



**CHRIST**  
(DEEMED TO BE UNIVERSITY)  
BANGALORE · INDIA

**Department of  
SCHOOL OF LAW**

**Syllabus for  
Master of Law - LLM (Constitutional  
and Administrative Law)  
Academic Year (2020)**

1 Semester - 2020 - Batch				
Paper Code	Paper	Hours Per Week	Credits	Marks
LLM132CAL	COMPARATIVE PUBLIC LAW	4	4	100
LLM133CAL	FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES	4	3	100
LLM134CAL	CENTRE - STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE	4	3	100
LLM135CAL	ADMINISTRATIVE LAW	4	3	100
LLM136CAL	PUBLIC POLICY AND DEVELOPMENT	4	3	100
LLM151CAL	FOUNDATION COURSE	4	2	100

<b>LLM152CAL</b>	<b>RESEARCH METHODS AND LEGAL WRITING</b>	<b>4</b>	<b>4</b>	<b>100</b>
<b>2 Semester - 2020 - Batch</b>				
<b>Paper Code</b>	<b>Paper</b>	<b>Hours Per Week</b>	<b>Credits</b>	<b>Marks</b>
<b>LLM231CAL</b>	<b>GLOBALIZATION, LAW AND JUSTICE</b>	<b>4</b>	<b>4</b>	<b>100</b>
<b>LLM232CAL</b>	<b>MEDIA LAW</b>	<b>4</b>	<b>3</b>	<b>100</b>
<b>LLM233CAL</b>	<b>HEALTH LAW</b>	<b>4</b>	<b>3</b>	<b>100</b>
<b>LLM234CAL</b>	<b>LOCAL SELF - GOVERNMENT LAW</b>	<b>4</b>	<b>3</b>	<b>100</b>
<b>LLM251CAL</b>	<b>SEMINAR ON CONTEMPORARY ISSUES</b>	<b>3</b>	<b>2</b>	<b>100</b>
<b>LLM252CAL</b>	<b>TEACHING PRACTICE</b>	<b>3</b>	<b>2</b>	<b>50</b>
<b>LLM281CAL</b>	<b>DISSERTATION</b>	<b>4</b>	<b>4</b>	<b>100</b>

### **Assesment Pattern**

Continuous internal assessments for theory course 50%, end semester examination 50%

### **Examination And Assesments**

Continuous internal assessments for theory course 50%, end semester examination 50%

### **Department Overview:**

School of Law, Christ University (SLCU), Bangalore, is a part of Christ University, Bangalore, which was founded and is administered by Carmelites of Mary Immaculate (CMI). CMI, the first indigenous Catholic religious congregation of India with a membership of 2000, renders its service to humanity in educational, social, healthcare and other activities. The parent university, a premier educational institution, is an academic fraternity of individuals dedicated to the motto of excellence and service and already has a proven history of success in the field of education. Though it is a minority institution, Christ University maintains a secular outlook towards education. Students of all castes, religions, creeds and languages are encouraged to be a part of this temple of learning.

### **Mission Statement:**

Vision: Excellence and Service. Mission: To create and pro actively generate in depth legal knowledge in the student community so that they can transfer their knowledge acquired to the larger benefits of the society in accordance with professional ethics and values.

**Introduction to Program:**

The Specialization is designed to serve the inquisitive academic minds to take the field to its logical conclusion. Towards this end, it contains various papers including Fundamental Rights and Directive Principles, Centre-State Relations and Constitutional Governance, Administrative Law, Media Law, Health Law, etc

**Program Objective:**

Programme Objectives: 1. To impart knowledge in the specific areas of law in order to gain advanced insight into the subjects. 2. To foster an understanding of the latest legal developments in the area of Constitutional and Administrative law, Corporate and Commercial Law and Intellectual Property and Trade Law. 3. To analyze and evaluate the current legal issues and propose solutions. 4. To prepare them for taking up teaching as a career. 5. To contribute to the society through legal aid and awareness camps. 6. To inculcate Research ethics and also contribute to the holistic development of the students. Programme Outcomes: 1. To demonstrate an understanding of the basic concepts, principles, doctrines and theories in their respective specialisations. 2. To enhance their researching skills and aid them to contribute to academic research and publications. 3. To apply the skills of interpretation in advocacy and policy making. 4. To enhance their presentation and teaching abilities. Programme Specific Outcomes: 1. To enable an understanding of the basic concepts and contemporary legal developments in the area of Constitutional and Administrative Law. 2. To enhance advocacy and teaching skills. 3. To assess and contribute to policy making/advocacy through fresh perspectives that arise out of the comparative study of the systems. 4. To develop a sharper academic acumen and will be able to contribute to academic research and publications.

## LLM132CAL - COMPARATIVE PUBLIC LAW (2020 Batch)

**Total Teaching Hours for Semester:60**

**No of Lecture Hours/Week:4**

**Max Marks:100**

**Credits:4**

**Course Objectives/Course Description**

The first unit introduces the student to a fundamental understanding of the term public law by contrasting with the realm of private law and the relationship between the two streams of law. The study traces the evolution of the public law concept from the ancient times to the present and seeks to draw a distinction between the public law and private law. The study will assess the scope of public law in a world where the trend of retreating public

law as well as the phenomenon of advancing public law can be discerned. The study explores and identifies the basic concepts underlying a robust public law framework and the emerging concepts in administrative law such as public accountability. The second unit encompasses a study of the presidential and parliamentary forms of government. It studies the forms of governance in France, United Kingdom, India and the United States of America and imparts a comparative study of these systems. The third unit deals with the evolution of fundamental rights in USA, France, India and the United Kingdom. The fourth unit deals with the organisation of the legislative and executive powers in the four jurisdictions and the extent and interrelationship between these powers. The fifth unit deals with the organisation of the judiciary and the judicial process. It delves into the basic concepts underlying the judicial process and critically evaluates the increasing tribunalisation of justice. The doctrine of basic structure is studied in the context of the ambit of judicial review. The paper intends to provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

### **Learning Outcome**

After successful completion of this Unit students will be able to:

1. Understand the concept of public law and its various branches. Further the

students will be provided with information as to how public law differs from

private law and how principles of accountability are important in public law.

2. Distinguish between presidential and parliamentary forms of government

including federal and unitary government.

3. Learn as to how the fundamental rights have evolved over a period of time

as socio, economic & political necessity in order that people in a given State will

lead a peaceful and prosperous life with others free from discrimination and

exploitation.

4. Locate and understand the various legislative powers that are vested with the

central and state governments under the Indian constitution including the

subjects that are listed under schedule 7 as union, state and concurrent list and

how the laws can be enacted within their sphere of competence.

5. To have a comprehensive view of the nature and organisation of the higher

judiciary with their roles and limitations under the constitution and also how

important the judiciary is in governance perspective

**Unit-1**

**Teaching Hours:12**

**Public Law and Governance**

- 1.1. 1.1. Nature of Public Law
- 1.2. 1.2. Distinction between Public and Private law
- 1.3. 1.3. Scope of Public law - Constitutional law, Administrative law and Criminal law
- 1.4. 1.4. Basic concepts of Public Law
- 1.5. 1.5. Principles of Accountability and Public Law

**Unit-2**

**Teaching Hours:12**

**Basic Principles of Organisation of Government and Forms of Government**

- 2.1 Presidential and Parliamentary forms of Government
- 2.2 Federal and Unitary Governments
- 2.3 Government under the U.S. Constitution
- 2.4 Basic principles underlying Government in France
- 2.5 Nature of Government in U.K.
- 2.6 Comparative and differentiating features of governance in India, U.K., U.S.A. and France.

**Unit-3**

**Teaching Hours:12**

**Nature and Role of Fundamental Rights in Public Law**

- 3.1 Evolution of Fundamental Rights in U.K., U.S.A., France and India
- 3.2 Scope of Fundamental Rights in U.S.A.
- 3.3 Role of Fundamental Rights in U.K.
- 3.4 Nature and scope of Rights in France
- 3.5 Limits to Fundamental Rights

3.6 Public Interest litigation, significance of human rights commissions

#### **Unit-4**

**Teaching Hours:12**

### **Organisation of the Legislature and the Executive**

4.1 Organization of Legislature and distribution of legislative powers

4.2 Nature of Legislative Process

4.3 Extent of Executive Powers

4.4 Emergency powers

4.5 Relation between Legislative and Executive powers

#### **Unit-5**

**Teaching Hours:12**

### **Judiciary and Judicial Process**

5.1. Organization of the judiciary

5.2. Judicial Review and its implementation

5.3. Basic principles of Judicial Process, Precedents, Stare decisis

5.4. Evolution and functioning of Tribunals; *droit administratif*

5.5. Theory of Basic Structure

#### **Text Books And Reference Books:**

1. A.V.Dicey, Introduction to the Study of Constitution.
2. Brandt, E.M.; An Introduction to Constitutional Law ; Oxford University Press
3. Bernard Schwartz Commentary on American Constitution
4. Bhagwan Vishnoo, Bhushan Vidya, World Constitutions
5. Cane, Peter; Administrative Law ; Oxford University Press
6. Dauglus W.O, Studies in Indian and American Constitutional Law.
7. E.S.Venkataramaiah, Federalism Comparative Study
8. Finer, S.E.; Comparative Government ; Penguin Books
9. Godfrey and Blondel, The French Constitution and Government.
10. Jain, M.P.; Indian Constitutional Law ; LexisNexis
11. K.C.Wheare, Modern Constitutions.
12. Loughlin, Martin; The Idea of Public Law; Oxford University Press
13. Mason and Beany, American Constitutional law
14. Rodney Brazier, Constitutional Practice.

