



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

# School of Law

## LLM

(Constitutional and Administrative Law)

**2018-19**

## Syllabus and Regulations

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CHRIST (Deemed to be University), Bangalore  
Karnataka, India  
[www.christuniversity.in](http://www.christuniversity.in)

Syllabus for Postgraduate Programme in LLM (Constitutional and Administrative Law) 2018-2019 prepared by the Department of School of Law and approved by the Academic Council, CHRIST (Deemed to be University), Bangalore, India.

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## LLM PROGRAM (ONE YEAR)

As one of the top law schools in India, the School of Law of Christ University offers LLM program as per the UGC guidelines. This program incorporates a rich array of law courses, seminars, experiential learning opportunities, and special events. These would promote interaction with attorneys, diplomats, business leaders, and policy makers.

Our distinguished faculty and administration have established strong ties with various international, governmental, and non-governmental organizations in India and abroad.

This program has a flexible curriculum offering several options in each specialization. Students have the option of selecting their specialization and their area of interest. In addition, each student is encouraged to write a publishable thesis and to gain practical experience through internships and other training programs.

### Areas of Specialization

- *Corporate and Commercial Law*
- *Constitutional and Administrative Law*
- *Intellectual Property and Trade Law*

### Constitutional and Administrative Law

Widely hailed as the grund norm, the Constitution always plays a pivotal role in the arena of public policy and law-making. The values enshrined in it such as the fundamental rights, independent judiciary, rule of law, etc. have invigorated the quality of life of the citizens and constantly kept the rulers on their toes. The relevance of Constitutional and Administrative Law, in this regard, hardly needs an eulogy. In fact, it is an area, pursued in legal circles, with great reverence since a long time.

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, Centre-State Relations, Administrative Law, Media, Health and Education Law, etc.

## Assessment Rules

Assessment is based on the performance of the student throughout the semester.

### 1. Credit Structure

- Courses with 45 hours per semester will earn the student 2 credits.
- Courses with 45-50 hours per semester will earn the student 3 credits.
- Courses with 51 hours and above per semester including practical will earn the student 4 credits.
- Dissertations/Practical equivalent to one course will earn the student 4-6 credits.
- Total credits can be earned in each semester are 18-25\*.

**\*Total credits may vary from programme to programme.**

### 2. Assessment of each paper

1. \*Continuous Internal Assessment (CIA) for theory paper : 50% (50 marks out of 100 marks)
2. \*End Semester Examination (ESE) : 50% (50 marks out of 100 marks)

**(\*Weight for CIA and ESE may vary for different programmes)**

### 3. Components of CIA

CIA I : Assignments: 10 marks

CIA II : Mid-Semester Examination (MSE) (Theory): 25 marks

CIA III : Quizzes/Seminars/Case Studies/Project work: 10 marks

**\*Attendance: 5 Marks**

% Attendance	Marks
95% - 100%	05
90% - 94%	04
85% - 89%	03
80% - 84%	02
76% - 79%	01

Students representing the University/Departmental activities are eligible for attendance with the permission of the HOD/Co-ordinator.

Students can check their attendance and academic reports from the University website in Student Login.

#### **4. Mid-Semester Examination (MSE)**

- The examination will be held as per the timetable released by the Controller of Examination (COE) in each semester and will be held simultaneously for I, III, V, VII, IX semester in August and II, IV, VI, VIII, X Semester in Jan/Feb.
- Valued answer scripts will be distributed in the class on a day announced prior to the distribution. Corrections if any are to be done during the same hour. No further changes after this will be entertained.
- Those candidates missing the MSE (for valid reasons only) will be given a second opportunity prior to the ESE, however, permission to repeat MSE is not automatic. The candidate must procure an application from the office of Examinations and must pay the required fee. If the candidate does not appear in the MSE then an entry denoted by “ will be made in the marks card stating that appear in the first MSE if student fails to appear the second chance, an entry denoted by will be made in the marks card stating the student did not write the MSE. During the course of the study, a UG candidate can repeat the MSE at most two times; the PG candidate can attempt it only once. There are restrictions on the number of times a student can repeat MSE.
- The duration of the MSE will be of 2 hours and the same is applicable for the repeat examination also.
- Absentee’s parents will be alerted through SMS within 1 hour after the commencement of the examination.
- Hall ticket with timetable and seating allotment is compulsory for both regular and repeat MSE and can be downloaded from the Student Login.
- Dress code of the University should be followed during the examination days except wearing ties.
- MSE will be conducted out of 50 marks and will be reduced to 25 marks, by the COE office.
- Candidates must preserve all MSE answer sheets and present the same to the COE in case of any discrepancy in the marks.
- The CIA marks will be displayed on the website for the candidate’s reference at the end of the semester before the ESE.
- For courses having practical as part, the assessment patten is as follows:

- A. Continuous Internal Assessment (CIA): 50%

Records	05 marks
Mid-Semester Examination (Conducted during regular practical hours.)	10 marks
Class Work	10 marks

- B. End Semester Practical Examination: 50%

- For courses with independent practical / project the components of the CIA and its weight may vary from programme to programme.
- The Mid-Semester practical examination will be conducted during a regular practical hour with prior intimation to all candidates.
- All End-Semester practical examination will have two examiners, an internal and an external examiner.

