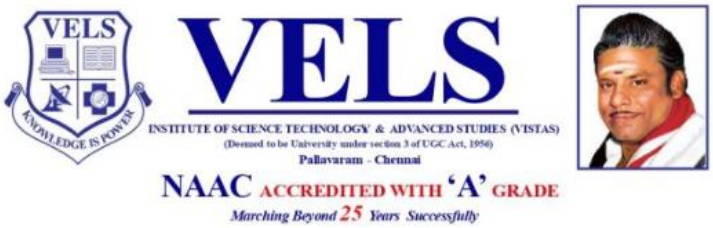
VELS INSTITUTE OF SCIENCE, TECHNOLOGY & ADVANCED STUDIES (VISTAS)

(Deemed to be University u/s 3 of the UGC Act, 1956)

Pallavaram – Chennai – India



LL.M. (1 YEAR)

CURRICULUM & SYLLABUS
BRANCH – I CONSTITUTIONAL AND ADMINISTRATIVE LAW

(Based on Choice Based Credit System)

Effective from the Academic Year

2019 – 2020

SCHOOL OF LAW

LL.M. REGULATIONS

VISTAS in principle would adopt the UGC guidelines for the One year LL.M. programme and also the latest rules and regulations of UGC from time-to-time. The admission to one year LL.M programme will be made on the basis of All India Admission test conducted by the University.

1. CENTRE FOR POST-GRADUATE LEGAL STUDIES (CPGLS) has been constituted.

COURSES OFFERED:

The University offers full-time LL.M Degree with the following specialisations:

a) Branch I – Constitutional and Administrative Law

b) Branch – II – Corporate and Commercial Law

2. DURATION OF THE COURSE:

a) The University offers a full-time one year LL.M programme spread over two semesters.

b) Students are allowed a maximum of three years from the date of admission to complete the degree.

3. ELIGIBILITY FOR ADMISSION:

To be eligible for admission to one year LL.M programme, a candidate should have passed LL.B - 3 years or any of the five year integrated Law programme from a recognised University with not less than 45% marks in aggregate.

4. ADMISSION PROCEDURE:

a) Admission to one year LL.M. programme shall be done through an All India Admission Test conducted every year by the University.

b) Candidates who have CLAT / LSAT score shall be exempted from appearing in the All India Admission Test.

c) Candidates awaiting results of the qualifying examination can appear for the Entrance Test subject to the condition that they produce proof of having passed the qualifying examination at the time of admission.

d) The admission for Foreign Nationals shall be made on the basis of:

i) Academic record of LL.B or equivalent degree recognised by UGC/Association of Indian Universities with not less than 55% marks or equivalent grade.

ii) Assessment of necessary communication skills in written and spoken English and performance at the interview in terms of aptitude and capacity.

5. CURRICULUM:

The one year LL.M curriculum shall have the following components.

I. Foundation / Compulsory Papers: (3 Courses of 5 Credits each)

The Foundation Courses consist of the following three papers, which should be completed in the first semester:

a. Research Methods and Legal Writing

b. Comparative Public Law / Systems of Governance

c. Law and Justice in a Globalising World

II. Optional / Specialisation Papers: (6 courses of 5 credits)

Each branch of specialisation offered by the Centre for Post-Graduate Legal Studies (CPGLS), VISTAS shall consist of nine papers from which the students can choose six papers to get the degree of that specialisation.

III. Dissertation (10 Credits)

The dissertation shall carry ten credits.

Semester – I

a) Research Methods and Legal Writing	5 Credits
b) Comparative Public Law/Systems of Governance	5 Credits
c) Law and Justice in a Globalising World	5 Credits
d) Specialisation Course – I	5 Credits
e) Research Project	5 Credit

Semester – II

a) Specialisation Course – II	5 Credits
b) Specialisation Course – III	5 Credits
c) Specialisation Course – IV	5 Credits
d) Specialisation Course – V	5 Credits
e) Specialisation Course – VI	5 Credits
f) Dissertation	10 Credits
TOTAL NUMBER OF CREDITS	**60 Credits**

6. ACADEMIC TERMS:

First Semester: 18 Weeks

Second Semester: 18 Weeks

7. UNIVERSITY EXAMINATIONS:

The University End Semester Examination shall be conducted at the end of every semester. Each written paper examination shall be of maximum three hours duration, unless otherwise indicated. There shall be two sessions of University examinations in an academic year.

Dissertation shall be evaluated by written work and a vice-voce.

8. ATTENDANCE REQUIREMENT:

a) A candidate is required to put in minimum of 75% attendance for being eligible to write the university examination.

b) A candidate lacking attendance will not be permitted to take up the university examination. He / She has to redo the semester in order to write the examination.

c) No candidate shall be permitted to any one of the parts of LL.M. examination unless he / she has attended the course in the subject for the prescribed period and produces the necessary certificates of study, attendance and satisfactory conduct from the Dean of the School of Law.

9. INTERNAL MARKS:

The internal mark components is distributed among the following components, viz., Written Assignment (10 Marks), Seminar Presentation (10 Marks), Participation in Teaching (10 Marks) and Written Test (10 Marks). These are prescriptive and the faculty shall decide the right combination in consultation with the Dean on the specific components to be adopted for a specific course.

