular singulis.

5. External sources and internal aids

5.1 Dictionaries, statutes in para materia, contemporaneous position, debates, inquiry commission reports and law commission reports.

5.2 Title. Preamble, Headings, Marginal notes, section and subsections, punctuation marks, illustrations exceptions, provisos, savings clauses, schedules and non obstante clause.

6. Classification of Statutes and Subject wise Interpretation

6.1 Interpretation of Constitutional Law, International Law, Penal statutes and Tax Laws

7. Other Rules of Interpretation

7.1 Presumption in statutory interpretation, Maxims and statutory interpretation.

7.2 Leading cases relating to interpretation of Statute

SUGGESTED READINGS:

- 1) W. Friedmann. Law in a changing Society
- 2) C. K. Allen: Law in Making
- 3) J. Bentham, Principles of Legislation Upendra Baxi (ed)
- 4) Law Liberty, and Morality by Basil Mitchell
- 5) Law and Public opinion in England: A. V. Dicey
- 6) Interpretation of Statutes: Bindra N.S.

OR
Paper XVI: Discipline Specific Elective: 1-6

B. Public Authorities: Liability

Credit: 3

Objectives of the course

Judicial decisions in the common law world have formulated several duties and liabilities on the administrative hierarchy towards the citizens. Is the state in exercise of sovereign functions liable to compensate the affected persons? To what extent is the state in exercise of sovereign functions immune from liability? The state enters into contracts in more ways than one. Should there be standards of conduct laid down on the state when it does so? How can accountability be determined in all these areas? Open government is one of the significant attributes of good government in democracy. In what way these norms can be meticulously followed by the state in meting out administrative justice. There are problems a country like India does confront in her march towards goods governance.

1. Tortious Liability

- 1.1 Sovereign immunity
- 1.2 Commercial and non-commercial function

2. Contractual liability

- 2.1 Processual justice: Privilege – right dichotomy
- 2.2 Blacklisting of contractors
- 2.3 Terms in government contract as instruments of social justice

3. Emerging Liability

- 3.1 Personal accountability
- 3.2 Compensatory jurisprudence and right to life
- 3.3 Accountability under consumer law

4. Privilege Against Disclosure

- 4.1. Right to information
- 4.2. Official secrecy
- 4.3. Executive privilege
- 4.4. Security of state and control on information
- 4.5. Judicial review

5. Promissory Estoppel

- 5.1 Legitimate expectation
- 5.2 Constitutional dimensions

Suggested Reading:

1. Jain & Jain, Principle of Administrative Law, (1986), Tripathi
2. De Smith, Judicial Review of Administrative Action (1995)
3. B. Schwartz, An Introduction to American Administrative Law.

Paper XVII: Research Methodology -II

Legal Research Methodology -II

Credit: 4

Objectives of the Course:

The growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner. Legal Writing and Methods of Legal Research aims to equip students with skills of conducting legal research and expressing legal analysis effectively in writing. By the end of the course, students are expected to gain the following knowledge and skills, understand how to use key research methods and approaches, understand how to collect, analyze and interpret the data, to explain and justify the methodological approaches used, to explain the methods of data collection. Understand the main requirements and the structure of a thesis or a dissertation. The aim is to help students develop critical knowledge of fundamental concepts, elements and processes of legal research. To help them develop research-based professionalism, to encourage involvement in multi-faceted research of laws, and to help thereby development of laws and justice in India.

1. Legal Research Report Writing

- 1.1 Steps in Legal Research Report Writing
- 1.2 Contents of Good Legal Research Report
- 1.3 Criteria for a Good Legal Research Report
- 1.4 The Problem of Plagiarism
- 1.5 Citation Methods: Footnotes, End Notes, References and Bibliography
- 1.6 Citation Styles: MLA Handbook Format, Blue Book Citations

2. Research Report:

2.1 Research report and its structure, journal articles – Components of journal article.

Explanation of various components. Structure of an abstract and key words. Thesis and dissertations.

2.2 components of thesis and dissertations. Referencing styles and bibliography.

3. Ethics in Research –

3.1 Plagiarism - Definition, different forms, consequences, unintentional Plagiarism, copyright infringement, collaborative work. Qualities of good Researcher.

4. ICT Tools for Research:

4.1 Role of computers in research, maintenance of data using software such as Mendeley, Endnote, Tabulation and graphical presentation of research data and software tools.