15. Rotunda and Nowak, Treatise on American Constitution.

16. Singh, M. P.; V.N Shukla's Constitution of India; Eastern Book Company

17. Tom Ginsburg, Rosalind Dixon, Comparative Constitutional Law

18. [Vicki C. Jackson](http://www.google.co.in/search?tbo=p&tbm=bks&q=inauthor:%22Mark+V.+Tushnet%22), Mark V. Tushnet, HYPERLINK "http://www.google.co.in/search?tbo=p&tbm=bks&q=inauthor:%22Mark+V.+Tushnet%22" Tushnet, Comparative Constitutional Law

**Essential Reading / Recommended Reading**

1. A.V.Dicey, Introduction to the Study of Constitution.

2. Brandt, E.M.; An Introduction to Constitutional Law ; Oxford University Press

3. Bernard Schwartz Commentary on American Constitution

**Evaluation Pattern**

**SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	<b>TOTAL</b>
<b>100%</b>	

**LLM133CAL - FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES (2020 Batch)**

**Total Teaching Hours for Semester:60**

**No of Lecture Hours/Week:4**

**Max Marks:100**

**Credits:3**

**Course Objectives/Course Description**

The first unit engages the student to delve into the history of Fundamental Rights, its underlying philosophy and its impact on the relationship between the individual and the state. The student can imbibe, through an incisive scrutiny of the case laws, the present status of jurisprudence in the State action doctrine in India. The purpose of the preamble as an aid to constitutional interpretation is analysed based on the relevant case law and juristic observations. A critical approach to the study of the constitution is sought to be fostered in the student in order to make them equipped to handle the demands of higher academics or for legal practice, advocacy and policy making. Equality is a key concept to be understood in a country as diverse as India. In the second module, the student is taken through the various facets of equality ingrained in the Constitution of India. In the third module, the scope of the right to freedom and life from Art. 19 to 21 will be assessed through an analysis of the constitution and leading case laws. The course will examine the rights of the accused and the limitations based on the constitutional text as well as contemporary case laws pronounced by the courts. The module will enable the student to analyse Art. 21 of the constitution as also understand the parameters of Art. 22 of the constitution. Right to Constitutional remedies and the innovations at Indianizing the justice delivery system will be analysed.

The third module will provide an adequate exposure to the student to understand the law with respect to armed forces, martial law and Armed Forces Special Powers Act. The issue of religious minority rights will be evaluated by debating the latest case laws, provisions and amendments in recent times. The fourth module analyses the rationale underlying Directive Principles of State Policy and its relation to Fundamental Rights. It seeks to explore the interdependence between the two. The process of reading in Directive Principles into Fundamental Rights by the judiciary despite the non-justiciability of the latter will be subjected to scrutiny. The course will analyse the connect between the Fundamental Rights and fundamental duties. This paper is designed with a view to educate the pupil about the Constitutional rights, duties and policies of the government underlining the relevant legislations which are having wider ramification on the interpretation of the provisions of the Constitution.

### **Learning Outcome**

#### **COURSE OUTCOMES:**

1. The course will enable the student to contribute to higher reaches of legal academics and policy making in Constitutional Law - research and teaching. It will

equip them to critically analyse constitutional issues.

2. The student will be able to apply an in depth understanding of fundamental rights

jurisprudence to complicated issues in the constitutional courts and contribute to

evolving constitutional jurisprudence in India.

3. The student will be able to appreciate the critical interface between Fundamental

Rights and Directive Principles of State policy and apply the rationale to emerging

issues and challenges.

### **Unit-1**

**Teaching Hours:15**

#### **Introduction**

1.1. Evolution of Fundamental Rights, impact of Universal Declaration of Human Rights and Constitutions of other countries on fundamental rights

1.2. Concepts of Fundamental Rights, Bill of Rights, Natural rights and Human Rights

1.3. Preamble of the Constitution and its implication with reference to Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties

1.4. Definition of State under Art.12, 13 - Inviolability of Fundamental Rights

1.5. Doctrine of Waiver, Doctrine of Severability, Doctrine of Eclipse, scope of definition of law under Art.13.

### **Unit-2**

**Teaching Hours:15**

#### **Right to Equality**

2.1. 2.1. Relationship between Art 14, 15, 16, 17, and 18

2.2. 2.2. Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation, Wednesbury Principle

2.3. 2.3. Prohibited grounds for discrimination (Art.15); special provisions relating to women; protective discrimination in favor of Backward Classes, Scheduled Castes and Scheduled Tribes; Development of case law

2.4. 2.4. Equality of Opportunity in the matters of public employment, reservations in public employment, residence as prerequisite for employment

2.5. 2.5. Untouchability, Abolition of Titles

### **Unit-3**

**Teaching Hours:15**

## **Right to Freedom, Right against Exploitation**

- 3.1. 3.1. Six fundamental freedoms under Art.19 and reasonable restrictions Art 19 (2) to (6); test to determine the reasonableness of restrictions; whether restriction includes deprivation and prohibition
- 3.2. 3.2. Rights of accused; Doctrine of ex-post -facto law; Doctrine of Double Jeopardy; privilege against self-incrimination.
- 3.3. 3.3. Protection of life and personal liberty; right to education; safeguards against ordinary arrest and preventive detention; right against exploitation.
- 3.4. 3.4. Ambit of religious freedom, cultural and educational rights
- 3.5. 3.5. Right to Constitutional remedies; Fundamental Rights vis-à-vis armed forces.
- 3.6. 3.6. Martial Law and Armed Forces Special Powers Act
- 3.7. 3.7. Religious and Minority Rights

### **Unit-4**

**Teaching Hours:15**

## **Directive Principles of State Policy and Fundamental Duties**

- 4.1. 4.1. Relative importance of Directive Principles of State Policy (DPSP) and Fundamental Rights
- 4.2. 4.2. Nature of Directive Principles of State Policy, Justifiability of Directive Principles of State Policy
- 4.3. 4.3. Social security and welfare provisions under Directive Principles of State Policy; economic rights
- 4.4. 4.4. Directive Principles of State Policy that were read into Fundamental Rights
- 4.5. 4.5. Fundamental Duties - evolution, relationship between Fundamental Rights and Duties

### **Text Books And Reference Books:**

1. H.M. Seervai, Constitutional Law of India - Vol. I &II
2. V.N.Shukla , Constitution of India
3. Subhash C Jain, The Constitution of India
4. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E

5. M. Hidayatullah (Ed.), Constitution of India
6. M.P.Jain, Indian Constitutional Law
7. Subba Rao G C V, Indian Constitutional Law
8. Pande G S, Constitutional Law of India
9. Saharay H K, Constitution of India
10. Pylee M.V, Our Constitution, government & politics
11. Tope T K, Constitutional Law of India

### **Essential Reading / Recommended Reading**

H.M. Seervai, Constitutional Law of India – Vol. I &II

2. V.N.Shukla , Constitution of India
6. M.P.Jain, Indian Constitutional Law

### **Evaluation Pattern**

- CIA I – Class Test / Assignment / Presentation – 10%
- CIA II – Mid Semester Examination – 25%
- CIA III – Research Topic – 10%
- Attendance – 05%
- End Semester Examination – 50%

**TOTAL**

**100%**

## **LLM134CAL - CENTRE - STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE (2020 Batch)**

**Total Teaching Hours for Semester:60**

**No of Lecture  
Hours/Week:4**

**Max Marks:100**

**Credits:3**

### **Course Objectives/Course Description**

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.

The Course is divided into Seven Units.

Unit-1 aims at familiarizing the students about the historical background of and the nature of federalism in India. It also gives an understanding of the different forms of Governments. Further, it enables the students to understand the judicial perspective of the Indian federalism.

Unit-2 gives the students an insight into the Legislative relations between the Union and the States. It also helps the students to understand the principles of interpretation of various lists and the doctrines in relation thereto.

Unit-3 aims at making the students understand the Administrative relations between the Centre and States in India.

Unit-4 aims to give the students an insight into the financial relations between the Union and the States in India. The students shall also be introduced to the role of finance commissions in the Centre- State relationship. Students will also be introduced to the borrowing powers and cooperative federalism.

Unit-5 gives an insight into the freedom of inter-state trade and commerce.

Unit-6 aims to acquaint the students understand the various provisions in the Constitution with regard to the Services under the Union and the States.

Unit-7 aims at familiarizing the students with the various Emergency provisions in the Constitution of India and the relationship between the Centre and States during emergency.

### **Course Objectives:**

1. To give the students an insight into the federal structure as envisaged in Constitution of India; and
2. To understand the Legislative, Administrative and Financial relations between the Centre and the States.

### **Learning Outcome**

On the completion of the course the students will be able to-

1. Discuss the different forms of government and explain the features and the distinction between them.
2. Trace the historical background of federalism in India.
3. To explain the nature of Indian federalism.
4. To discuss the Legislative relations, Administrative and financial relations between the Centre and the States.
5. To understand the principles of interpretation of lists.
6. To explain and discuss the freedom of inter-state trade and commerce.
6. To discuss the Services under the Union and the States.