## 5. End-Semester Examination (ESE)

The examination for the theory as well as practical papers will be held at the end of the semester. All papers will have a three hour examination except Functional English papers. ESE will be conducted out of 100 marks, which will then be reduced to the required level, by the office of the COE. In order to avoid identification during the valuation, bar codes are pasted on the Answers Sheets by the students themselves instead of the Register Number.

Permission for admission to the ESE will not be granted unless

1. A student has put in at least 85% of attendance in aggregate at the end of the semester.
2. The Vice-Chancellor is satisfied with the character and conduct of the student.

## 6. Results

- Semester results will be announced within a period of 30 days of completion of examination.
- Marks cards will be ready within 45 days of completion of examinations.
- Revaluation/Re-totalling request should be made within 5 days from the date of announcement of results along with a fee notified by the Controller of examinations.
- There is no provision for improvement examination.
- Candidates who have not passed in at least 50% of the papers will not be promoted to the next year.
- Requirement of Marks for Pass in each paper: 40% for ESE separately and 40% for ESE+CIA.

There will be a special supplementary examination in the June/July for final semester students who have failed in the just concluded final semester examination subject to the condition that

they have no back-log in the previous semester. Students who are not debarred from examinations for reasons of malpractice will not be able to avail this facility. Another special supplementary examination is conducted in the month of January for the students who have failed in their IX semester examination.

Students having arrears can attempt the same when the examination is next conducted for the respective semester.

The Office of Examinations will preserve the answer sheets for a period of six months.

All marks cards issued by the COE will indicate the marks, percentage obtained, grade and grade point average.

### 7. Grading Pattern

The Grade Point average will be calculated as follows: for each subject, multiply the Grade Point with the Number of Credits; divide the sum of product by the total number of credits.

The CGPA (Cumulative GPA) is calculated by adding the total number of earned points [ GP x Cr] for all semesters and dividing by the total number of credit hours for all semesters.

#### Grading Scheme for each paper: PG Courses

Percentage	Grade	Grade Point	Interpretation	Class
80 and above	A	4.00	Outstanding	First class with Distinction
73 - 79	A-	3.67	Excellent	First Class
66 - 72	B+	3.33	Very Good	
60-65	B	3.0	Good	
55-59	B-	2.67	Average	Second Class
50-54	C+	2.33	Satisfactory	
45-49	C	2.00	Pass	Pass Class
40-44	D	1.0	Pass	
39 and below	F	0	Fail	Fail



Transcript/ Statement of Marks: can be downloaded from the University website after the examinations for each semester. Consolidated statement of marks and Provisional Degree Certificate will be awarded to all eligible candidates at the end of the course on the Graduation day.

### 8. Regulations for repeating (improvement of) CIA

1. This Regulation shall apply to UG and PG Students of the University as well as continuing students of erstwhile Christ College (Autonomous), other than students of CUIM, CUSE and CUSL
2. The eligibility criteria for Repeat Courses shall be as under
  1. Student must have completed the academic duration of the Course in full-all odd and even semesters.

OR

  2. Student must be pursuing the final semester of the course for obtaining permission under clause 6.
  3. Failure in the subject must be solely due to less than 40% score in CIA in respect of the repeat subject, and has scored minimum pass % for ESE.
  4. The student must have attempted and failed in at least one supplementary examination in the subject after the first failing.
3. Repeat Course is permitted for students opting to repeat one or more subjects or any semester due to their inability to complete and earn pass mark in the course for reason of very low score in CIA.
4. Student may exercise the option to repeat course only after the completion of their final (end of the course) ESE except for students under Clause 2 (b).
5. Repeat of the subject / paper in CIA shall be restricted to any one ongoing Semester at a time (*i.e.*, either odd or even semester subjects) and shall nullify all previous CIA scores (including practical, where applicable) of the student in respect of the subject(s) repeated (except for students under clause 6).
6. In exceptional circumstances as may be approved by the Management Committee, in respect of cases like, 'where a foreign student has non-renewable limited visa' or 'where a student due to late admission misses to complete the CIA', students under clause 2(b) may be permitted to do the Repeat Course during the final Semester, on a failed subject in respect to any semester except of the final semester.
7. The repeat course will follow a tutorial system of 20 hours in duration of not exceeding 30 days during which the entire repeat CIA process is expected to be completed. The student shall follow the curriculum adopted by the applicable semester. If the subject or paper has been revised or replaced by another in the changed syllabus, the student shall be required to complete the revised/changed paper.