10. EXTERNAL MARKS:

a) The end semester examination is the only component of external marks. The panel of experts/ examiners for setting the question paper and evaluation shall be provided by the Dean to the university.

b) The question paper setting shall be done by the panel of question paper setters recommended by the Dean and approved by the university.

c) The evaluation of papers shall be done by the internal faculty members.

d) The evaluation of the Dissertation shall be done by Internal and External examiners.

e) Viva-Voce for Dissertation: A panel consisting of the Dean (convenor), Head of the Department of Post-Graduate Studies, Internal and External Examiner shall conduct the viva-voce University exam for Dissertation at the end of the 2nd semester.

f) Dissertation carries 200 marks of which 50 marks are earmarked for the Viva-Voce. The passing minimum for dissertation is 75 out of 150 marks and the overall passing minimum (both evaluation of dissertation and viva) is 100 out of 200 marks. Viva is mandatory; however there is no passing minimum for the viva. Whereas, any student who fails to attend the viva, shall be treated as absent for the said course (Dissertation) and he/she shall be required to undergo the same as and when it becomes due subsequently.

g) Candidates who secure 60% and above in the aggregate and pass all the papers within the duration of the course in one year of joining the course shall be placed in First Class and all those who pass the whole examination shall be placed in the Second Class.

11. PASSING MARKS:

There is no minimum in the internal marks. However, the student should obtain a minimum of 50% marks in the external examination. Overall, the student should obtain 50% out of the 100 marks in each subject.

CURRICULUM

Total Number of Credits: 60

CATEGORY	CODE	TITLE OF THE COURSE	HOUR/ WEEK			CREDITS
			Lecture	Tutorial	Practical	
SEMESTER – I						
Core	18LLMCA001	Research Methodology and Legal Writing	5	0	0	5
Core	18LLMCA002	Comparative Public Law / Systems of Governance	5	0	0	5
Core	18LLMCA003	Law and Justice in a Globalised World	5	0	0	5
Optional – I	18LLMCA004	Specialization – I	5	0	0	5
AECC	18LLMCA100	Research Project	5	0	0	5
		TOTAL	**25**	**0**	**0**	**25**

CATEGORY	CODE	TITLE OF THE COURSE	HOUR/ WEEK			CREDITS
			Lecture	Tutorial	Practical	
SEMESTER – II						
Core	18LLMCA005	DISSERTATION	10	0	0	10
Optional – II	18LLMCA006	Specialization - II	5	0	0	5
Optional – III	18LLMCA007	Specialization – III	5	0	0	5
Optional – IV	18LLMCA008	Specialization – IV	5	0	0	5
Optional – V	18LLMCA009	Specialization – V	5	0	0	5
Optional – VI	18LLMCA010	Specialization – VI	5	0	0	5
		TOTAL	**30**	**0**	**0**	**35**

LIST OF OPTIONAL PAPERS

CODE	TITLE OF THE COURSE	HOURS/ WEEK			
		L	**T**	**P**	**C**
18LLMCA004	Indian Constitutional Law : The New Challenges	5	0	0	5
18LLMCA006	Constitutionalism : Pluralism and Federalism	5	0	0	5
18LLMCA007	Judicial Process	5	0	0	5
18LLMCA008	Union – State Relations and Constitutional Governance	5	0	0	5
18LLMCA009	Administrative Process and Judicial Control	5	0	0	5
18LLMCA010	Comparitive Administrative Law	5	0	0	5
18LLMCA011	Fundamental Rights and Directive Principles of State Policy	5	0	0	5
18LLMCA012	Media Law	5	0	0	5
18LLMCA013	Health Law	5	0	0	5

SEMESTER – I

RESEARCH METHODOLOGY AND

18LLMCA001 LEGAL WRITING 4103

Course Objective : The main objective of this course is to acquaint the student of law with the scientific method of Legal research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in legal research. Emphasis would be laid on practical training in conducting research in this course.

UNIT – I INTRODUCTION 13

The Science of Research and Scientific Methodology – Fact – Inter Disciplinary Research and Legal Research Models – Legal Research – Common Law and Civil Law Legal – Systems. Meaning of Scientific Method and its applicability in Social research.

Introduction – Meaning of research, Objectives of research, Characteristics of research, significance of research – Research methodology – importance of research methodology.

UNIT – II 13

Legal research methodology – Meaning of legal research, objectives of legal research, types of legal research – Doctrinal legal research – characteristicsmerits and demerits – Non – doctrinal legal research features – limitations.

UNIT – III 12

Methods of legal research –Analytical method - Historical method – empirical method – Scientific method – statistical method – steps involved in legal research – Hypothesis meaning and items of hypothesis.

UNIT – IV 13

Research design – solution of research problem –Determination of research design Types of research design – evaluation of research design – Research tools and data processing.

UNIT – V LEGAL WRITING 13

Report / Article Writing in Legal Research – Use of Definitions – Maxims – Concepts – Principles – Doctrines in Legal Research – Citation – Methodology – Book Review and Case Comments. **TOTAL : 64H**

TEXT BOOKS

1. Watt, Robert and Johns, Francis. Concise book on Legal Research, 6thEdn, Sydney, Federation Press, 2001.
2. Ahuja, Ram. Research methods. Jaipur, Rawat, 2001.

REFERENCE BOOKS

1. Goode and Hatt, et al. Methods in Social Research, Newyork, McGraw Hill publication Ltd, 1952.
2. Young, Pauline. & Schmid, Calvin F. Scientific social survey and research analysis of social studies. New Delhi, Prentice, 1968.
3. Stott, David. & Macfarlane, Julie. Legal Research, London, RouteldgeCavindesh Publishing, 1998.