7. To discuss the relations of Centre and the States during emergency.

### **Unit-1**

**Teaching Hours:7**

#### **NATURE OF INDIAN POLITY**

**Learning Outcome:** At the end of this Unit the students will be able to understand the historical background and the nature of federalism in India. Students will be able to discuss the different forms of Governments and explain the features and the distinction between them. Students will be in a position to trace the historical background of federalism in India. Further, it enables the students to understand the judicial perspective over the Indian federalism.

- 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. Nature of Indian Federalism -Dominant features of the Union over the States
- 1.7. Judicial Perspective over the Indian federalism

### **Unit-2**

**Teaching Hours:12**

#### **LEGISLATIVE RELATIONS BETWEEN THE CENTRE AND THE STATES**

**Learning Outcome:** At the end of this Unit students will be able to discuss the legislative relations between the Union and the States. It shall help the students to understand the principles of interpretation of various lists and the doctrines in relation thereto.

- 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

### **Unit-3**

**Teaching  
Hours:10**

## **ADMINISTRATIVE RELATIONS BETWEEN THE UNION AND STATES**

**Learning Outcome:** On completion of this Unit the students will be able to discuss the administrative relations between the Centre and States in India.

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

### **Unit-4**

**Teaching  
Hours:12**

## **FINANCIAL RELATIONS BETWEEN THE UNION AND THE STATES**

**Learning outcome:** At the end of this Unit the students will be able to discuss the financial relations between the Union and the States in India. The students will also be able to explain the role of finance commissions in the Centre- State relationship. Students will also understand the borrowing powers and cooperative federalism.

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

### **Unit-5**

**Teaching Hours:6**

## **FREEDOM OF TRADE, COMMERCE AND INTERCOURSE**

**Learning Outcome:** At the end of this Unit the students will be able to explain and discuss the freedom of Trade and commerce.

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

### **Unit-6**

**Teaching Hours:8**

## **SERVICES UNDER THE UNION AND THE STATES**

**Learning Outcome:** On completion of this Unit aims to help the students discuss the various provisions of the Constitution with regard to the 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

### **Unit-7**

**Teaching Hours:5**

## EMERGENCY PROVISIONS

**Learning Outcome:** On completion of this Unit the students will be able to explain and discuss the various emergency provisions in the Constitution of India and the relationship between the Centre and States during emergency.

7.1 National Emergency

7.2 State Emergency

7.3 Financial Emergency

### Text Books And Reference Books:

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, 5<sup>th</sup> 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**

1. Federalism In India, Benjamin N. Schoenfeld, [Http://Www.Jstor.Org/Stable/42743497](http://www.jstor.org/stable/42743497)
2. Federalism : A Conceptual Analysis, S. A. Paleker, The Indian Journal Of Political Science, Vol. 67, No. 2 (Apr.- June, 2006), Pp. 303-310, Indian Political Science Association, [Http://Www.Jstor.Org/Stable/41856217](http://www.jstor.org/stable/41856217)
3. United In Diversity? Asymmetry In Indian Federalism, Louise Tillin, [Http://Www.Jstor.Org/Stable/4624781](http://www.jstor.org/stable/4624781)
4. Coalition Government And Federal System In India, M.G. Khan [Http://Www.Jstor.Org/Stable/41855780](http://www.jstor.org/stable/41855780)
- 5, The Nature Of Indian Federalism: A Critique, H. M. Rajashekara, [Http://Www.Jstor.Org/Stable/2645661](http://www.jstor.org/stable/2645661)
6. The Indian Union And Emergency Powers, Krishna K. Tummala, [Http://Www.Jstor.Org/Stable/1601275](http://www.jstor.org/stable/1601275)

7. Finance Commission In A Federal Set-Up, Vinod Vyasulu, [Http://Www.Jstor.Org/Stable/4404650](http://Www.Jstor.Org/Stable/4404650)
8. Dr. B. R. Ambedkar And Making Of The Constitution: A Case Study Of Indian Federalism, K. H. Cheluva Raju, [Http://Www.Jstor.Org/Stable/41855548](http://Www.Jstor.Org/Stable/41855548)
9. Ramaswamy R. Iyer, Inter-State Water Disputes Act 1956: Difficulties And Solutions, [Http://Www.Jstor.Org/Stable/4412360](http://Www.Jstor.Org/Stable/4412360)
10. Federalism And Water Resources, Ramaswamy R. Iyer, [Http://Www.Jstor.Org/Stable/4400999](http://Www.Jstor.Org/Stable/4400999)
11. Ga.Akerlof, [Centre-State fiscal relations In India - Www.Jstor.Org/Stable/29794022](http://Www.Jstor.Org/Stable/29794022)
12. H. M. Rajasekhara, [The Nature Of Indian Federalism: A Critique - Www.Jstor.Org/Stable/2645661](http://Www.Jstor.Org/Stable/2645661)
13. Balveer Arora, India's Experience With Federalism: Lessons Learnt And Unlearnt, [Www.Uni-Bielefeld.De/Midea/Pdf/Balveer.Pdf](http://Www.Uni-Bielefeld.De/Midea/Pdf/Balveer.Pdf)

### Evaluation Pattern

CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%

**TOTAL**

**100%**

## LLM135CAL - ADMINISTRATIVE LAW (2020 Batch)

**Total Teaching Hours for Semester:60**

**No of Lecture Hours/Week:4**

**Max Marks:100**

**Credits:3**

### Course Objectives/Course Description

The objective of studying of Administrative law is to understand nature of the administration and the role of law. Earlier, the functions of the state were so defused and were dealing with sporadic

issues such as policing and protection from external aggression. There is a sea change in the philosophy of governance of the state and there is a paradigm shift from laissez faire to welfare state. The welfare state is now to show concern for every issue of the subjects almost from cradle to grave. It proliferates into every aspect of life. The three wings of the state established under the Constitution functions to ensure welfare of the subjects. There is an unprecedented rise in state intervention in an individual's (whether citizen or non-citizen) life. The Executive play a vital role in administration of state. It is to execute the decisions of the other two wings of the state besides functioning independently. Therefore, the functions of it have increased manifold and continue to increase further. Thus, there has been increase in scope for accumulation of power and functions which has the tendency to corrupt. On the other hand, the legislature functions only for a limited period. It has limited its role to perform formative role and delegate rule making power to the executive. Further, the executive is to play the role of the judiciary inter alia due to piling up of cases and technically different matters paving the way for constitution of special judicial cum administrative bodies called Tribunals. Thus, there is manifold increase in the affairs of the executive and the scope for arbitrary and whimsical exercise of power. But, equally significant is the role of the ensuring administration of justice even in the parallel systems being developed in the form of administration besides the traditional institutions. In this scenario, to ensure the effective functioning of the wings of the state and other instrumentalities of the executive within the umbrella of the Constitution there has been evolution of the subject of study namely, the Administrative Law.

Therefore, administrative law has evolved into a separate branch of law taking into its fold complex and intricate issues and exercise of fundamental principles of law and justice. Its rapid growth in the 20th century is regarded as the most significant development in the field of law. It deals with the adjective form of the legal framework governing public administration and the principles to control executive power to avoid arbitrariness.

### **Learning Outcome**

After completion of the course the students will be able to:

1. Explain the nature, scope, necessity and development of Administrative Law and action;
2. Identify distinction between the Constitutional Law and Administrative Law;

3. Identify the basic rules and principles followed to render administrative justice;
4. Examine the reasons and evolution of delegated legislation and the functioning of the delegated authorities within the ambit of the power conferred;
5. Examine the functioning of the special bodies constituted as alternative means for administering justice viz., Administrative Tribunals, Ombudsman, Lokayukta, Lokpal;
6. Analyse the remedies available against administrative actions;
7. Analyze the working of administration vis-a-vis rights of citizens.

### **Unit-1**

**Teaching  
Hours:12**

#### **Fundamentals of Administrative Law**

- 1.1. Evolution, definition, nature, scope and significance of Administrative Law in various system of governance from ancient to modern. Development of Administrative law in USA, UK and India, and *Droit Administratif* and *Conseild'etat* in France.
- 1.2. Constitutional dimensions of administrative law and its relationship, Role of administrative law in welfare state and relationship between constitutional and administrative law.
- 1.3. Rule of law and separation of powers.
- 1.4. Classification of power, delegation of legislative power and control.