8. The tutor-in-charge, will conduct tutorial classes, on pre-determined timings, normally outside the usual class hours, covering at least 60% of the syllabus portion, chosen at the his/her discretion. The tutor will record the attendance, evaluate the assignments (CIA II & III) and also conduct a test in lieu of MSE, in examination conditions.
9. The repeat course is only for the CIA (excluding attendance) and not for the ESE. The student's performance in the ESE and the marks secured for the attendance, as per the relevant completed semester will be carried over.
10. On completion of the course meant for the improvement of CIA components, the results will be announced along with that of regular students of the current semester and a fresh marks card will be issued for the subject/semester the student has appeared for.
11. Eligible candidates other than those under clause 7 shall apply in the prescribed application form (Form A) with details specified therein, and submit the same to the Dean on or before the specified date. Applications duly approved by the Dean shall be processed at IPM for payment of fee and entries in student records and the details thereof will be communicated to the Dean and COE.
12. In respect of candidates under clause 7 eligible candidates shall apply in the prescribed application form (Form B) with details specified therein, and submit the same to the Dean on or before the specified date. Applications duly recommended by the Dean be forwarded to the Registrar for consideration by the Management Committee and on its approval, it shall be processed at IPM and the details thereof be communicated to the Dean and the COE.
13. Fee for the repeat course will be announced by the Examinations Office.

#### 9. Regulations for repeating Mid Semester Examination

1. Supplementary MSE shall be permitted only for students who were absent for the regular MSE for genuine and valid reasons as may be confirmed and certified by the Class Teacher and the HOD and as been approved by the Dean.
2. Number of chances to appear for the Supplementary MSE within the entire duration of a course shall be restricted as under irrespective of the actual duration of the program.
  1. UG Students can attempt at most two times.
  2. PG and B.Ed, students can attempt only once.
  3. Students who were absent for regular MSE due to deputation on University sponsored / permitted programs (like NCC, CSA etc.) shall not be affected by the restriction and may avail the permissible number of chances as may be applicable.
3. Students who exhaust the number of allowed chances shall not be permitted to appear for any more Supplementary MSE and hence shall have to be satisfied with the CIA marks without MSE score, in case they fail to appear for regular MSE.

Other procedures specified for supplementary MSE as per existing Regulation shall remain unchanged.

## Programme Outcome

- Articulate thoughts and communicate effectively
- Practice ethical behavior in all engagements
- Train leaders in the field of law and policy-making
- Contribute effectively in research or academia

## Semester-wise Subjects

### FIRST SEMESTER

Code	Title	No. of Hrs/ Week	Credits
LLM151CAL	Foundation Course		2
LLM131CAL	Research Methods and Legal Writing	5	4
LLM132CAL	Comparative Public Law	5	4
LLM133CAL	Fundamental Rights and Directive Principles	4	3
LLM134CAL	Centre-State Relations and Constitutional Governance	4	3
LLM135CAL	Administrative Law	4	3
LLM136CAL	Public Policy and Development	4	3
<b>Total</b>		<b>26</b>	<b>22</b>

### SECOND SEMESTER

Code	Title	No. of Hrs/ Week	Credits
LLM231CAL	Globalization, Law and Justice	5	4
LLM232CAL	Media Law	5	3
LLM233CAL	Health Law	4	3
LLM234CAL	Local Self-Government Law	4	3
LLM251CAL	Seminar on Contemporary Issues	3	2
LLM252CAL	Practical - (Teaching Practice)	3	2
LLM281CAL	Dissertation	4	4
<b>Total</b>		<b>28</b>	<b>21</b>

**FIRST SEMESTER**  
**LLM151CALFOUNDATION COURSE**  
**(No. of Hrs. 45)**

**COURSE OBJECTIVES:**

The course aims at understanding the various jurisprudential theories and concepts, the principles of interpretation of statutes, basics of law and economics and also to hone their soft skills in order to enhance their capacities to build a strong foundation for the study of Master of Law course.

**LEARNING OUTCOME:**

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

1. Understand the various theories and concepts of Jurisprudence.
2. Explain the rules and aids of interpretation of statutes.
3. Enhance their research skills, reading, writing and speaking skills.

**UNIT I: INTRODUCTION TO JURISPRUDENCE**

**7 Hrs**

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

**6 Hrs**

- 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: TAKING RIGHTS SERIOUSLY-RONALD DWORKIN** **6 Hrs**

- 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: NATURE OF JUDICIAL PROCESS-BENJAMIN CARDOZA** **6 Hrs**

- 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: PRECEDENT IN ENGLISH LAW-RUPERT CROSS** **6 Hrs**

- 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: PRINCIPLES OF STATUTORY INTERPRETATION** **8 Hrs**

- 6.1 Basic Principles and Guiding Rules
- 6.2 Internal Aids to Construction
- 6.3 External Aids to Construction
- 6.4 Subsidiary Rules
- 6.5 Operation of statutes
- 6.6 Expiry and Repeal of statutes
- 6.7 Statutes affecting the Crown or the State
- 6.8 Statutes affecting the Jurisdiction of courts
- 6.9 Construction of taxing statutes and evasion of statutes
- 6.10 Remedial and Penal statutes
- 6.11 Delegated legislation