COMPARATIVE PUBLIC LAW /

18LLMCA002 SYSTEMS OF GOVERNANCE 4103

Course Objective: This paper focuses on analytical and theoretical scrutiny of Administrative Law, Constitutional Law and Criminal Law and its component in comparative manner. It enables the students to understand the structure of government, legislative powers and the role of Judiciary to have better understanding of Indian Polity.

UNIT – I INTRODUCTION 13

Meaning and Definition of Public Law – Concept of Public Law – Globalization of Comparative Public Law.

UNIT – II TOOLS OF COMPARATIVE PUBLIC LAW 13

Constitutional Law – Common Law – Civil Law – Legislative Mechanism – Common Law – Civil Law – Typology of Federalism – USA – India.

UNIT – III PUBLIC INTEREST LITIGATION – USA, INDIA 12

Locus Standi - Judicial Activism – Judicial Accountability.

UNIT – IV COMPARATIVE CRIMINAL LAW, COMMON LAW, CIVIL LAW

Domestic Violations – International – National – Provisions Relating to Rape – Plea Bargaining – USA – India – White Collar – Juvenile Justice.

UNIT – V CONSTITUTIONAL FOUNDATION OF POWERS 13

Supremacy of legislature in law making – Rule of law – Modern Concept of rule of law Separation of powers – Scope of Judi vial review in india – UK and US.

TOTAL : 64H

TEXT BOOKS

1. Wade, H. W.R., and Christopher Forsyth. Administrative law. Oxford University Press, 2000.
2. Garner, J.F. Administrative Law. London, Butterworths, 1979.

REFERENCE BOOKS

1. Dicey, A. V. Introduction to the study of the law of the constitution. Holmes Beach, FL, Gaunt, Inc., 2004.
2. Phillips, Owen Hood., and Paul Jackson. Constitutional law. London, Sweet & Maxwell, 1987.
3. Jain, Mahabirprashad., and SrimandirNath Jain. Principles of administrative law. New Delhi, Wadhwa & Co., 2007.

LAW AND JUSTICE IN A

18LLMCA003 GLOBALISED WORLD 4103

Course Objective : The main objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to have become familiar with the multiple dimensions of the theoretical literature and be able to critically evaluate the liberal, republican and discursive democratic attempts to make sense of and to ameliorate prevailing instances of injustice in the world. This will be imparted through theoretical and philosophical debates advanced by various scholars and the institutional mechanism that need to be accelerated to achieve the objectives of global justice.

UNIT – I INTRODUCTION 13

Meaning and Significance of Globalization – Concept of Global Justice – Global Justice and Right to Development.

UNIT – II THEORETICAL PREPOSITIONS OF GLOBAL JUSTICE 12

Realism – Particularism – Nationalism – Cosmopolitanism. Connection between law and Society - Theories of Justice.

UNIT – IIIHISTORICAL AND CENTRAL CHALLENGES TO GLOBAL JUSTICE13

Global Poverty – Role of International Mechanism – Armed Conflict – Nationalist Practices – Crimes Against Humanity – Environment and Health – Oppressive Policies – Threat of Terrorism – Global Politics.

UNIT – IV ROLE AND REFORMATION OF GLOBAL INSTITUTIONS 13

States – Sovereignty and Transnational Law – Economic and Trade Institutions – MNC's – Structural Reforms of United Nations – Security Council – International Judicial Institutions.

UNIT – V MODELS TO ACHIEVE GLOBAL JUSTICE 13

Social Contract and Social Justice – Sarvodaya Model of Justice – Multi Culturalism and Cosmopolitanism – Significance of Human Rights Education – Global Justice and Global Rule of Law.

TOTAL : 64H

TEXT BOOKS

1. Brian Barry, Cultureand Equality, Cambridge : Polity, 2001
2. Duncan Bell (ed.) Ethics and World Politics. Oxford 2010.

REFERENCE BOOKS

1. Martha Nussbaum, Frontiers of Justice. Cambridge, Mass : Harvard University Press, 2006.
2. Thomas Pogge, World Poverty and Human Rights. Cambridge : Polity, 2002.
3. Amartya Sen, Development as Freedom. Oxford : 1999.
4. Prof. Ishwar Bhatt – Globalization. Law & Social Transformation in India.

INDIAN CONSTITUTION LAW:
18LLMCA004 THE NEW CHALLENGES 4102

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

UNIT – I FEDERALISM 16

Creation of New states – Allocation and share of Resources – Distribution of Grants in aid- The inter – state disputes on Resources – Rehabilitation of Internally Displaces Persons – Centre's Responsibility and Internal Disturbance within states – Directions of the center to the state under article 356 and 365- Federal comity: Relationship of Trust and Faith Between centre and state – Special Status of certain states – Tribal Areas – Scheduled Areas.

UNIT – II STATE 16

Need for widening the Definition in the wake of Liberalization – Right to Equality – Privatization and its Impact on Affirmative Action – Empowerment of women

UNIT – III 16

Freedom of Press and challenges of New Scientific Development – Freedom of Speech and Right to Broadcast and Telecast – Right to strike – Hartal and Bandh.

UNIT – IV EMERGING REGIME OF NEW RIGHTS AND REMEDIES 16

Reading Directive principles and Fundamentals Duties into Fundamental Rights – Compensatory Jurisprudence – Right to Education – Commercialization of Education and its Impact – Brain Drain by Foreign Education Market – Right of

Minorities to Establish and Administer Educational Institutions and State Control – Secularism and Religious Fanaticism.