### **Unit-2**

**Teaching  
Hours:12**

#### **Procedural fairness and Administrative Discretionary power**

- 2.1. 2.1 Evolution and significance of principle of Natural justice
- 2.2. 2.2. Right to fair hearing – *audi alteram partem* – Administrative cases – statutory hearing- reasoned decision and its exceptions .: *nemo iudex in causa sua* -Rule against bias , Kinds of bias and exceptions
- 2.3. 2.3. Administrative Discretionary power – definition, its scope, nature and relevance in the present day context, with the support of right to information Act, 2005.use, misuse, abuse and non-use of discretionary power.
- 2.4. 2.4.Judicial control over Administrative Discretionary power – Retention, Dictation and Abuse of Administrative power.
- 2.5. 2.5. Ombudsman Lokpal and Lokayukta

### **Unit-3**

**Teaching**

**Hours:12****Judicial review of Administrative action**

- 3.1. 3.1. Nature extent and limitation of Administrative action in India. Judicial control over Administrative action- remedies for Administrative wrongs, Writs Remedies.
- 3.2. 3.2. Limits of Judicial review-*Locus standi* and PIL- *Laches-Resjudicata* and Doctrine of exhaustion of alternative remedies - Doctrine of Standing and Doctrine of Ripeness
- 3.3. 3.3. Statutory Remedies - General and Specific statutory remedies for administrative action.
- 3.4. 3.4. Administrative process- judicial control- Liabilities and accountabilities of the states- Administrative Tribunals

**Unit-4****Teaching Hours:12****Governmental privilege, Official Secrecy and Access to information**

- 4.1. Governmental Privileges- withholding of documents and evidence-Official Secrets Act,1923. Rebuttal of governmental privileges
- 4.2. Governmental Privileges position in England and India. Right to Information Act, 2005.
- 4.3. Doctrine of Legitimate Expectation and its constitutional dimensions and limitations. Public utility services.
- 4.4. Nature and Extent of Doctrine of proportionality and *wednesbury* principle.

**Unit-5****Teaching Hours:12****Protections of civil servant, Administrative Adjudication and Public undertakings and corporations**

- 5.1. Constitutional protection of civil servants, need for protection of civil servants. Lacunae in the protection.
- 5.2. Terms and condition of service, tenure of office - the doctrine of pleasure its extent and limitations and exceptions, Administrative Adjudication -Exclusion clause and Administrative Tribunals and Special Court Act - 1979.
- 5.3. Nature, Constitution and powers of Public Undertakings and control over them.
- 5.4. Privatization of public corporations and its impact in India on concept of state.

**Text Books And Reference Books:**

1. Basu, Durga Das, Administrative Law.

2. De Smith - Judicial Review of Administrative Action, 6<sup>th</sup> Revised Edition 2006, Sweet and Maxwell Publication.
3. Garner's - Administrative Law, 8<sup>th</sup> Edition 1996, Oxford University press
4. H.W.R. Wade and C.F. Forsyth - Administrative Law, 10<sup>th</sup> Edition 2009, Publication-Oxford University Press, New York.
5. I. P. Massey - Administrative Law, 7<sup>th</sup> Edition 2008. Publication-Eastern Book Company, Lucknow.
6. Jain, M.P., Cases and Materials on Indian Administrative Law, Nagpur: Lexis Nexis, India.
7. M. P. Jain & S. N. Jain, Principles of Administrative Law, Nagpur: Lexis Nexis, India, 2010.
8. Richard J Pierce & Kenneth Culp Davis, Administrative Law treatise
9. S. P. Sathe - Administrative Law, 7<sup>th</sup> Edition 2006. Lexis Nexis, Butterworth's Publication.
10. Subba Rao, G C V, Administrative law

### **Essential Reading / Recommended Reading**

1. Ajoy P.B., Administrative Action and the Doctrine of Proportionality in India, <http://www.iosrjournals.org/iosr-jhss/papers/Vol1-issue6/D0161623.pdf>
2. Justice Markandey Katju., Administrative law and judicial review of administrative action, [http://www.ebcindia.com/lawyer/articles/2005\\_8\\_25.htm](http://www.ebcindia.com/lawyer/articles/2005_8_25.htm)
3. Anupa V. Thapliyal, Central Administrative Tribunals and Their Power to Issue Directions, Orders or Writs Under Articles 226 and 227 of the Constitution, <http://www.ebc-india.com/lawyer/articles/92v4a4.htm>
4. Shubham Manoj Khare, Administrative Discretion & Limitation on Administrative Discretion By Article 14 & 16 of the Indian Constitution, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1465519](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1465519)
5. D.Y. Chandrachud, Constitutional and Administrative Law in India, <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1142&context=ijli>
6. Prof. S.S. Vishweshwaraiah, Emerging Trends In Administrative Law, <http://elearning.vtu.ac.in/P3/CIP71/5.pdf>
7. A. T. Markose, 'Judicial Control of Administrative Action in India. A Study in Methods.' <http://www.jstor.org/stable/pdfplus/1337434.pdf?acceptTC=true>
8. Y Pardhasaradhi, Ravinder Kaur, Administrative Reforms for Good Governance, <http://socialsciences.in/article/administrative-reforms-good-governance>
9. 162<sup>nd</sup> Report of the Law Commission on Central Administrative Tribunal, <http://lawcommissionofindia.nic.in/101-169/report162.pdf>

## Evaluation Pattern

• CIA I – Class Test / Assignment / Presentation	– 10%
• CIA II – Mid Semester Examination	– 25%
• CIA III – Research Topic	– 10%
• Attendance	– 05%
• End Semester Examination	– 50%
	<b>TOTAL</b>
<b>100%</b>	

CIA 1 shall be an assignment on selected topics.

CIA 3 shall be a research paper.

## LLM136CAL - PUBLIC POLICY AND DEVELOPMENT (2020 Batch)

**Total Teaching Hours for Semester:60**

**No of Lecture  
Hours/Week:4**

**Max Marks:100**

**Credits:3**

### Course Objectives/Course Description

#### COURSE DESCRIPTION

Public policy and development acquaints students with the actors, institutions, and processes of public policy-making in India. It will also help students to develop the analytical tools necessary to think critically about matters associated with the making and implementation of Indian public policy.

#### COURSE OBJECTIVES

At the end of Unit 1 student will get an understanding about the meaning and scope of public policy, its making process, its goals and the means and methods of implementation. Unit 2 acquaints the students with constitutional and statutory basis on health care its implications and law and public health policy thus giving an opportunity to perceive the existing health care policy based on this . Unit 3 acquaints the students with the environmental policy, its formulation and implementation thus giving an overall idea about institutional functions of environmental boards and its related policies. At the end unit 4 a student will acquire a deeper insight about the meaning and scope of right to education, adult education and general appraisal on The Right to Education Act. At the end of

unit 5 students will be in a position to appreciate the meaning and scope of globalization , International Trade Policies and its impact on domestic policies and legislative response and related trade policy.

### **Learning Outcome**

- To explain the nature and scope of concept of public policy and development.
- To describe the nature and scope of health care policy.
- To compare the nature and scope application of energy and environment policy.
- To analyze the nature and scope of education policy in India.
- To demonstrate the ambit and extent of application of economic and industrial policy.

### **Unit-1**

**Teaching Hours:12**

#### **NATURE AND EXTENT OF PUBLIC POLICY**

##### **Learning outcome:**

On completion of this UNIT, the students are expected to learn the nature and scope of concept of public policy and development.

- 1.1. Significance of policy making & implications on society
- 1.2. Policy making process - formulation, adoption implementation and evaluation, Indicators for determining Issues (how widespread a problem, How troublesome, How long a problem, Costliness of the problem, What if the issue is kept off Public agenda) formulation, adoption implementation and evaluation-[Does the Policy make sense(Quantitative approach and qualitative approach)]
- 1.3. Policy Advocacy- Surveying Policy making Landscape(Public officials, Mass Media, Interest Groups, Political Parties, Bureaucracy, Citizens as Individuals and in Small groups, Agenda building In Perspective)
- 1.4. Goals underlying policy making - Equity, Efficiency, Welfare, Liberty and Security Means and methods of implementation-( Executive as Implementation Agents, Requirements for Implementation, Conditions for discouraging Implementation, Bureaucrats as Public Policy makers)
- 1.5. Domestic Policy v Foreign Policy

### **Unit-2**

**Teaching Hours:12**

## **HEALTH CARE POLICY**

**Learning outcome:** On completion of this UNIT, the students are expected to learn the nature and scope of health care policy.

- 2.1 Public Health Policy – Constitutional and statutory basis
- 2.2. Coverage of policy – Universal or selective
- 2.3. Medicare and Medicaid
- 2.4. Law and public health policy
- 2.5. Policy reform and evaluation

### **Unit-3**

**Teaching Hours:12**

## **ENERGY AND ENVIRONMENTAL POLICY**

**Learning outcome:** On completion of this UNIT, the students are expected to learn the nature and scope application of energy and environment policy.

- 3.1. Energy Policy – formulation and implementation
- 3.2. Energy crisis and protection of Natural resources
- 3.3. Environmental Policy – Elements, Concept of Development Sustainable development, Brundtland Report on Sustainable Development, Policy Initiatives of the State for development-Urban/Rural Development-73 and 74 Constitutional Amendments.
- 3.4. Normative structure of environmental policy
- 3.5. Institutional functions of implementation of Environment policy

### **Unit-4**

**Teaching Hours:12**

## **EDUCATION POLICY**

**Learning outcome:** On completion of this UNIT, the students are expected to learn the nature and scope of education policy in India.

- 4.1. Elements of Education Policy
- 4.2. Right to education – scope and content
- 4.3. Adult education and women’s education
- 4.4. The Right to Education Act – An Appraisal
- 4.5. Commercialization of education: causes and consequences

### **Unit-5**

**Teaching Hours:12**

## **ECONOMIC AND INDUSTRIAL POLICY**

**Learning outcome:** On completion of this UNIT, the students are expected to learn the ambit and extent of application of economic and industrial policy.