**UNIT 7: LAW AND ECONOMICS** **2 Hrs**

- 7.1 Basics of Law and economics

**UNIT 8: SOFT SKILLS**

**2 Hrs**

8.1 Public speaking

8.2 Communication skills-Reading and writing

**UNIT 9: INTRODUCTION TO LEGAL RESEARCH**

**2 Hrs**

9.1 Basics of legal 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 :RESEARCH METHODS AND TOOLS**

**12 Hrs.**

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

### **UNIT 4: TABULATION, ANALYSIS, INTERPRETATION, AND REPORTING**

**12 Hrs.**

**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: LEGAL WRITING**

**12 Hrs.**

**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

#### **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 100%</b>

#### **SUGGESTED READINGS:**

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. Whitney, F.L, The elements of Research.
17. Legal Research Methodology Indian Case Laws, [www.nyulawglobal.org/globalex/india\\_legal\\_research.htm](http://www.nyulawglobal.org/globalex/india_legal_research.htm)
18. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
19. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
20. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Luck now.
21. Ne, The art of Asking Question (1965)
22. Pauline V. Young, Scientific Social Survey and Research, (1962)
23. Payne, The Art of Asking Questions (1965)
24. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2<sup>nd</sup> Edition.
25. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
26. Stone, Julius, 'Legal System and Lawyer's Reasoning', Sydney, Maitland Publications, 1968.
27. William J. Grade and Paul K. Hatt, Methods in School Research, Mc Graw-Hill Book Company London.

#### **ADDITIONAL READINGS:**

#### **LINKS:**

1. The Legal Information Institute, [www.law.cornell.edu](http://www.law.cornell.edu)
2. FindLaw, [www.findlaw.com](http://www.findlaw.com)
3. WashLaw: Legal Research on the Web, [www.washlaw.edu](http://www.washlaw.edu)
4. The American Bar Association's Public Resources page, [www.abanet.org/public.html](http://www.abanet.org/public.html)
5. HierosGamos, [www.hg.org](http://www.hg.org)
6. Public Library of Law, [www.plol.org](http://www.plol.org)
7. LexisOne, [www.lexisone.com](http://www.lexisone.com)

#### **ARTICLES:**

1. How to Research a Legal Problem -American Association of Law Libraries, see [www.aallnet.org/sis/lisp](http://www.aallnet.org/sis/lisp)
2. [A Guide to India's Legal Research and Legal System](http://www.nyulawglobal.org/globalex/india_legal_research.htm) - [www.nyulawglobal.org/globalex/india\\_legal\\_research.htm](http://www.nyulawglobal.org/globalex/india_legal_research.htm)
3. Legal Research Methodology- Indian Case Laws- <http://indiancaselaws.files.wordpress.com/2013/01/legal-research-methodology1.pdf>
4. Research Methodology - <http://www.newagepublishers.com/samplechapter/000896.pdf>

5. A Guide to India's Legal Research and Legal System-  
[http://www.nyulawglobal.org/globalex/india\\_legal\\_research.htm](http://www.nyulawglobal.org/globalex/india_legal_research.htm)
6. Sarah E. Valentine- Legal Research as a Fundamental Skill  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1537871](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1537871)
7. How to Research a Legal Problem,  
<http://www.aallnet.org/mm/Publications/products/How-To-Research-A-Legal-Problem>

## LLM132CAL COMPARATIVE PUBLIC LAW

(No. of Hrs. 60-80 Hrs.)

**COURSE OBJECTIVES:** 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.

### **COURSE OUTCOMES:**

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 overhead 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

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

### **UNIT 1: PUBLIC LAW AND GOVERNANCE**

**12 Hrs.**

**Learning Outcome:** At the end of this UNIT students will be familiar with the concept, scope, principles and concepts of Public Law.

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

1.5. Principles of Accountability and Public Law

**UNIT 2: BASIC PRINCIPLES OF ORGANIZATION OF GOVERNMENT AND FORMS OF GOVERNMENT** **12 Hrs.**

**Learning Outcome:** At the end of this UNIT the students will be able to understand the different forms of Government and the basic principles underlying the same.

- 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: NATURE AND ROLE OF FUNDAMENTAL RIGHTS IN PUBLIC LAW** **12 Hrs.**

**Learning Outcome:** At the end of this the Students will be familiarized with the nature and scope of fundamental rights.

- 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: ORGANIZATION OF THE LEGISLATURE AND THE EXECUTIVE** **12 Hrs.**

**Learning Outcome:** At the end of this UNIT the students will be able to appreciate the nature and scope of the legislative and executive powers and the relationship between them.