UNIT – V SEPARATION OF POWERS: STRESSES AND STRAIN 16

Judicial Activism and Judicial Restraint – PIL – Implementation – Judicial Independence – Appointment – Transfer and removal of Judges – Accountability – Executive and Judiciary – Tribunals.

No specific bibliography is suggested for this paper since the course materials depends upon latest development. These developments in the areas prescribed can be gathered from the materials such as case law changes and amendments of laws, critical comments articles and research papers. Some reference books are given below.

REFERENCE BOOKS

1. Seervai, H.N., Constitutional Law of India, Universal Law Publishing Co., Reprint, New Delhi, 2013.
2. Bakshi, P.M., The Constitution of India, Universal Law Publishing Co., New Delhi, 10th Edition, 2014.
3. Basu, D.D., Introduction to the Constitution of India, Lexis Publication, Nagpur, 22nd Edition, 2015.
4. Shukla,V.N., Constitution of India, Eastern Book Agency, Lucknow, 10th Edition, 2014.
5. Jain, M.P., Indian Constitutional Law, Lexis Nexis, Nagpur, 6th Edition, 2013.

18LLMCA100 RESEARCH PROJECT 4101

Course Objective : The course enables students to understand and undertake advanced research in a specialised area of their interest. It helps them to understand the basics of legal research, legal scholarship and research methods; and to undertake a piece of supervised independent research putting into practice research methods skills leading to a project report. It should demonstrate that the students are skilled in identifying an area, of areas suitable for research. It helps the student to understand the relationship between the theoretical concepts taught in class and their application in specific situations. The student will be supported by an academic supervisor.

The research project report should contain the following details.

1. Introduction to the topic
2. Aim of the project
3. Objective of the project
4. Research questions
5. Preliminary literature review
6. Research methodology adopted
7. Main findings
8. Conclusions
9. Recommendations

TEXT BOOKS

1. Watt, Robert and Johns, Francis, concise book on legal Research, 6th Edn., Sydney, Federation Press, 2001.
2. Ahuja, Ram. Research methods, Jaipur, Rawat, 2001.

REFERENCE BOOKS

1. Goode and Hatt, et al. Methods in Social Research, Newyork, McGraw Hill publication Ltd, 1952.
2. Young, Pauline, & Schmid, Calvin F. Scientific social survey and research analysis of social studies. New Delhi, Prentice, 1968.
3. S.K. Verma& Afzal Wani, Legal Research Methodology, New Delhi, Indian Law Institute, 1998.

SEMESTER – II

18LLMCA005 DISSERTATION 4104

Course Objective: Writing a dissertation enables the students to tackle a theoretical, doctrinal jurisprudential or policy issue that is relevant in contemporary legal scholarship on legal policy affairs. The dissertation entails that the student to develop and demonstrate their analytic, argumentative, writing and presentation skills.

Dissertation proposal should contain several key aspects, regardless of the structure, an Introduction, Aims and Objectives, Research Questions, Hypothesis, Scheme of the Research, Review of Literature and Conclusion and Suggestion. The topic of the dissertation can relate to any subject area covered in any of the module of the LL.M Program. Students are required to select their topic of dissertation during the first semester itself and register with the supervisor concerned and work under the supervisor.

Dissertation carries 200 marks in total of which 50 marks is allotted for viva – voice examination.

CONSTITUTIONALISM :

18LLMCA006 PLURALISM AND FEDERALISM 4102

Course Objective : Constitutionalism essentially means a limited government, where government function according to certain principles. It is said to be abiding by constitutionalism. In a plural society, where different religious as well as linguistic groups have to live together, where rules of accommodation and mutual recognition are incorporated equality, but with the help of vertical and horizontal pluralism and in the existence of federal government the goals of constitutionalism can be achieved. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional government and federal structures.

UNIT – I CONSTITUTIONALISM 16

Authoritarianism – Dictatorship- Democracy- communism – Limited Government Concept- Limitation on Government Power – What is a Constitution – Development of a Democratic Government in England – Historical Evolution of Constitutional Government – Conventions of constitutionalism – Law and Conventions – Written Constitutions – U.S.A., Canada, Australia, Sweden, South Africa and India.

UNIT – II SEPARATION OF POWERS 16

Montesquieu Rule of Law- Concept and New Horizons – Marxist Concept of Constitutionalism- Dictatorship of the proletariat – Communist state from stalin to Gorbachov – Fundamental Rights – Human Rights – Judicial Review – European court of Human Rights – International Conventions – Limits and Doctrine of Domestic Jurisdiction in International Law.

UNIT – III FEDERALISM 16

Meaning of Federal Government – Difference Between Confederation and Federation – Conditions Requisite for Federalism- Patterns of Federal Government – USA, Australia, Canada, India – Judicial review for federal umpiring – New Trends in Federalism – Co – Operative Federalism – India- Central Control Vs. State Autonomy – Political Factors influencing federalism – Plural aspects of Indian Federalism- Jammu and Kashmir, Punjab, Assam- Dynamics of Federalism.