- 5.1. Globalization and economic policy
- 5.2. Globalization and industrial policy
- 5.3. International Trade Policies and their impact on domestic policies
- 5.4. Legislative response to economic and trade policy
- 5.5. Judicial role in evaluation of economic and industrial policies.
- 5.6. Foreign Direct Investment Policy
- 5.7. Information Technology Policy

### **Text Books And Reference Books:**

1. Deborah Stone, Policy Paradox, The Art of Political Decision Making
2. J.E. Anderson, Public Policy Making, Boston Houghton Mifflin 1990
3. Michael E. Craft and Scott. R. Furlong., " Public Policy – Politics Analysis and Alternatives"
4. P.H. Applebey, Policy & Administration, Alabama Univ. Press 1957
5. Pankaja P B, Industrial Policies in India, CLJ
6. R.K. Sapru, Public Policy, Delhi Sterling 1994
7. S.S. Nagel, Policy Theory and Policy Evaluation, Concepts Knowledge, Causes & Norms, Delhi, Greenwood Press 1990
8. T.D. Dror, Understanding Public Policy Englewood's Cliffs NJ Prentice hall, 1984
9. W. Dunn, Public Policy Analysis: An Introduction, Englewood's Cliffs NJ Prentice hall, 1984

### **Essential Reading / Recommended Reading**

1. Deborah Stone, Policy Paradox, The Art of Political Decision Making
2. J.E. Anderson, Public Policy Making, Boston Houghton Mifflin 1990
3. Michael E. Craft and Scott. R. Furlong., " Public Policy – Politics Analysis and Alternatives"

### **Evaluation Pattern**

- CIA I – Class Test / Assignment / Presentation – 10%
- CIA II – Mid Semester Examination – 25%
- CIA III – Research Topic – 10%
- Attendance – 05%
- End Semester Examination – 50%

**TOTAL 100%****LLM151CAL - FOUNDATION COURSE (2020 Batch)****Total Teaching Hours for Semester:45****No of Lecture  
Hours/Week:4****Max Marks:100****Credits:2****Course Objectives/Course Description**

In order to lay a strong foundation for the study of law at the Post graduate level, this course is designed to give an insight into the nature, purpose, role of law in the society and the various perspectives and critique of law. Further the students will be given a brief understanding of basics of law and economics and legal research. Students will also be given an insight into developing various soft skills in order to enhance their capacities to build a strong foundation for their profession.

**Course Objectives:**

- To give an insight into the nature, purpose, role of law in the society and the various perspectives and critique of law.
- To give an overview of the nature of judicial process and precedent in English law.
- To familiarise the students with the basics of law and economics and legal research.
- To focus on developing various soft skills required for the legal profession.

**Learning Outcome****At the end of the course the students will be able to:**

- explain the nature, evolution, purpose, role of law in the society.
- understand and examine the various theories, concepts and principles involved in the study of law.
- discuss and analyze the nature of judicial process and precedent in English law.
- develop the ability to engage in reflective and critical thinking of law.
- understand the basics of law and economics and legal research
- develop their research, reading, writing and communication skills.

**Unit-1****Teaching Hours:9**

## **INTRODUCTION TO JURISPRUDENCE**

- 1.1 Nature of Jurisprudence
- 1.2 Schools of Jurisprudence-Natural law, Positivism, Pure science of law, Historical, Sociological, Realism, teleological school
- 1.3 Evolution and definition of law
- 1.4 Sources of Law
- 1.5 The Technique of the law-Classification, Titles, Acts, Events
- 1.6 Public Law-Law and the State, Criminal law
- 1.7 The concept of Legal Personality
- 1.8 Rights and Duties
- 1.9 The Concept of Property
- 1.10 Possession and Ownership
- 1.11 Law of Procedure

### **Unit-2**

**Teaching Hours:8**

## **THE CONCEPT OF LAW-H.L. A. HART**

- 2.1 Laws, commands and Orders
- 2.2 The variety of Laws
- 2.3 Sovereign and subject
- 2.4 Law as the Union of Primary and Secondary Rules
- 2.5 The foundations of a Legal system
- 2.6 Formalism and Rule Skepticism
- 2.7 Justice and Morality
- 2.8 International Law

### **Unit-3**

**Teaching Hours:7**

## **TAKING RIGHTS SERIOUSLY-RONALD DWORKIN**

- 3.1 Introduction
- 3.2 Model Rules I and II
- 3.3 Hard cases, Constitutional Case
- 3.4 Justice and Rights
- 3.5 Taking Rights seriously
- 3.6 Civil Disobedience
- 3.7 Reverse discrimination
- 3.8 Liberty and Moralism; Liberty and Liberalism

### **Unit-4**

**Teaching Hours:7**

## **NATURE OF JUDICIAL PROCESS-BENJAMIN CARDOZA**

- 4.1 Introduction-The Method of Philosophy
- 4.2 The Methods of History, Tradition and Sociology
- 4.3 The Method of Sociology, The Judge as a Legislator
- 4.4 Adherence to Precedent- The Subconscious element in the Judicial Process

### **Unit-5**

**Teaching Hours:7**

## **PRECEDENT IN ENGLISH LAW-RUPERT CROSS**

- 5.1 The English Doctrine of Precedent
- 5.2 Ratio Decendi and Obiter Dictum
- 5.3 Stare decisis and exceptions to stare decisis
- 5.4 Precedent as a source of law; Precedent and Judicial Reasoning; Precedent and legal theory

**Unit-6****Teaching Hours:3****LAW AND ECONOMICS**

- 6.1. Basics of Law and Economics

**Unit-7****Teaching Hours:2****SOFT SKILLS**

- 7.1. Public speaking
- 7.2. Communication skills-Reading and writing

**Unit-8****Teaching Hours:2****INTRODUCTION TO LEGAL RESEARCH**

- 8.1. Basics of legal research

**Text Books And Reference Books:**

1. Taking Rights Seriously-Ronald Dworkin
2. Nature Of Judicial Process-Benjamin Cardoza
3. Precedent In English Law-Rupert Cross
4. The Concept Of Law-H.L. A. Hart
5. A Text book on Jurisprudence, G. W. Paton
6. Principles of statutory interpretation, G.P. Singh

**Essential Reading / Recommended Reading**

1. Taking Rights Seriously-Ronald Dworkin
2. Nature Of Judicial Process-Benjamin Cardoza
3. Precedent In English Law-Rupert Cross
4. The Concept Of Law-H.L. A. Hart
5. A Text book on Jurisprudence, G. W. Paton

**Evaluation Pattern**

Examination at the end of the course.

## LLM152CAL - RESEARCH METHODS AND LEGAL WRITING (2020 Batch)

**Total Teaching Hours for Semester:60****No of Lecture Hours/Week:4****Max Marks:100****Credits:4****Course Objectives/Course Description**

This course intends to enhance the legal research skills among students. Students would be able to appreciate the nuances of legal research by discussions outlined in Unit I of the syllabus with basics of legal research. Unit II deals with Research problem, hypothesis, Research design and sampling. Unit III deals with Research Methods and tools. Unit IV deals with Tabulation, analysis, interpretation and Report Writing. Unit V deals with Legal Writing.

The main objective of this course is to acquaint the students of LLM with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in writing and publishing a research paper in this course.

### **Learning Outcome**

By the end of the course the students will be able to:

1. Survey literature to identify gaps in the existing body of knowledge.
2. Students will be able to write a Literature Review.
3. Formulate research problem and identify research questions.
4. Analyse the issues related to applicability of scientific methods in legal research.
5. Apply appropriate research method.
6. Draw appropriate suggestions and conclusions based on sound logical legal reasoning.

### **Unit-1**

**Teaching Hours:12**

### **BASIC OF LEGAL RESEARCH**

**Learning Outcome:** On completion of this UNIT students will be able to understand the basics of research, kinds of research and scientific methods.

1.1. Meaning, objectives of legal research

1.2. Characteristics of scientific method – applicability of scientific method

1.3. Kinds of Research

1.4. Concepts and constructs- relationship between theory and fact

1.5. Stages of Research Process

**Unit-2**

**Teaching  
Hours:12**

**RESEARCH PROBLEMS, HYPOTHESIS,  
RESEARCH DESIGN, SAMPLING**

**Learning Outcome:** On completion of this UNIT students will be able to understand broadly the criteria for identification of Research Problem Definition, Determination, Sources of Data, Hypothesis – Meaning and definitions, Characteristics, Research Questions and Hypothesis, Research Design – Meaning and essentials of Research Design, Forms and major steps in Research Design.

2.1 Research Problem – Definition, Determination, Sources of Data

2.2 Hypothesis – Meaning and definitions, Characteristics, Research Questions and Hypothesis

2.3 Research Design – Meaning and essentials of Research Design, Forms of Research Design, and major steps

2.4 Testing of Hypothesis

2.5 Sampling techniques – definition, basic assumptions, classifications

**Unit-3**

**Teaching  
Hours:12**

**RESEARCH METHODS AND TOOLS**

3.1.

**Learning Outcome:** On completion of this UNIT students will be able to differentiate between Social and legal survey, besides getting a perspective on Case method, Jurimetrics, Questionnaires and Schedule, Observation, interview and Hawthorne effect or observation bias.

3.1. Social and legal survey

3.2. Case Study method

3.3.