4.2 Web search: Introduction to Internet, use of Internet and WWW, using search engines and advanced search tools.

SUGGESTED READING

1 Donald Cooper and PS Schindler (2009) Business Research Methods, 9th edition, Tata McGraw Hill.

2 Kothari C. R Research Methodology

3 Uma Sekaran (2010) Research Methods for Business, 4th edition, Wiley.

4 Ranjit Kumar (2009) Research Methodology, 2nd edition, Pearson Education

5 Naresh Malhotra and S Dash (2009) Marketing Research, 5th edition, Pearson Prentice Hall.

6 Michael V. P Research Methodology.

7 Fred N. Kerlinger : Foundations of Behavioral Research.

Paper No XVIII: Research Project
Credit: 4

Research Project: 100 marks are divided as follows: -

1. The Research Project Work must include both research methodology i. e.
 - (a) Doctrinal Research
 - (b) Non-Doctrinal Research

Student has to select a topic relating to law in consultation with subject teacher at the beginning of the semester. By using research methodology, students have to submit report (Doctrinal and Non-Doctrinal Research) at the end of the semester. The completed research work should have to be submitted in spiral binding form and same will have 50 marks.

2. Viva-voce

Viva Voce will be conducted by Internal Examiners Relating to project Work – 30 Marks

3. PPT Presentation - 20 Marks

A topic is assigned to the student in advance and student has to deliver lectures on the assigned topic for 40 minutes in the presence of a subject teacher.

SEMESTER IV

PAPER XIX: DISCIPLINE SPECIFIC CORE: 1-9

INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION

Credit: 4

Objectives of the Course:

Disputes are the part of human association. The term Alternative Dispute Resolution (ADR) refers to a range of methods and processes of dispute resolution. Significantly, these methods are very rapidly transformed from mere 'alternatives' into preferred methods of resolving disputes. The promise of ADR Methods is low cost, fast resolution and an outcome acceptable to both parties. Different ADR Methods have their own nuances and requires specialized knowledge and training. This course is designed to equip the learner with an understanding of various ADR methods.

1. Introduction:

- 1.1 Evolution of mediation/conciliation as a mode of settlement of disputes,
- 1.2 Distinction between arbitration, mediation, conciliation, negotiation.
- 1.3 Nature, Scope, Limitations and necessity of alternative models of disputes resolution

2. Negotiation

- 2.1 Theory of negotiation, Approaches to Negotiation
- 2.2 Positional bargaining, Interest-based bargaining or principled negotiation Preparation for Negotiation
- 2.3 Collaborative Communication skills, Negotiating skills, Negotiation exercises

3. Mediation and Conciliation

- 3.1 Theory of mediation, Role of the mediator
- 3.2 Drafting Mediation and Conciliation clauses and agreements
- 3.3 Initiating mediation (court annexed and private), Preparation for Mediation /Conciliation.
- 3.4 The Mediation/Conciliation process
- 3.5 Confidentiality and neutrality
- 3.6 How to write Award
- 3.7 Ethical issues in Mediation/Conciliation Mediation in India,
- 3.8 Institutions, their role

4. Arbitration

- 4.1 Theory of arbitration, the arbitration process

- 4.2 Federal and provincial legislation
- 4.3 Drafting Arbitration clauses and agreements
- 4.4 Preparation for Arbitration, Conducting Arbitration, Seat, location, Examinations and its various aspects, Evidence Writing Arbitration Award
- 4.5 Foreign awards
- 4.6 Ethical issues in Arbitration
- 4.7 Conducting a Mock Arbitration

5. Communication & Role of the Paralegal

- 5.1 Verbal communication, Nonverbal communication
- 5.2 Role of the Paralegal
- 5.3 In negotiation when representing a client
- 5.4 In mediation when representing a client
- 5.5 When acting as a mediator

SUGGESTED READINGS.

1. The Indian Arbitration and Conciliation Act, 1996.
2. John M. Haynes and Stephanie Charles worth : The Fundamentals of Family Mediation
3. Robert A Baruch Bush and Joseph Folgers : The Promise of Mediation
4. Marian Roberts : Mediation in Family Dispute
5. Lisa Parkinson : Family Mediation
6. Ruth Chariton and Michelin Dewdney : The Mediator's Handbook
7. Sriram Panchu : Mediation Practice and law (textbook)
8. Mukta Mahajani : Let's Talk, Negotiation and Communication at the Workplace
9. Morton Deutsch, Peter Coleman and Eric Marcus : The Handbook of Conflict Resolution: Theory and Practice. San Francisco: Jossey-Bass)
10. William W Wilmot and Joyce L Hocker : Interpersonal Conflict , New York: McGraw-Hill
11. Simon Roberts and Michael Palmer : Dispute Processes, ADR and the Primary Forms of Decision Making; Cambridge University Press
12. Charles Ewert, Gordon Barnard, Jennifer Laffier, Michael L. Maynard : Choices in Approaching Conflict, Understanding the Practice of Alternative Dispute Resolution, Emond Montgomery, ISBN: 978-1-55239-384-0
13. Malhotra : Arbitration & Conciliation Act
14. Justice R.S. Bachavat : Law of Arbitration & Conciliation Act, Vol – I & II; LexisNexis Butterworth's; 5th Edition 2013.
15. Mallik : Arbitration & Conciliation Act
16. Myneni : Alternate Dispute Resolution
17. P. C. Rao and William Sheffield : Alternative Dispute Resolution