- 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

**UNIT5 : JUDICIARY AND JUDICIAL PROCESS**

**12 Hrs.**

**Learning Outcome:** At the end of this UNIT the students will be able to appreciate the judiciary as a basic structure and also understand the various dimensions such as judicial review and also understand the concept of 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

**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 100%</b>

**SUGGESTED READINGS:**

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

#### **SELECT CASE LAWS**

1. Asif Hameed v. State of J&K [AIR 1989 SC 1899]
2. State of Rajasthan v. Union of India [AIR 1978 SC 1361]
3. KeshavanandBharati v. State of Kerala [(1973) 2 SCR 347]
4. PanditMS.M.Sharma v. Sri Krishna Sinha [AIR 1959 SC 395]



**LLM133CAL FUNDAMENTAL RIGHTS AND DIRECTIVE  
PRINCIPLES  
(No. of Hrs. 60-80Hrs.)**

**COURSE OBJECTIVES:** 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.

**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.

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

**UNIT 1: INTRODUCTION**

**15 Hrs.**

**Learning Outcome:** At the completion of this students will have a basic understanding of Fundamental rights and Directive principles of State Policy, its evolution and impact on the Constitution of other countries.

- 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 : RIGHT TO EQUALITY**

**15 Hrs.**

**Learning Outcome:** This UNIT acquaints the students with the right to equality as envisaged in Constitution of India

- 2.1. Relationship between Art 14, 15, 16, 17, and 18
- 2.2. Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation, Wends bury Principle
- 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. Equality of Opportunity in the matters of public employment, reservations in public employment, residence as prerequisite for employment
- 2.5. Untouchability, Abolition of Titles

### **UNIT 3 :RIGHT TO FREEDOM, RIGHT AGAINST EXPLOITATION 15 Hrs.**

**Learning Outcome:** This UNIT acquaints the students with fundamental freedoms guaranteed by the Constitution of India.

- 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. Rights of accused; Doctrine of ex-post -facto law; Doctrine of Double Jeopardy; privilege against self-incrimination.
- 3.3. Protection of life and personal liberty; right to education; safeguards against ordinary arrest and preventive detention; right against exploitation.
- 3.4. Ambit of religious freedom, cultural and educational rights
- 3.5. Right to Constitutional remedies; Fundamental Rights vis-à-vis armed forces.
- 3.6. Martial Law and Armed Forces Special Powers Act
- 3.7. Religious and Minority Rights

### **UNIT 4 :DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES 15 Hrs.**

**Learning Outcome:** This UNIT enables the students to have an in-depth knowledge on Directive principles of State Policy, Fundamental duties and their inter-relationship.

- 4.1. Relative importance of Directive Principles of State Policy (DPSP) and Fundamental Rights
- 4.2. Nature of Directive Principles of State Policy, Justifiability of Directive Principles of State Policy
- 4.3. Social security and welfare provisions under Directive Principles of State Policy; economic rights

- 4.4. Directive Principles of State Policy that were read into Fundamental Rights
- 4.5. Fundamental Duties - evolution, relationship between Fundamental Rights and Duties

- **The student is expected to read the relevant case law with critical analysis thereof.**

### 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 100%</b>

### SUGGESTED READINGS:

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

**LLM134CAL CENTRE-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE**  
**(NO. OF HRS. 60-80 HRS.)**

**COURSE OBJECTIVES:** This paper 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.

**COURSE OUTCOMES:**

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

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

**UNIT 1: NATURE OF INDIAN POLITY**

**7 Hrs.**

**Learning Outcome:** This UNIT 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 Constitutions. 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: LEGISLATIVE RELATIONS BETWEEN THE CENTRE AND THE STATES**  
**15 Hrs.**

**Learning Outcome:** This UNIT shall give the students an insight into the legislative relation between the Union and the States. It shall help the students to understand the principle interpretation of various lists and the doctrines in relation thereto.

- 2.1. Doctrine of Territorial Nexus
- 2.2. Delegated Legislation-permissible limits of delegation
- 2.3. Scheme of distribution of legislative powers between Union and States
- 2.4. Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation
- 2.5. Residuary Powers
- 2.6. Parliament's power to legislate on the State List
- 2.7. Inconsistency between laws passed by Parliament and State legislature

**UNIT 3: ADMINISTRATIVE RELATIONS BETWEEN THE UNION AND STATES**  
**10 Hrs.**

**Learning Outcome:** This UNIT aims at making the students understand 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: FINANCIAL RELATIONS BETWEEN THE UNION AND THE STATES**  
**12 Hrs.**

**Learning outcome:** This UNIT aims to give the students an insight into the financial relation between the Union and the States in India. The students shall also be introduced to the finance commissions in the Centre- State relationship. Students will also be introduced 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: SERVICES UNDER THE UNION AND THE STATES**

**10 Hrs.**

**Learning Outcome:** This UNIT aims to help the students understand the various provisions in the Constitution with regard to the Services under the Union and the States

5.1. Recruitment and Regulations of Conditions of Services

5.2. Doctrine of Pleasure-Restrictions on Doctrine of Pleasure

5.3. Constitutional Safeguards to Civil Servants

5.4. Public Service commission-Appointment of Member of Public service commission

5.5. Functions of Public Service Commission

#### **UNIT 6: EMERGENCY PROVISIONS**

**6 Hrs.**

**Learning Outcome:** This UNIT is aimed at familiarizing the students with the various emergency provisions in the Constitution of India and the relationship between the Centre and States during emergency.