3.3. Jurimetrics

- 3.4. 3.4. Interview, Questionnaire and Schedule
- 3.5. 3.5. Observation -Hawthorne effect / observation bias
- 3.6. 3.6. Doctrinal and Non doctrinal /Empirical Methods of Research

**Unit-4**

**Teaching  
Hours:12**

**TABULATION, ANALYSIS,  
INTERPRETATION AND REPORT  
WRITING**

**Learning Outcome:**On completion of this UNIT students will be able to get acquainted with the means of Classification and Tabulation of Data, Analysis and interpretation of Data, Use of Statistical methods and computers in legal research, Reporting and Methods of Citations, Ethics in research and Plagiarism

- 4.1 Classification and Tabulation of Data
- 4.2 Analysis and interpretation of Data
- 4.3 Use of Statistical methods and computers in legal research
- 4.4 Reporting and Methods of Citations
- 4.5 Ethics in research and Plagiarism
- 4.6 Research Reports- Case Comment, Articles, Dissertation, Thesis

**Unit-5**

**Teaching  
Hours:12**

**LEGAL WRITING**

**Learning Outcome:** On completion of this UNIT students will be able to Foundations of writing, Transmittal letter, client opinion letter and e-mail correspondence, Pleadings, Preparation of a Memorandum and outlines of Legislative Drafting

- 5.1 Foundations of writing
- 5.2 Transmittal letter, client opinion letter and e-mail correspondence
- 5.3 Pleadings
- 5.4 Office memo
- 5.5 Memorandum of Law
- 5.6 Appellate brief
- 5.7 Legislative Research and Legislative Drafting; Preparation of draft Bill

### Text Books And Reference Books:

1. Amy E Sloan, Basic Method Research – Tools and Materials
2. Baxi, Upendra, 'Socio-Legal Research in India-A Program Schriff, ICSSR, Occasional Monograph, 1975.
3. Carol M Bast, Foundations of Legal Research and Writing
4. Cohen, Morris L., 'Legal Research', Minnesota, West Publishing Co. 1985.
5. Dawson, Catherine, 2002, Practical Research Methods, New Delhi, UBS
6. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
7. Ghosh, B.N., 'Scientific Method and Social Research', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
8. Goode and Hatt, 'Methods in Social Research', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
9. H.M.Hyman, Interviewing in Social Research (1965)
10. Harvard Law Review Association, Uniform System of Citations.
11. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited,London.
12. ILI Publication, Legal Research and Methodology
13. Johari J.C. (ed.), 'Introduction to the Method of Social Sciences', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
14. Kothari C.K., 'Research Methodology: Method and Techniques', New Delhi, Wiley Eastern Ltd., 1980.
15. Kothari, C.R., 1985, Research Methodology- Methods and Techniques, New Delhi, Wiley Eastern Limited.
16. Kumar, Ranjit, 2005, Research Methodology-A Step-by-Step Guide for Beginners, (2nd.ed.), Singapore, Pearson Education.
17. Whitney, F.L., The elements of Research.
18. Legal Research Methodology Indian Case Laws, [www.nyulawglobal.org/globalex/india\\_legal\\_research.htm](http://www.nyulawglobal.org/globalex/india_legal_research.htm)
19. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
20. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
21. N.R. MadhavaMenon, (ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Luck now.
22. Ne, The art of Asking Question (1965)
23. Pauline V. Young, Scientific Social Survey and Research, (1962)
24. Payne, The Art of Asking Questions (1965)
25. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2<sup>nd</sup> Edition.
26. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
27. Stone, Julius, 'Legal System and Lawyer's Reasoning', Sydney, Maitland Publications, 1968.

28. William J. Grade and Paul K. Hatt, *Methods in School Research*, McGraw-Hill Book Company London.
29. Dr. Tewari H N, *Legal Research Methodology*
30. Ranjit Kumar *Research methodology: a step by-self guide for beginners*
31. Krishna Swami O R *Methodology of research in social sciences*
32. Dr. Tewari H N *Legal Research Methodology*
33. Joseph Gibaldi *MLA handbook for writers of research papers*
34. Myneni S R *Legal research methodology*
  
35. AnwarulYagin *Legal research and writing methods*

### **Essential Reading / Recommended Reading**

1. High Brayal, Nigel Dunean and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School*, (1998) Blackstone Press Limited, London
2. *Legal Research Methodology Indian Case Laws-*  
[www.indiancaselaws.wordpress.com](http://www.indiancaselaws.wordpress.com)
3. N.R. Madhava Menon, (ed) *A Handbook of Clinical Legal Education*, (1998) Eastern Book Company, Lucknow. M.O.Price, H.Bitner and Bysiewiez, *Effective Legal Research* (1978)
4. Pauline V. Young, *Scientific Social Survey and Research*, (1962)
5. William J. Grade and Paul K. Hatt, *Methods in Social Research*, McGraw-Hill Book Company, London
6. H.M.Hyman, *Interviewing in Social Research* (1965)
7. Payne, *The Art of Asking Questions* (1965)
8. Erwin C. Surrency, B.Fielf and J. Crea, *A Guide to Legal Research* (1959)
9. Morris L. Cohan, *Legal Research in Nutshell*, (1996), West Publishing Co.
10. Harvard Law Review Association, *Uniform System of Citations*.
11. ILI Publication, *Legal Research and Methodology*
12. S.K.Agrawal (Ed.), *Legal Education in India* (1973), Tripathi, Bombay.

### **Evaluation Pattern**

- Assignment – submission of Literature Review & Viva – 20%
  
- Presentations: Statement of problem, research questions, research methodology – 20%

• Submission of Records 15%	-
• Publication of Research paper in a UGC listed 30%	-
Journals	
• Attendance 05%	-
• Viva 10%	-
<b>TOTAL 100%</b>	

## LLM231CAL - GLOBALIZATION, LAW AND JUSTICE (2020 Batch)

**Total Teaching Hours for Semester:60**

**No of Lecture  
Hours/Week:4**

**Max Marks:100**

**Credits:4**

### **Course Objectives/Course Description**

Description: 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.

Objective: The Course aims at providing an understanding of the concept of globalization and its impact on contemporary society and legal theory. In addition the course seeks to provide a critical

perspective of globalization and its impact on issues like human rights, justice, democracy et. al.

### **Learning Outcome**

At the end of course the students will be able to:

1. Identify and explain the nature of globalisation and its impact on the developments of law and legal theory;
2. Analyse the various issues like human rights, sovereignty of nation-state, legitimacy of international law in the wake of globalisation;
3. Develop a critical understanding about globalisation vis-a-vis various global issues as well as various theories of justice.

### **Unit-1**

**Teaching Hours:12**

#### **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

### **Unit-2**

**Teaching Hours:12**

#### **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.

### **Unit-3**

**Teaching Hours:12**

#### **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

### **Unit-4**

**Teaching Hours:12**

#### **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.

### **Unit-5**

**Teaching Hours:12**

#### **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. Rodriquez-Gravito (ed.) Law and Globalization from below: Towards a Cosmopolitan Legality, New York Cambridge University Press, 2005.

### **Essential Reading / Recommended Reading**

- <sup>1</sup> 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 Emanicipation, London: Butterworths, 2002.
4. Thomas Pogge, Global Justice, Oxford: Blackwell, 2001

### **Evaluation Pattern**

CIA 1 shall be an assignment coupled with presentation

CIA 2 shall be a research paper

**LLM232CAL - MEDIA LAW (2020 Batch)**

**Total Teaching Hours for Semester:60**

**No of Lecture  
Hours/Week:4**

**Max Marks:100**

**Credits:3**

### **Course Objectives/Course Description**

Mass communication from the days of printing press has played a very important role in the formation of the public opinion. Advancement in science and technology has changed the scope and dimensions of mass communication. ICT has created digital era for us. While there are definite benefits from these technologies, experience shows that these technologies can be abused to harm the interests of the society. The course aims to provide basic understating of the evolution of mass media and its regulation.

### **COURSE OBJECTIVES**

1. To understand the legal, ethical and regulatory framework governing the media in India.
2. To trace the historical background of Press regulation and broadcasting in India.
3. To understand the Constitutional framework impinging upon the fundamental rights to Freedom of Speech and Expression in India with special reference to Freedom of the Press and the fundamental right to Privacy.
4. To understand the various concepts and study the theories in relation to Media.
5. To discuss and evaluate the latest developments, issues and analyze the principles laid down in the cases in the field of Media law.
6. To acquaint the students with the importance and necessity of media ethics and develop and appreciate journalistic integrity

### **Learning Outcome**

On completion of this course the students will be able:

1. To discuss and analyze the legal, ethical and regulatory framework governing Media in India.

2. To trace the historical background to the freedom of Press in India.
3. To discuss and analyze the Constitutional framework in relation to freedom of speech and expression, freedom of Press, Right to Privacy.
4. To analyze and evaluate the latest developments and issues in the field of Media Law.
5. To analyze the principles laid down in the judgments of the courts.
6. To explain and discuss the importance and necessity of media ethics and journalistic integrity.
7. Apply the concepts to legal problems.
8. Devise a correct way to handle the legal problems.