18. Ashwinie Kumar Bansal : International Commercial Arbitration- Practice & Procedure .
West Thomson Reuters, ISBN 10
19. P. C. Markanda : Law relating to Arbitration and Conciliation. LexisNexis India;8th
Edi. 2013 ISBN – 8180388131
20. Dr. Avtar Singh : Law of Arbitration and Conciliation, Lucknow
21. The Code of Civil Procedure, 1908.
22. Arbitration and Conciliation Act 1996,
23. Mediation Rules of Bombay High Court

PAPER XX: DISCIPLINE SPECIFIC CORE: 1-10

MINORITIES LAW

Credit: 4

Objectives of the Course:

To make the students aware of the importance of rights of minorities, to familiarize them with the constitutional provisions related to minorities, to acquaint them with the rights of minority educational institutions and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

1. Introduction

Minorities in Indian Society: Concept of Minorities Linguistic Minorities Religious

Minorities Secularism

2. International Norms for Protection of Minorities

Human Rights of Minorities Minority Rights under the International Covenant on Civil and

Political Rights Non-discrimination provisions of the United Nations Charter 1945

Declaration on Rights of Minorities

3. Minority Rights

Right to religion Linguistic rights Right to culture and traditions National Commission for

Minority

4. Rights of Minority in Educational Institutions

Educational rights of Minorities Right to administer Minority educational institution Aided

and Unaided Minority Educational Institutions and Governmental Controls National

Commission for Minority Educational Institutions

5. Societal Status of Minorities

Victimisation- Muslim victims over past ten decades, Caste based violence over minorities,

linguistic minorities, Minorities in rural areas over the country.

Suggested Readings:-

1. M.P. Jain: Constitutional Law of India; LexisNexis, 8th Edn. (2018)

2. D.D. Basu: Commentary on the Constitution of India; LexisNexis, 7th Edn. (2016)
3. A. P. Datar: Commentary on the Constitution of India; LexisNexis, 1st Edn. (2007)
4. H.M. Seervai: Constitutional Law of India; Universal Law Publication, 1st Edn. (2015)
5. M. P. Singh: Constitution of India; Eastern Book Company, (2016)
6. Stephan Mary: Ethnicity, Nationalism & Minority Rights; Cambridge University Press, (2004)
7. Thornberry, Patrick: International Law and the Rights of the Minorities; Calendor Press, (1993)
8. Sheth D. L. & Gurpreet Mahajan: International law and the Nation State; Oxford University Press, 1st Edn. (2000)

PAPER XXI: DISCIPLINE SPECIFIC ELECTIVE: 1-7

A. ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

Credit: 3

Objectives of the Course

In India administrative law was given recognition in the mid-20th century. Administrative law is a quasi-judicial and quasi-legislative system that deals with the relationship between individuals and government. The administrative law is a species of constitutional law and cannot exercise its powers over and beyond. However, it becomes necessary for the judiciary to check upon the administrative actions and their constitutionality as the scope of administrative law is wide in comparison with the other laws. The main purpose of judicial control is to protect the rights of individuals from the abuse of powers by administrative authorities by ensuring the legality as well as the constitutionality of the actions undertaken by them.

1. Introduction

- 1.1 Administrative process: Nature and Meaning,
- 1.2 The role of civil service, the role of administrative agencies,
- 1.3 Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, Taxing power, Responsibility and accountability

2. Judicial Review of Administrative action in India:

- 2.1. Historical development, power of Supreme Court, Powers of High Courts, Role of Subordinate Courts.
- 2.2 Jurisdiction: Finality Clause, Conclusive evidence Clauses, Law Fact distinction, Exclusionary Clause.
- 2.3. Ground of Judicial Review: Doctrine of Ultra vires, Unreasonable discretionary power: From liver sidge to padfield, discretion and Justifiability,
 - 2.3.1 violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias, Lack of rationality and proportionality, oppressing decision

3. Limits of Judicial Review

- 3.1 Locus standi and PIL, Laches, Resjudicata, alternative remedies, Remedies Writs, injunction and declaration.