UNIT – IV PLURALISM **16**

What is a pluralistic Society – Ethni – Linguistic – Cultural – Political Pluralism- Individual Rights – Right to Dissent – Freedom of Speech and Expression- Freedom of the Press – Freedom of Association – Rights to Separateness – Rights of the Religious and Linguistic Minorities- compensatory Discrimination for Backward Classes – Scheduled Tribes – Distinct Identity – Protection Against Exploitation – Uniform Civil code – Non – State Law(NSLS) and state law systems – Problem of Uniformity – Personal Laws – Vertical federalism.

UNIT – V EQUALITY IN PLURAL SOCIETY **16**

Right to Equality and Reasonable Classification- Prohibition of Discrimination on Grounds of Religious, Caste, Sex, Language – Abolition of Untouchability – Secularism – Constitutional Principles – Tribal Groups and Equality – Pluralism and International Concerns- International Declaration of Human Rights – Conventions Against Genocide- Protection of Religious Ethic and Linguistic Minorities – State Intervention for Protection of Human Rights – Right of Self – Determination.

TOTAL : 80H

TEXT BOOKS

1. UpendraBaxi, Law, Democracy and Human Right, 5Lokayan Bulletin 4(1987).
2. V.M.Dandekar, Unitary Elements in a Federal Consitution, 22 E.P.W 1865, 1988.

REFERENCE BOOKS

1. M.A.Fazal, Drafting a British Bill of Rights, 27JILI 423, 1985
2. M.P.Jain, Indian Constitutional Law (1994), Wadhwa
3. H.M.Seervai, Consitutional Law of India (1993)

18LLMCA007 JUDICIAL PROCESS 4102

Course Objective : The Objective of this course is to study the nature of judicial process and the role of the judges as policy maker and as the participants in evolving political principles of governance. This Paper also Facilitates to understand the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

UNIT – I NEED FOR JUDICIAL ADJUDICATION 16

Necessity of the Administration of Justice – Administration of Civil and Criminal Justice – Certainity and uniformity in the Application of Law -The Significance of Judicial Constraints – The External Constraints, Internalized constraints and some structural Constraints.

UNIT – II NATURE OF JUDICIAL PROCESS 16

Judicial Process as an Instrument of Social Ordering – Judicial Process and Creativity in Law – common Law Model – Legal Reasoning and Growth of Law – Change and Stability – The Tools and Techniques of Judicial Creativity and Precedent – Legal Development and Creativity through legal reasoning under Statutory and Codified Systems – Special Dimensions of Judicial Process in Constitutional Adjudications – Nations of Judicial Review – Role in Constitutional Adjudication – Various Theories of Judicial Role – Tools and Techniques in Policy – Making and Creativity in constitutional Adjudication – Varieties of Judicial and Juristic Activism – Problems of Accountability and Judicial Law – Making.

UNIT – III JUDICIAL PROCESS IN INDIA AND ENGLAND 16

Indian Debate on the role of Judges – Notion of Judicial Review – The Independence of Judiciary and the political Nature of Judicial Process – Judicial Activism and Creativity of the Supreme court – The tools and Techniques of Creativity – Judicial process in pursuit of Constitutional Goals and Values – New Dimensions of Judicial Activism and Structural Challenges – Institutional Liability of Courts and Judicial Activism – Scope and Limited – Judicial Hierarchy.

UNIT – IV THE CONCEPT OF JUSTICE 16

The Concept of Justice or Dharma in India Thought – Dharma as the Foundation of Legal Ordering in Indian Thought – The Concept and Various

Theories of Justice in the Western – Various Theoretical Bases of Justice – The Liberal Contractual Tradition- The Liberal Utilitarian Tradition and the Liberal Moral Tradition.

UNIT – V JUDICIAL PROCESS AND DEVELOPEMTS 16

Evolution of the Concepts of Basic Structure – Philosophy of the Doctrine of Basic Structure – Basic Structure and Constitutionalism – Recent Developments – The Law commission of India, Power, Functions and Development of Law and Legal system in India – The Role, Powers and Functions of Legal Services Authority.

TOTAL : 80H

TEXT BOOKS

1. Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
2. Cardozo, The Nature of Judicial Process, 19945 Universal, New Delhi

REFERENCE BOOKS

1. W.Freidmann Legal Theory, 1960
2. Bodenheimer – Jurisprudence – The Philosophy and Method of the Law, 1997, Universal, New Delhi
3. J.Stone, Legal System and Lawyers, Reasonings, 1999 Universal, New Delhi

UNION – STATE RELATIONS AND

18LLMCA008 CONSTITUTIONAL GOVERNANCE 4102

Course Objective : This paper aims at giving the students an insight into the federal Structure as envisaged in the Constitution of India and focuses upon the educating them about the legislative, administrative and financial relations between the centre and the states. The course also helps the students to understand the principles of interpretation of various lists and the doctrines in relation thereto.

UNIT - I FEDERALISM 16

Federation and Confederation – Models of Federal Government – USA, Australia, Canada – Evolution of Centre – State Relations in India – India Union – Composition – District Features of Indian Federalism – Part I (Art. 1 to 4).

UNIT - II LEGISLATIVE RELATIONS 16

Territorial Nexus Theory and Principles of Resolving Conflict – Distribution of Legislative Powers – The Three Lists – Principles of the Interpretation of Lists – Repugnancy – Between the Central and State Law – Residuary Powers – Parliamentary Legislation in the State Field – Centre Control Over State Legislation – Distribution of Powers in Other Federation USA, Australia Freedom of Inter – State trade and Commerce – Restrictions on Legislative power of the Union and States.