6.1. National Emergency

6.2. State Emergency

6.3. Financial Emergency

#### **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%**

#### **SUGGESTED READINGS:**

1. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley SaehneyProgrammeforTraining, 1972.
2. Ashok Chandra, Federalism in India.
3. De JatindraRanjan, Development of Federalism in India, Gauhati :Bani Prakashani,1974
4. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism

5. Dr. Subhash C. Kashyap, *The Framing of India's Constitution- A study & Constitution making since 1950- An Overview*
6. Dr. Subhash C. Kashyap, *Constitution of India: Review and Reassessment*
7. Dr. Subhash C. Kashyap, *Indian Constitution-Conflicts and Controversies*
8. Dr. Subhash C. Kashyap, *Commentary on Constitution of India*
9. Dr. Subhash C. Kashyap, *Our Constitution-An Introduction to India's Constitution and Constitutional Law, 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 India*
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.

## ARTICLES:

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)

## LLM135CAL ADMINISTRATIVE LAW

(No. of Hrs. 60-80 Hrs.)

**COURSE OBJECTIVES:** 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.

The Objectives of the course are to ensure students understand -

1. The special features of the law distinct from the Constitutional Law.
2. The basic principles which are specifically followed to render justice i.e., Principles of natural justice, their kinds and exceptions.

3. The reasons and evolution of delegated legislation and the functioning of the delegated authorities within the ambit of the power conferred to them.
4. The functioning of the special bodies constituted as alternative means for administering justice viz., Administrative Tribunals, Ombudsman, Lokayukta, Lokpal.

With the help of the principles laid down by the Courts of law with special reference to the exercise of power by the administrative authorities providing insights with the latest updates.

### **COURSE OUTCOME:**

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

- Identify the nature, scope, necessity and development of Administrative Law;
- Analyse the working of the administrative adjudication system and control mechanism of administrative discretionary power;
- Provide a critique of the remedies available against administrative actions;
- Analyse the working of the administration vis-à-vis rights of citizens;
- Explain and examine the working of the doctrine of pleasure in India; and
- Examine the role and liability of public undertakings in the light of privatisation.

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point Presentations, Video Presentation, Simulation exercise, etc., as per the requirement of each UNIT.

### **UNIT - 1: FUNDAMENTALS OF ADMINISTRATIVE LAW**

**12 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to discuss the basic doctrines of administrative law and to distinguish between the various functions of administration. They get a comparative perspective of the functioning of administrative law in USA, UK, France and India

- 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'etatin* 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: PROCEDURAL FAIRNESS AND ADMINISTRATIVE DISCRETIONARY POWER 12 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to discuss the concept and components of natural justice and explain the effect of failure of natural justice. They get insights of the control mechanisms of the judge made law through the latest judicial decisions.

- 2.1. Evolution and significance of principle of Natural justice
- 2.2. Right to fair hearing - Audi Alterampartem - Administrative cases - statutory hearing- reasoned decision and its exceptions : *nemojudex in causa sua* - Rule against bias , Kinds of bias and exceptions
- 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. Judicial control over Administrative Discretionary power - Retention, Dictation and Abuse of Administrative power.
- 2.5. Ombudsman Lokpal and Lokayukta

**UNIT 3: JUDICIAL REVIEW OF ADMINISTRATIVE ACTION 12 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to explain the difference between discretionary functions and ministerial functions and the grounds for judicial review of discretionary functions.

- 3.1. Nature extent and limitation of Administrative action in India. Judicial control over Administrative action- remedies for Administrative wrongs, Writs Remedies.
- 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. Statutory Remedies - General and Specific statutory remedies for administrative action.

- 3.4. Administrative process- judicial control- Liabilities and accountabilities of the states- Administrative Tribunals

**UNIT - 4: GOVERNMENTAL PRIVILEGE, OFFICIAL SECRECY AND ACCESS TO INFORMATION 12 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to understand the rebuttal of governmental privileges and fixing of public accountability through the exercise of Right to Information. They do get a thorough exposure to various doctrines viz., Legitimate expectation, proportionality and *Wednesbury* principle and the judicial perspective on the doctrines.

- 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: PROTECTIONS OF CIVIL SERVANT, ADMINISTRATIVE ADJUDICATION AND PUBLIC UNDERTAKINGS AND CORPORATIONS 12 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to explain the difference between discretionary functions and ministerial functions and the grounds for judicial review of discretionary functions.

- 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.