4. Administrative wrongs -Liability

4.1 Tortious and contractual liability,

4.2 Emerging liability-Personal accountability, compensatory jurisprudence and right to live, accountability under consumer protection law, Promissory Estoppels: Legitimate expectation and Constitutional dimensions.

SUGGESTED READINGS

1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government³¹
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh, Lokayukta: A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law

OR
Paper XXI: Discipline Specific Elective: 1-7

B. Human Right & Environmental Development Policy

Credit: 3

Course Objective

The importance of the environment to the fulfillment of human rights is widely accepted at international law. Human rights and the environment are intrinsically intertwined: a safe, clean, healthy and sustainable environment is essential in the enjoyment of our human rights; whilst polluted, hazardous and otherwise unhealthy environments potentially violate our human rights. A human rights approach allows the quality of life of people, in particular the most vulnerable, to be integrated into environmental decision making.

4. Constitution and Human Rights:

Fundamental Rights, Directive Principles and Fundamental Duties, international Human Rights and the Indian Constitution Judicial process in India and Administrative Actions with reference to Human Rights, State of Human Rights during Emergency (v) Judicial Activism- protection of human rights, Liberty, Equality and Fraternity in Human Rights Perspective.

5. Special Laws for Protection of Specific Categories/ Vulnerable Sections of the People: Reservation and the Right to Equality, Protection of Minorities Culture and Education Rights, Contract and Unorganized Workers, Bonded Labour, Tribal People.

6. Enforcement of Human Rights:

Judiciary: Article 32, Article 226 Public Interest Litigation, National Specialized Agencies: Law Commission, SC/ST Commission, Minorities Commission, Women's Commission, Human Right Commissions, Criminal Justice Delivery System, Legal Aid, NGO's, Social movements and pressure groups working through democratic institutions such as lobbying MPS Media, International Redressal Mechanism.

7. The Concept of Environment:

4.1 Meaning and Historical Perspective, Traditions, Natural and Biological Sciences: Perspectives, Modern concept: Conflicting dimensions.

4.2 International Perspectives and Development : Stockholm Declaration, 1972, Right to development versus right to clean environment, Rio Declaration: Sustainable development.

4.3 Environmental Protection in India : Constitutional rights and duties, Precautionary principle, trust doctrine Polluter pay principle.

8. Environmental Protection in Developing Countries:

1.1 Poverty, Indigenous people and Tribal Developing economies, Depletion of forest and natural resources

1.2 International concern World environment movement Natural and cultural heritage : Common Heritage Principle, Role of international and regional organization, International financing policy and world environment fund, Global Environmental Facilities ((GEF).

SUGGESTED READING:

1. J.K. Starke - An Introduction to the International law.
2. J.L. Brierley- The Law of Nations (Oxford)
3. A.K. Pillai - National Human Rights Commission
- 4.S.K. Verma- An Introduction to Public International Law (Prentice- Hall India).
5. All the Covenants and Conventions.
6. Shaw M.N, - International law (CUP).
7. M.C. Nair- The Law ofTreaties (Oxford)
8. Paras Diwan & Piyushi Diwan - Human Rights & The Law Universal & Indian.
9. S.K. Kappor- Human Rights under International Law and ndian Law Central Law Agency Allahabad.
- 10.D.D. Basu - Human Rights in Constitutional Law (Pentice Hall).

PAPER XXII: DISCIPLINE SPECIFIC ELECTIVE: 1-8

A. MASS MEDIA LAW

Credits: 3

Objectives of the course:

Mass media such as press, radio and television, films, play a vital role in socialization, culturalization and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as many educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse.

This paper will deal with such interaction between law and mass media.

1. Mass media - Types of - Press Films, Radio Television

Ownership patterns - Press - Private – Public, Ownership patterns - Films – Private, Ownership patterns - Radio & Television, Public, Difference between visual and nonVisual Media- impact on People's minds.

2. Press - Freedom of Speech and Expression - Article 19 (1) (a)

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, The law relating to employees' wages and service conditions, Price and Page Schedule Regulation. Newsprint Control Order, Advertisement - is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

3. Films - How far included in freedom of speech and expression?

Censorship of films – constitutionality, abbas Case, Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act

4. Radio and Television - Government monopoly.

Why Government departments ? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal Scrutiny of serials, etc. Judicial Review of Doordarshan decisions: Freedom to telecast.