**Unit-1**

**Teaching Hours:15**

**FREEDOM OF SPEECH AND EXPRESSION**

- 1.1.1. 1.1. Freedom of speech as a human right – Philosophical justification for the protection of Free speech right – Constitutional guarantee for Free Press – reasonable restrictions on Free speech
- 1.2. 1.2. Media Freedom – boundaries of a free press - Mass media –press, films, radio, television – ownership patterns – legal issues; Freedom of Information v Free Speech
- 1.3. 1.3. Origins of broadcasting – regulation of press and broadcasting – censorship of broadcasting media and press – leading cases – Evolution of television as a visual media
- 1.4. 1.4. Impact of films as visual media – censorship of films – judicial view on film censorship – standards of censorship, Role of media in law making process.

**Unit-2**

**Teaching Hours:15**

**PROTECTION OF REPUTATION**

- 2.1. 2.1. Defamation – overview – general framework for defamation law- role of malice – IPC provisions – remedies and damages
- 2.2. 2.2. Decent speech – indecent speech – hate speech – racial speech – obscenity on mass media – regulation and control
- 2.3. 2.3. Libel in press –regulation and control – Slander through Broadcasting audio-video defamation
- 2.4. 2.4. Internet as a platform of free speech – regulation of content on Internet self-regulation v Government regulation

- 2.5. 2.5. Libel and slander in cyberspace – cross border libel/slander – jurisdictional problems – Gutnick v John Doe

**Unit-3**

**Teaching Hours:15**

**MEDIA AND PRIVACY**

- 3.1. 3.1. Obscenity and pornography – historical background - Hicklin Test – contemporary standards in Miller v California - Child pornography
- 3.2. 3.2. Blasphemy – historical overview- censorship of stage productions – violence - legal regulation of blasphemy
- 3.3. 3.3. Privacy – historical development of private and confidential information – media practices and human rights – photo journalism in public places – child right to privacy
- 3.4. 3.4. Information privacy and reputation - personal data protection – abuse of personal information – marketing of personal information- internet privacy
- 3.5. 3.5. Press and Public access to the judicial processes , records, places and meetings – Right to Information Act

**Unit-4**

**Teaching Hours:15**

**MEDIA, ETHICS AND ADJUDICATION**

- 4.1. 4.1. Copyright issues in mass media – protection for copyrighted work – plagiarism – pirated music - remedies for infringement
- 4.2. 4.2. Media and Courts - Report of legal proceedings – trail by media – sensitive court reporting and human rights contempt of court – procedure and punishment
- 4.3. 4.3. Corporate and commercial speech – development of commercial speech doctrine – commercial speech for professionals and corporations – Art.19(1)(a) protection for unsolicited mail advertising – regulation of commercial speech
- 4.4. 4.4. Ethical dilemmas, issues and concerns in mass communication – foundation of ethics- different aspects of journalism’s ethical issues- Reporters privileges and protection of media sources
- 4.5. 4.5. Extra- judicial regulation of media content – press complaints and editors’ code of practice – Broadcasting standards commission – codes for advertisement standards – Film censorship board – ICANN

**Text Books And Reference Books:**

1. Ursula Smartt, Media and Entertainment Law, Routledge
2. Roy L Moore, Mass communication Law and Ethics

3. Perry Keller, European and International Media Law, Oxford
4. Sallie Spilsbury, Media Law, Cavendish
5. Frank Leishmann, Policing and the Media, Lawman
6. Roger L Sadler, Electronic Media Law, Sage
7. Sebastian Paul, Forbidden Zones; law and media
8. Jaya Patil, Mass media: support for rural development
9. Wayne Overbeck, Major principles of media law.

### **Essential Reading / Recommended Reading**

Madhavi Gordia Divan-Facets of Media Law

### **Evaluation Pattern**

#### **SCHEME OF VALUATION**

• CIA I – Class Test / Assignment / Presentation	– 10%
• CIA II – Mid Semester Examination	– 25%
• CIA III – Research Topic	– 10%
• Attendance	– 05%
• End Semester Examination	– 50%

**TOTAL**

**100%**

## **LLM233CAL - HEALTH LAW (2020 Batch)**

**Total Teaching Hours for Semester:60**

**No of Lecture  
Hours/Week:4**

**Max Marks:100**

**Credits:3**

### **Course Objectives/Course Description**

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. Most of the topics covered under the existing UNITS under the subject 'Health Law' are supposed to be taught in order to have an overall understanding of its meaning, scope, importance and also its applications and uses by the different agencies of criminal justice system in the administration of justice. 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.

The objective of this course is to impart the student's knowledge of the relation between law and medicine with special emphasis on legal and moral issues surrounding administration of treatment and performance of medical procedures in the backdrop of advancement in the sphere of medical technology.

### **Learning Outcome**

At the end of the course students will be able to -

1. Students will be able to understand and discuss the legal regime of health and medicine.
2. Students will be able to discuss the legal framework for health and medicine, Policy framework for the right to health, NRHM, Universal health insurance scheme, The National Medical Commission Act, 2019, Dentists Act, 1948 –Medical Degrees Act, 1916, Clinical Establishments (Registration & Regulation) Act, 2010, The Indian Medicine Central Council Act, 1970
3. Students will be able to explain the legal framework for controlling drugs and cosmetics, -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. Students will be able to explain the legal framework for the protection of reproductive health.
5. Students will be able to discuss the legal issues regarding insanity.
6. Students will be able to understand the enforcement of health of special categories of people.
7. Students will be able to explain the legal framework for forensic medicine.

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### **Unit-1**

**Teaching Hours:7**

### **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

**Unit-2****Teaching Hours:8****LEGAL REGIME FOR HEALTH AND MEDICINE**

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

**Unit-3****Teaching Hours:8****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.

**Unit-4****Teaching Hours:8****REPRODUCTIVE HEALTH**

4.1. Reproductive health- Termination of Pregnancy - Legal issues; The Medical Termination of Pregnancy Act, 1971; Medical Termination of Pregnancy Rules, 2003; Medical Termination of Pregnancy Regulations 2003; Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 - Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Rules 1990

**Unit-5****Teaching Hours:6****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**

### **Unit-6**

**Teaching Hours: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. People suffering from occupational diseases, People subjected to Clinical trial.

### **Unit-7**

**Teaching Hours:8**

#### **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**

### **Unit-8**

**Teaching Hours:7**

#### **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. *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*. 2<sup>nd</sup> 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*. 2<sup>nd</sup> 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.

### **Essential Reading / Recommended Reading**

Chaudhri, V. K. *Medical Jurisprudence and Toxicology*. Allahabad: Dwivedi Law Agency, 2007.

Herring, Jonathan. *Medical Law and Ethics*. Oxford; New York: Oxford University Press, 2006.

### **Evaluation Pattern**

- CIA I – Class Test / Assignment / Presentation – 10%
- CIA II – Mid Semester Examination – 25%
- CIA III – Research Topic – 10%
- Attendance – 05%
- End Semester Examination – 50%

**TOTAL**

**100%**

## **LLM234CAL - LOCAL SELF - GOVERNMENT LAW (2020 Batch)**

**Total Teaching Hours for Semester:60**

**No of Lecture  
Hours/Week:4**

**Max Marks:100**

**Credits:3**

### **Course Objectives/Course Description**

#### **COURSE DESCRIPTION**

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, and 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.

#### **COURSE OBJECTIVES**

- To give an insight into the introductory aspects, the historical and philosophical background of the Local Self-Government.
- To familiarise the students about the Constitutional scheme for the Local Self-Government.
- To familiarise the students about the structure, powers and functions of the rural Local Self-Government.

- To give the students an understanding about the structure, powers and functions of the Urban Local Self-Government.
- To address the issues of decentralization and grass root planning of the Local Self Government.
- To give an insight into the modern dimensions of Local Self Government.

### **Learning Outcome**

At the end of the course students will be able to -

- To understand the introductory aspects, the historical and philosophical background for the Local Self -Government.
- To discuss the Constitutional scheme for the local self-government.
- To explain the structure, powers and functions of the urban local self government.
- To discuss the issues of decentralization and grass- root planning of the local self-government.
- To analyze the modern dimensions of local self government.

### **Unit-1**

**Teaching Hours:10**

#### **INTRODUCTION**

**Learning outcome:** This UNIT aims at giving the students an insight into the introductory aspects, the historical and philosophical background for the local self -Government.

- 1.1. Meaning and genesis of democratic decentralization
- 1.2. History, Growth and Development of Panchayati Raj in India- Lord Rippon's resolution, Royal commission, Balwant Rai Mehta Committee Report
- 1.3. Gram Swaraj: Gandhian Concept
- 1.4. Community Development Programme
- 1.5. Administrative framework

### **Unit-2**

**Teaching Hours:10**

#### **CONSTITUTIONAL SCHEME**

**Learning outcome:** This UNIT will familiarize the student about the Constitutional scheme for the local self-government.

- 2.1. Federalism in India and Local Self Government
- 2.2. Directive Principles of State Policy - Art. 40
- 2.3. 73rd and 74th Constitutional Amendments
- 2.4. Schedules XI and XII of the Constitution
- 2.5. Second Administrative Reforms Commission
- 2.6. Sarkaria Commission, Punchi Commission and Local Governments

### **Unit-3**

**Teaching Hours:10**

#### **RURAL LOCAL GOVERNMENT**

**Learning outcome:** This UNIT aims at familiarizing the students about the structure, powers and functions of the rural local self government.