**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%**

**SUGGESTED READINGS:**

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

**ARTICLES:**

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>

**LLM136CAL PUBLIC POLICY AND DEVELOPMENT  
(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** 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 OUTCOME:**

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

1. To learn the nature and scope of concept of public policy and development.
2. To learn the nature and scope of health care policy.
3. To learn the nature and scope application of energy and environment policy.
4. To learn the nature and scope of education policy in India.
5. To learn the ambit and extent of application of economic and industrial policy.

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

**UNIT 1: NATURE AND EXTENT OF PUBLIC POLICY 12 Hrs.**

**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: HEALTH CARE POLICY 12 Hrs.**



**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: ENERGY AND ENVIRONMENTAL POLICY**

**12 Hrs.**

**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: EDUCATION POLICY**

**12 Hrs.**

**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: ECONOMIC AND INDUSTRIAL POLICY**

**12 Hrs.**

**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

### 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 100%</b>

### SUGGESTED 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"
4. P.H. Applebey, Policy & Administration, Alabama Univ. Press 1957
5. Pankaja P B, Industrial Policies in India, CLJ
6. R.K. Saprú, 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

## SECOND SEMESTER

### LLM231CALGLOBALIZATION, LAW AND JUSTICE

(No. of Hrs. 60-80 Hrs.)

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

#### **COURSE OUTCOME:**

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

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

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

#### **UNIT 1: GLOBALIZATION: PROCESS AND ITS EFFECTS**

**12 Hrs.**

**Learning Outcome:** At the end of this UNIT the students will be able to understand the concept of globalization and its impact on society in the 21<sup>st</sup> century

- 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: GLOBALIZATION AND LEGAL THEORY** **12 Hrs.**

**Learning outcome:** At the end of this UNIT the students will be equipped to appreciate jurisprudence in the context of globalization and inter relation between legal theory and globalization

- 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: POLICY ISSUES** **12 Hrs.**

**Learning outcome:** this UNIT will help the students understand the policy issues governing globalization

- 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: HUMAN RIGHTS IN THE CONTEXT OF GLOBALIZATION** **12 Hrs.**

**Learning outcome:** At the end of this UNIT the students will be in a position to understand the human rights in the context of globalization.

- 4.1. Human rights theory: Five 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: HARMONIZATION OF LAW** **12 Hrs.**

**Learning Outcome:** At the end of this UNIT students will be able to understand the need for integrating law with globalization

- 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.

#### 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 100%</b>

#### SUGGESTED READINGS:

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.

**LLM232CAL MEDIA LAW**  
**(No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** 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 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.

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

**UNIT 1: FREEDOM OF SPEECH AND EXPRESSION**

**15 Hrs.**

**Learning Outcome:** At the end of this UNIT students will be able to appreciate the Philosophical justification for the protection of Free speech right. Further students will be familiarized with freedom of media and allied aspects.

- 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. 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. 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. 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: PROTECTION OF REPUTATION**

**15 Hrs.**

**Learning Outcome:** At the end of this UNIT the student will be familiar with the fundamental aspects of protection of reputation.

- 2.1. Defamation - overview - general framework for defamation law- role of malice - IPC provisions - remedies and damages
- 2.2. Decent speech - indecent speech - hate speech - racial speech - obscenity on mass media - regulation and control
- 2.3. Libel in press -regulation and control - Slander through Broadcasting audio-video defamation
- 2.4. Internet as a platform of free speech - regulation of content on Internet self-regulation v Government regulation
- 2.5. Libel and slander in cyberspace - cross border libel/slander - jurisdictional problems - Gutnick v John Doe

## **UNIT 3: MEDIA AND PRIVACY**

**15 Hrs.**

**Learning Outcome:** At the end of this UNIT students would be in a position to appreciate the interface between the freedom of media and privacy rights

- 3.1. Obscenity and pornography - historical background - Hicklin Test - contemporary standards in Miller v California - Child pornography
- 3.2. Blasphemy - historical overview- censorship of stage productions - violence - legal regulation of blasphemy
- 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. Information privacy and reputation - personal data protection - abuse of personal information - marketing of personal information- internet privacy

- 3.5. Press and Public access to the judicial processes , records, places and meetings – Right to Information Act

#### **UNIT 4: MEDIA, ETHICS AND ADJUDICATION**

**15 Hrs.**

**Learning Outcome:** This UNIT enables the students to understand the requisite conceptual as well as statutory provisions pertaining to media, ethics and adjudication.

- 4.1. Copyright issues in mass media – protection for copyrighted work – plagiarism – pirated music - remedies for infringement
- 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. 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. 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. Extra- judicial regulation of media content – press complaints and editors’ code of practice –Broadcasting standards commission – codes for advertisement standards – Film censorship board – ICANN

#### **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 100%</b>

#### **SUGGESTED READINGS:**

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.



## LLM233CAL HEALTH LAW

(No. of Hrs. 60-80)

**COURSE OBJECTIVES:** The matters relating to medicine and health are as ancient as human civilization itself, giving rise to many legal and moral issues of varying degree at different stages of advancement in the sphere of medical science. 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.