UNIT – III ADMINISTRATIVE RELATIONS 16

Distribution of Executive Power – Central – State Administrative Coordination – Power to Carry on Trade – States not to Impede the Centre – Centre's Directives to the States Statutory Provisions – All India Services – Impact of Emergency and Role of Executives in the Centre – State Relations.

UNIT - IV FINANCIAL RELATIONS 16

Scheme of Allocation of Taxing Power – Extent of Union Power of Taxation – Inclusion of Residuary Power in the Fiscal Power – Inter – Government Tax Immunities – Difference Between Tax and Fee – Distribution of Tax Revenues – Borrowing Power of the Government of India and State – Tax Sharing Under the Constitution – Finance Commission – Specific Purpose – Grants – VAT – GST – Reports of Commissions and Committees on Revenue Sharing.

UNIT – V CO – OPERATIVE FEDERALISM AND PLANNING 16

Competitive Federalism to Co – Operative Federalism – Full Faith and Credit Clause – Inter – State Council – Zonal Councils – River Boards – Other Statutory Bodies – Planning Commission EPZA and Finance Commission – National Development Council – Plan Grants – Special Status given to Certain States – Impact of Panchayat Raj on Centre – State Relations – Commissions and Reports on Centre – State Relations – Impact of Globalization on Centre- State Relations.

TEXT BOOKS

1. Kirby, M.D.H.M.Seervai : Doyen of Indian Constitutional law : Delhi, Universal Law Pub. Co., 2008..
2. Chanda, Asok Kumar. Federalism in India. London, G.Allen& Unwin, 1965.
3. Jain, M.P.Indian Constitutional law. Agra, Wadhwa and Company, 2003.

REFERENCE BOOKS

1. Austin, Granville. The Indian Constitution : Cornerstone of a nation. New Delhi, Oxford Univ. Press, 2012.
2. Shukla, V.N., and Mahendra Pal Singh. V.N.Shukla's Constitution of India. Lucknow, Eastern Book Company, 2017.
3. Prof. Shetty K.P.Krishna Shetty – Union – State Relations & Constitutions Governance.

ADMINISTRATIVE PROCESS AND

18LLMCA009 JUDICIAL CONTROL 4102

Course Objective: This course helps the students to understand the various characteristics of Administrative Law. It enables the students to acquire knowledge about the body of law that governs the administration and regulation of government authorities. Students acquire knowledge on the administrative functions and the manner in which it is implemented by the administrators for an able government.

UNIT – I INTRODUCTION 16

Definition – Nature and Scope of Administrative Law – Evolution of Administrative Law – Difference Between Constitutional Law and Administrative Law – Rule of Law – Doctrine of Separation of Powers – Classification of Administrative Actions – Administrative Process – Nature and Meaning the Role of Civil Service – the Role of Admistrative Agencies – Constitutional Standard – Doctrine of Police Power – Doctrine of Eminent Domain – Taxing Power – Responsibility and Accountability.

UNIT – II JUDICIAL REVIEW OF ADMINISTRATIVE ACTION IN INDIA 16

Historical Development – Power of Supreme Court – Powers of High Courts – Role of Subordinate Courts – Jurisdiction – Finality Clause – Conclusive Evidence Clauses – Law and Fact Distinction – Exclusionary Clause – Ground of Judicial Review – Doctrine of Ultra Vires – Unreasonable Discretionary Power – Discretion and Justifiability – Violation of Fundamental Rights – Extraneous Consideration and Delegation Acting under Dictation – Malafides and Bias – Lack of Rationality and Proportionality – Oppressing Decision.

UNIT – III ADMINISTRATIVE LAW AND JUDICIARY 16

Administrative Discretion – Judicial Control over Administration – Judicial and Other Remedies – Writ Jurisdiction of Supreme Court and High Courts – Ombudsman in India – Lokpal and Lokayukta – Central Vigilance Commission – Public Interest Litigation.

UNIT – IV ALTERNATE REMEDIES 14

Limits of Judicial Review – Locus Standi and PIL – Laches – Resjudicata – Alternative Remedies – Writs Private Law Remedies Injunction and Declaration.

UNIT –V ADMINISTRATIVE LIABILITY 16

Tortuous and Contractual Liability – Emerging Liability – Personal Accountability – Compensatory Jurisprudence and Right to Live - Accountability under Consumer Protection Law – Promissory Estoppels – Legitimate Expectation and Constitutional Dimensions.

TEXT BOOKS

1. DurgaD.Basu, Introduction to the Constitution of India, Lexis Nexis, Nagpur, 2nd Edition, 2009.
2. Massey, I.P., Administrative Law, Eastern Book Company, Lucknow, 5th Edition, 2008.

REFERENCE BOOKS

1. Griffith and Street, Principles of Administrative Law, London, 3rd Edition, 2006.
2. Kesari, U.P.D, Lectures on Administrative Law, Central Law Agency, 15th Edition Allahabad, 2005.
3. Takwani, Thakker, C.K., Lectures on Administrative Law, Eastern Book Company, 3rd Edition, Lucknow, 2003.

COMPARITIVE ADMINISTRATIVE

18LLMCA010 LAW 4102

Course Objective : Administrative law Governs the government and ensure that it dials fairly with the Public it serves. Students will the getting knowledge of the intimal operations of the government agencies and alsostipulates how they go about then main function. which are rule making and enforcement of the rules they make or adjudication.