- 3.1. Gram Sabha- Meaning, importance, functions, meetings, Social Audit, Nyaya panchayat
- 3.2. Gram Panchayat-Introduction, composition, functions, Sarpanch, Powers and functions of Sarpanch
- 3.3. Taluk/Block Panchayat-Introduction, Composition, functions, Chairman-powers and functions
- 3.4. Zilla Panchayat-Introduction, composition, functions
- 3.5. Financial administration-devolution of financial powers, Composition of State Finance commission
- 3.6. State Control over PRIs

### **Unit-4**

**Teaching Hours:10**

#### **URBAN LOCAL GOVERNMENT**

**Learning outcome:**

This UNIT aims at giving the student an understanding about the structure, powers and functions of the urban local self government

- 4.1. Municipal Corporation-Organization and functions; Municipal Council; Mayor-functions and powers; committee-wards committees, district planning committee, Metropolitan planning committee; Municipal Commissioner- appointment, tenure, powers and functions
- 4.2. Cantonment Boards
- 4.3. Special purpose urban development agencies
- 4.4. Municipal Finance
- 4.5. State control and supervision

### **Unit-5**

**Teaching Hours:10**

#### **PLANNING FOR PRIs**

**Learning outcome:** This UNIT aims at addressing the issues of decentralization and grass- root planning of the **local** self-government.

5.1. Planning for rural development-Planning machinery at the National and State Levels

5.2. Role of Panchayat Raj Institutions in Planning

5.3. Panchayati Raj and Rural Development

### **Unit-6**

**Teaching Hours:10**

### **MODERN DIMENSIONS**

**Learning outcome:** This UNIT will give an insight into the modern dimensions of local self government.

6.1. Panchayats and NGO's

6.2. Panchayati Raj in Tribal Sub-plan Areas

6.3. Right to Information and Panchayati Raj

6.4. Women Empowerment and Panchayati Raj Institutions

6.5. Reservation and Local Governments

### **Text Books And Reference Books:**

1. Davis, Discretionary Justice
2. De Smith, Judicial Review of Administrative Action (1995)
3. Dicey, Introduction to the Law of the Constitution,
4. Friedman, The State and the Rule of Law in a Mixed Economy
5. Indian Law Institute, Government Regulation of Private
6. Ivor Jennings, Law and the Constitution
7. Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
8. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States ( Rawat Publications), Hyderabad, 2011
9. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies (Deep and Deep Publications), New Delhi, 1994.
10. M. Venketarangaiya & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi
11. Neville L. Brown and J.F. Garner, French Administrative Law

12. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
13. Schwartz & Wade, Legal Control of Government
14. Sivaramakrishnan, K.C., Courts, Panchayats and Nagapalikas (Academic Foundation), 2009.
15. W. Thornhill (ed.), the Growth and Reform of English Local Self-government (1971), Weidenfeld and Nierlson, London.

### **Essential Reading / Recommended Reading**

1. M. Venketarangaiya & M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
2. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States ( Rawat Publications), Hyderabad, 2011
3. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies (Deep and Deep Publications), New Delhi, 1994.

### **Evaluation Pattern**

- CIA I – Class Test / Assignment / Presentation – 10%
- CIA II – Mid Semester Examination – 25%
- CIA III – Research Topic – 10%
- Attendance – 05%
- End Semester Examination – 50%

**TOTAL 100%**

## **LLM251CAL - SEMINAR ON CONTEMPORARY ISSUES (2020 Batch)**

**Total Teaching Hours for Semester:45**

**No of Lecture Hours/Week:3**

**Max Marks:100**

**Credits:2**

### **Course Objectives/Course Description**

**Course description :** The course provides an exposure to the students to develop their writing and presentation skills by presenting a paper on contemporary legal issues and case laws taking stock of the contemporary case law developments. The course also imparts an experiential learning to the student through participation in legal aid

awareness camps in a remote village and to write a report of the experience.

To implement and evaluate an innovative approach to a law seminar course intended to develop students' presentation skills and encourage them to think critically about contemporary legal issues. Further, the objectives of this course are to enhance verbal and written presentation skills of students and to develop analytical skills as students learn about sides of a contemporary issue in legal practice. The students also enhance their skills in providing peer evaluations Specific School curricular competencies addressed by the course are: (1) maintain professional competence by identifying and analyzing emerging issues; and (2) participate in self-learning and professional development.

**Learning Outcome**

On completion of the course students will be able to:

1. Develop and apply better skills in writing and presentation.
2. Improve their presentation skills.
3. Learn to collect data to keep up with the latest developments in the area of the topic chosen by them.
4. Select contemporary legal issues, prepare and present topics – thereby enhancing their research and presentation skills.
5. Appreciate and analyse case laws and develop a critical approach towards assessment of case laws thereby enhancing their academic and professional capabilities.
6. Will have an impression about the varied state of legal awareness in India and play an active role in spreading legal awareness.

**Unit-1 Teaching Hours:6**

**TIPS ON WRITING AND PRESENTATION SKILLS**

- 1.1. Abstract writing
- 1.2. Learning Objectives
- 1.3. Use of Visual aids

**Unit-2 Teaching Hours:20**

**PRESENTATIONS ON CONTEMPORARY LEGAL ISSUES**

Students are required to present on topics of contemporary legal issues

**Unit-3 Teaching Hours:15**

**PRESENTATIONS ON CASE LAWS**

Students are required to present on important case laws

**Unit-4 Teaching Hours:4**

## **LEGAL AWARENESS CAMP**

Students are required to organize legal awareness camp

### **Text Books And Reference Books:**

1. Legal Services Authorities Act,1987

Further reading according to the topics assigned.

### **Essential Reading / Recommended Reading**

1. Legal Services Authorities Act,1987

Further reading according to the topics assigned.

### **Evaluation Pattern**

Fifty percent of the evaluation will be done on the basis of student's ability to select the contemporary issue and preparing a report. The remaining fifty percent is allotted to presentation of the legal issue.

## **LLM252CAL - TEACHING PRACTICE (2020 Batch)**

**Total Teaching Hours for Semester:45**

**No of Lecture  
Hours/Week:3**

**Max Marks:50**

**Credits:2**

### **Course Objectives/Course Description**

Course description: The practical course requires the students to take up teaching assignments in their chosen area of specialisation. The students will be allotted to teachers in the respective subject areas under whose supervision the student will have to prepare the lesson plan and conduct classes. The students will be evaluated on the basis of their preparation and performance in the respective classes.

Course Objectives : To equip the students to teach UG law students and make them understand art of preparing for the classes.

This course is in continuation of the Practical -II

### **Learning Outcome**

On completion of the course students will be able to:

- Develop and apply better skills in presentation and teaching
- Improve their preparation skills
- Learn to collect data to keep up with the latest developments in the area of the topic chosen by them

- The student will be able to prepare a report and comment on the areas of the subject taught by them during teaching. It develops their critical approach to the subject and enhances their capabilities while teaching and in research

## **Unit-1**

**Teaching Hours:6**

### **DESIGN**

Preparation of teaching notes, conducting research for teaching UG students etc.

Students will be assigned a topic from UG courses and they have to prepare and teach the UG students in classroom. Students are required to research and prepare teaching report and notes for the class. Students have to make their presentations before the panel constituted for the purpose before engaging a UG class. Students are required to prepare for the UG class under the guidance of a Teacher. Students have to engage 10 sessions to satisfy the requirement of this course.

### **Text Books And Reference Books:**

Reading will be according to the topics assigned for teaching.

### **Essential Reading / Recommended Reading**

Reading will be according to the topics assigned for teaching.

### **Evaluation Pattern**

**ASSESSMENT:** Fifty percent of the evaluation will be done on the basis of student ability prepare the teaching notes and preparing a report. The remaining fifty percent is allotted to his/her performance in the classroom as a teacher.

## **LLM281CAL - DISSERTATION (2020 Batch)**

**Total Teaching Hours for Semester:60**

**No of Lecture Hours/Week:4**

**Max Marks:100**

**Credits:4**

### **Course Objectives/Course Description**

This course is designed to test the research prowess of the students and their analytical skills. It is aimed at enabling the students to hone their skills as a researcher that would be of immense help to them in their career.

This subject will help the students to enhance their research, analytical and writing skills.

**Learning Outcome**

Students will be able to-

1. Formulate legal research problem.
2. Identify proper research methodology to deal with the legal issue.
3. Apply objective, logical legal reasoning to make arguments and arrive at conclusions
4. Draft a research report.

**Unit-1**

**Teaching Hours:60**

**DISSERTATION**

Students are required to identify a researchable area and prepare a dissertation on the same using legal research methodology.

**Text Books And Reference Books:**

1. ILI Publication, Legal Research and Methodology
2. Harvard Law Review Association, Uniform System of Citations

Further reading according to the topic of dissertation

**Essential Reading / Recommended Reading**

1. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2<sup>nd</sup> Edition.
2. ILI Publication, Legal Research and Methodology
3. Harvard Law Review Association, Uniform System of Citations
3. Carol M Bast, Foundations of Legal Research and Writing

Further reading according to the topic of dissertation

**Evaluation Pattern**

**EVALUATION**

- |                                    |      |
|------------------------------------|------|
| 1. Research Proposal -             | 15%  |
| 2. Submission of Progress Report - | 15 % |
| 3. Research Report -               | 60 % |
| 4. Viva -                          | 10 % |

**TOTAL 100%**