### **COURSE 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, Indian Medical Council Act, 1956, Dentists Act, 1948 -Medical Degrees Act, 1916, Clinical Establishments (Registration & Regulation) Act, 2010
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.

**TEACHING METHODOLOGY:** Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

**UNIT 1: INTRODUCTION TO LAW AND MEDICINE** **7 Hrs.**

**Learning outcome:** On completion of this UNIT students will be able to discuss the legal regime of health 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: LEGAL REGIME FOR HEALTH AND MEDICINE** **8 Hrs.**

**Learning outcome:** On completion of this UNIT students will be able to discuss the legal framework for health and medicine.

- 2.1. Policy framework for the right to health, NRHM, Universal health insurance scheme, Indian Medical Council Act, 1956, Dentists Act, 1948 -Medical Degrees Act, 1916, Clinical Establishments (Registration & Regulation) Act, 2010

**UNIT 3: DRUGS AND COSMETICS** **8 Hrs.**

**Learning outcome:** On completion of this UNIT students will be able to explain the legal framework for controlling 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: REPRODUCTIVE HEALTH** **8 Hrs.**

**Learning outcome:** On completion of this UNIT students will be able to explain the legal framework for the protection of reproductive health..

4.1. Reproductive health- Termination of Pregnancy – Legal issues, 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: INSANITY**

**6 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to discuss the legal issues regarding 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: HEALTH OF SPECIAL CATEGORIES OF PEOPLE**

**6 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to understand the enforcement of 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: FORENSIC MEDICINE**

**8 hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to explain the legal framework for 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: LEGAL EFFECTS TO MODERN DEVELOPMENT**

**7 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to discuss the problems of jurisdiction in respect of e-commerce and the related case law.

8.1. Therapeutic and non-therapeutic research, Stem cell research, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Rules 1990, Transplantation of Human Organs and Tissues Act, 1994, Transplantation of Human Organs Rules, 1995

### 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 100%</b>

### SUGGESTED READINGS

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.

## **LLM234CAL LOCAL SELF-GOVERNMENT LAW (No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** 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 OUTCOME:**

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

1. To give an insight into the introductory aspects, the historical and philosophical background for the Local Self -Government.
2. To learn and familiarize the student about the Constitutional scheme for the local self-government.
3. This give the students an understanding about the structure, powers and functions of the urban local self government
4. To learn about addressing the issues of decentralization and grass- root planning of the local self-government.
5. To give an insight into the modern dimensions of local self government.

### **UNIT 1 INTRODUCTION**

**10 Hrs.**

**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 CONSTITUTIONAL SCHEME

10 Hrs.

**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. 73<sup>rd</sup> and 74<sup>th</sup> 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: RURAL LOCAL GOVERNMENT

10 Hrs.

**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 URBAN LOCAL GOVERNMENT

10 Hrs

**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; committees-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 PLANNING FOR PRIs**

**10 Hrs.**

**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: MODERN DIMENSIONS**

**10 Hrs.**

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

- 6.2. Panchayati Raj in Tribal Sub-plan Areas
- 6.3. Right to Information and Panchayati Raj
- 6.4. Women Empowerment and Panchayat Raj institutions
- 6.5. Reservation and Local governments

**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 100%</b>

**SUGGESTED READINGS**

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.

**LLM251CAL SEMINAR ON CONTEMPORARY ISSUES  
(No. of Hrs.30-45 Hrs.)**

**COURSE OBJECTIVES:** 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

**COURSE OUTCOMES:**

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

**TEACHING METHODOLOGY:** Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirements of each UNIT.

**Learning Outcome:** At the end of this UNIT the students will be equipped with good writing, analytical and presentation skills

**UNIT 1: TIPS ON WRITING AND PRESENTATION SKILLS**

**6 Hrs.**

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

<b>UNIT 2: PRESENTATIONS ON CONTEMPORARY LEGAL ISSUES</b>	<b>20 Hrs.</b>
<b>UNIT 3: PRESENTATIONS ON CASE LAWS</b>	<b>15 Hrs.</b>
<b>UNIT 4: LEGAL AWARENESS CAMP</b>	<b>4 hrs</b>

**ASSESSMENT -**

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

## LLM252CALPRACTICAL- (TEACHING PRACTICE)

**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

### **COURSE OUTCOMES:**

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

**DESIGN:** 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.

**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 performance in the classroom as a teacher.

## **LLM281CAL DISSERTATION (No. of Hrs. 60-80 Hrs.)**

**COURSE OBJECTIVES:** 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.

Students are required to select their dissertation topic at the beginning of the academic year (1<sup>st</sup>Semester) and register with a faculty member for Guidance.

Dissertation work carries 100 marks in total and research report has to be submitted before the commencement of the examination of 2<sup>nd</sup> Semester.

**COURSE 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.

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

**TEACHING METHODOLOGY:** Lectures, Discussion, Library visit, etc., according to the requirements of the students.

### **EVALUATION**

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

**TOTAL 100%**