UNIT – I FUNDAMENTALS OF ADMINISTRATIVE LAW 16

Evolution Definition – Nature – Scope and Significance of Administrative Law in various System of Governance from Ancient to Modern Period – Development of Administrative Law in USA, UK and India – Droit Administrative in France – Constitutional Dimensions of Administrative Law and its Relationship – Role of Administrative Law in welfare state and Relationship Between Constitutional and Administrative Law – Rule of Law and Separations of Powers – Classification of Power – Delegation of Legislative Power and Controls.

UNIT – II PROCEDURAL FAIRNESS VIS – A – VIS ADMINISTRATIVE DISCRETION 16

Evolution and Significance of Principles of Natural Justice – Right to Fair Hearing – Audi Alterum Paterm – Administrative Cases – Statutory Hearing – Reasoned Decisions and its Exceptions – Rule Against Bias- 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 Powers – Judicial Control over Administrative Discretionary Power – Retention – Dictation and Abuse of Administrative Power.

UNIT – III JUDICIAL REVIEW OF ADMINISTRATIVE ACTION 16

Nature – Extent and Limitation of Administrative Action in India – Judicial Control over Administrative Action – Remedies for Administrative Wrongs – Writs – Limitations on Judicial Review – Locus standi and PIL – Laches – Resjudicata and Doctrine of Exhaustion of Alternative Remedies – Doctrine of Standing and Doctrine of Ripeness – Statutory Remedies – General and Specific Statutory Remedies for Administrative Action – Administrative Process – Judicial Control – Liabilities and Accountabilities of the State Administrative Tribunals.

UNIT – IV GOVERNMENTAL PRIVILEGE, OFFICIAL SECRECY AND ACCESS TO INFORMATION 16

Governmental Privileges – Withholding of Documents and Evidence – Official Secrets Acts, 1923 – Rebuttal of Governmental Privileges – Position in England and India – Right to Information Act, 2005 – Doctrine of Legitimate Expectation and its Constitutional Dimensions and Limitations – Public Utility Services – Nature and Extent of Doctrine of Promissory Estoppels – Waiver and Proportionality.

UNIT-V PROTECTIONS OF CIVIL SERVANT, ADMINISTRATIVE ADJUDICATION AND PUBLIC UNDERTAKINGS AND CORPORATIONS 16

Constitutional Protection of Civil Servants – Need for Protection of Civil Servants – Lacunae in the Protection – Terms and Condition of Service – Tenure of Office – The Doctrine of Pleasure – its Extent and Limitations and Exceptions – Administrative Adjudication – Administrative Tribunals and Special Court Act, 1979 – Nature – Constitution and Powers of Public Undertakings and Control over them – Privatization of Public Corporations and its Impact in India on Concept of State.– Prevention of Corruptions.

TOTAL : 80H

TEXT BOOKS

1. DurgaD.Basu, Introduction to the Constitution of India, Lexis Nexis, Nagpur, 2nd Edition, 2009.
2. Massey, I.P., Administrative Law, Eastern Book Company, Lucknow, 5th Edition, 2008.

REFERENCE BOOKS

1. Griffith and Street, Principles of Administrative Law, London, 3rd Edition, 2006.
2. Kesari, U.P.D., Lectures on Administrative Law, Central Law Agency, 15th Edition Allahabad, 2005.
3. Takwani, Thakker, C.K., Lectures on Administrative Law, Eastern Book Company, 3rd Edition, Lucknow, 2003.
4. S.A.D. Smith – Constitutional Law
5. S.P. Satty – Administrative Law.

FUNDAMENTAL RIGHTS AND
18LLMCA011 DIRECTIVE PRINCIPLES OF STATE POLICY 4102

Course Objective : The Purpose of the course is to acquaint the students with basic postulates of the Constitution like the constitutional supremacy, rule of law and concept of liberty. The course has laid down emphasis on the salient features of Indian Constitution, Fundamental Rights and Freedoms enshrined under the Constitution of India. Further, it discusses Directive Principles of State Policy and also Fundamental Duties.

UNIT - I INTRODUCTION 16

Meaning and Significance – Evolution of Modern Constitution – Classification of Constitution – Indian Constitution – Historical Perspective – Sources of Drafting of Indian Constitution – Role of Drafting Committee of the Constituent Assembly.

UNIT-IIFEATURES OF INDIAN CONSTITUTION AND FUNDAMENTAL RIGHTS 16

Nature and Salient Features of Indian Constitution – Concept Expansion of State of - Preamble to Indian Constitution – Union and its Territories – Citizenship – Definition of State – General Principles Relating to Fundamental Rights (Art. 13. Definition of Law).

UNIT – III RIGHT TO EQUALITY AND FUNDAMENTAL FREEDOMS 16

Right to Equality (Art. 14 – 18) – Freedoms and Restrictions Under Art.19 – Protection Against Ex – post Facto Law – Guarantee Against Double Jeopardy – Privilege Against Self- incrimination – Right to Life and Personal Liberty – Right to Education – Protection Against Arrest and Preventive Detention. Rights against

UNIT - IV CONSTITUTIONAL REMEDIES 16

Right to Freedom of Religion – Cultural and Educational Rights – Right to Constitutional Remedies – Limitations on Fundamental

UNIT - V DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES 16

Directive Principles of State Policy – Significance – Nature – Classification- Application and Judicial Interpretation – Relationship Between Fundamental Rights and Directive Principles – Fundamental Duties – Significance – Judicial Interpretation.