5. Constitutional Restrictions

Radio and television subject to law of defamation and obscenity, Power to legislate - Article 246 read with the Seventh Schedule, Power to impose tax - licensing and licence fee.

SELECT BIBLIOGRAPHY

1.M.P. Jain, Constitutional Law of India (1994) Wadhwa.

- 2.H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
- 3.Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on
4. Freedom of Speechand Expression ". 14 J.I.L.I. 501 (1 972).
- 5.Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).

OR

PAPER XXII: DISCIPLINE SPECIFIC ELECTIVE: 1-8

B. LAW, SCIENCE AND TECHNOLOGY

Credit: 3

Objectives of the Course:

The aim of the course is to introduce in brief to the student about the developments in the field of Science and Technology and the relationship between Law and Science and Technology. The paper further seeks to explore some specific aspects to test the possible interactions, controversies and their interrelationships between both the aspects. Further, it focuses on the relationship between Human Rights and Science and Technology and the need to regulate science and technology in order to preserve the basic concept of sustainable development.

2. Introduction:

- 1.1 Developments in Science and Technology
- 1.2 Science & Technology Vis a Vis Sustainable and equitable develop .
- 1.3 Impact of Human Rights on Science & Technology
- 1.4 Human Rights and preservation of human health

2. Science - Technology and Relationship with La w

- 2.1 Nexus between science technology and law
- 2.2 Problems and Perspectives between Law and Science
- 2.3 The need for legal control of Science and Technology.

3 Clinical Trials and the Need Professional responsibilities and ethical principles.

- 3.1 Privacy, La w and technology:
- 3.2 Origin and Development of Law of Privacy
- 3.3 Concept and Nature and Law of Privacy
- 3.4 Law of Privacy Vis-a Vis Science and Technology

4 Use of Science and Technology in Judicial Investigations:

- 4.1 The Significance of Science and Technology in the Lega Proceedings.
- 4.2 The Significance of Forensic science in the Criminal Matters
- 4.3 The Indian Judiciary on the Use of Science and Technology

5 Biotechnology & Law

- 5.1 Origin and Development of Bio Technology

5.2 Debatable issues in biotechnological innovations

5.3 Ethical and Moral implications on the use of Genetic Engineering

6 Nuclear Technology and Law:

6.1 Uses & misuses.

6.2 Legal control- national and international scenario .

6.3 Human Rights Vis-avis Nuclear Technology

SUGGESTED BIBLIOGRAPHY

The material for the course shall be traces on relevant websites of the universities and research institutes at the national and international levels.

SUGGESTED READINGS:

1.Markandey Katju, Law in scientific Era (2000) Universal, New Delhi

2.Cees J.Hamelink, the ethics of cyber space(2001)sage.

3.Jonh Zinian et.al(ed) World of Science and Rule of Law (1986) Oxford

4.U.Baxi,Biotechnology and Legal Order: Dilemmas of the future of Law and Human nature.(1993) Journal of national and international reputed on the subject. (Print and electronic)

PAPER XXIII
DISSERTATION
CREDIT: 8

Total Marks = 200

Credits: 8

A. WRITTEN WORK- DESSERTATION ON THE GIVEN TOPIC – 150 MARKS

B. VIVA-VOCE – 50 MARKS

Dissertation Rules and Regulations: -

1. Research Guide/Supervisor will be allotted by the Head of Concerned College.
2. Students should submit 03 copies of dissertation along with 02 soft copies to the College.
3. Regarding evaluation of LL.M – II Semester IV (CBCS Pattern) Paper- XXIII Dissertation – 200 Marks. This Paper is as follows: -

A. Written Work – Dissertation on the Given Topic -150 Marks

Two copies of Dissertation are to be submitted by the student for evaluation. Dissertation is to be evaluated by external examiner outside or within P. A. H. Solapur University from the Panel of examiners Decided by the Solapur University Solapur.

B. Viva – Voce- 50 Marks

Viva –Voce is conducted by panel of experts consisting of

- i) Research guide/ Dissertation Supervisor.
 - ii) Director/Principal of LL.M- P.G. Department or The Centre of Higher Education
 - iii) External examiner i.e. teacher from outside or within P. A. H. Solapur University among Panel of Examiners Decided by the P. A. H. Solapur University Solapur
 - iv) Viva-Voce examination may be conducted by the University immediately after completion of theory examination as per the directions of Solapur University, Solapur.
4. Fees and Remuneration for evaluation of the Dissertation may be fixed by the P. A. H. Solapur University Solapur from time to time.