TOTAL : 80H

TEXT BOOKS

1. Shukla, V.N., Constitution of India, Eastern Book Agency, Lucknow, 10th Edition, 2014.
2. Jain, M.P., Indain Constitutional Law, Lexis Nexis, Nagpur, 6th Edition, 2013.

REFERENCE BOOKS

1. Seervai, H.M., Constitutional Law of India, Universal Law Publishing Co., Reprint, New Delhi, 2013.
2. Bakshi, P.M., The Constitutional of India, Universal Law Publishing Co., New Delhi, 10th Edition, 2014.
3. Basu, D.D. Introduction to the Constitution of India, Lexis Nexis Publication, Nagpur, 22nd Edition, 2015.
4. G.C.V. Subba Rao
5. Lakshminath -

18LLMCA012 MEDIA LAW 4102

Course Objective : The Phrase 'Media Law' can be defined as laws that regulate the activities of the media. There is no country in the world where there are no media or press laws or where the press is not expected to operate within the ambit of the law. However, given the fact that freedom of the press is an essential requirement for democracy like india, the law governing the press are those which only seek to protect the fundamental rights of individuals and ensure the maintanence of peace and tranquility. Such laws are the laws of defamation, sedition, copyright, plagiarism, privary etc. Thus the aim of this course is to make the students understand about the various facts of media law and its impact on the society.

UNIT – I MEDIA & PUBLIC POLICY 16

Disseminating the facts of Media – Understanding the concept of Media – History of Media, Theories of media and Evolution of media- Kinds of media.

History of Media Legislation – Media Legislation, The British Experience; Media Legislation in U.S; Media Legislation in Indian Context – MEDIA ETHICS: Basic Ethical Theory – Historical Perspective in Ethics.

UNIT – II MEDIA & STATUTORY FRAMEWORK 18

Freedom of Expression in Indian Constitution – Interpretation of Media Freedom – Censorship Issues of Privacy – Interpretation of Media freedom – right to Information – case studies on Media and Free expression.

UNIT – III MEDIA – REGULATORY FRAMEWORK 16

Legal Dimensions of Media – Media & Criminal Law (Defamation / Obscenity/Sedition) – Media & Tort Law (Defamation & Negligence) – Media & Legislature – Privileges of the Legislature – Media & Judiciary – Contempt of Court – Media & Executive – Official Secrets Act – Media & Journalists – Working Journalists (Conditions of Service) Act & Press Council Act.

Self Regulation& Other Issues – Media and Ethics : Self- Regulation Vs Legal Regulation – Media and Human Rights – Issues Relating to Entry of Foreign Print media.

UNIT – IV CONVERGENCE & NEW MEDIA 16

The New Media of Internet – Evolution of Internet as New Media – Regulating the Internet – I.T. Act of 2000 and Media – Convergence Bill (to be enacted) – Regulatory Commissions of New Media – India Telegraph Act of 1885.

UNIT – V MEDIA – ADVERTISEMENT & LAW 16

Regulation of Advertising – Ethical Issues in Advertising – Concept of Advertisement – Advertisement Act of 1954 – Indecent Representation (Prohibition) Act, 1986 – The Drugs and Magic Remedies (Objectionable) Advertisements Act of 1954 – Issues of consumer Protection

TOTAL : 80H

TEXT BOOKS

1. Justice P.B.Sawant&P.K.Bandhopathya, Advertising Law and Ethics, Universal Law Publishing Co Pvt Ltd.,2002.
2. Durga Das Basu, Law of the Press, Lexis, 5th Ed., 2010.

REFERENCE BOOKS

1. Taxmanns, Telecom Broadcasting and cable laws, Taxmann, 1st Ed.,2004,
2. Universal, Press Media and Telecommunications Laws, Universal Law Publishing Co Pvt Ltd., 1st Ed.,2005.
3. M.Neelamalar, Media Law and Ethics, PHI Publishers, 2009.
4. MadabhushiSridharachajulu – Reference Book
5. MadhaviGarodia – Advertisement.

18LLMCA013 HEALTH LAW 4102

Course Objective : This Course provides an introduction to the legal foundations of health care in India. The course is designed to identify and analyse legal issues in health care. The content of this course addresses health law – international and national perspective and relationship between health law and medical ethics.

UNIT – I INTRODUCTION 16

Public Health as a Index of Development – Reproductive Health – Abortion – Assistant Reproduction – Prenatal Diagnosis – Emergency Care – Geriatric care – Health promotion – Contagious Diseases control – National Health Policy – Health Insurance in India – Legal Aspect of Private Health Practice – Medical Negligence and Malpractice – Duties of Hospitals Regarding Medico – Legal Cases.

UNIT – II HEALTH LAW – NATIONAL PERSPECTIVE 16

Right to Health as a Fundamental Right in India – mental Health Law – Realisation of Right to Health – Private Health Sector Regulation – Barriers to Health care – Social – Economic – Religious – Legal and Other Barriers – Approaches of Judiciary.

UNIT – III HEALTH AND OTHER LAWS 16

Consent to Treatment – Nature – Elements – Withdrawal of consent – Limits – Incompetent Patients – Best Interest Rule – Mental Health act, 1987 – Mental Health Authorities – Admission and Dention in psychiatric Hospitals – Protection of Human Rights of Mentally III Persons – Medical Termination of Pregnancy Act, 1971 – The Transplantation of Human Organs Act, 1994; Authority for the Removal of Human organs – Removal of Organs in case of Unclaimed Bodies in Hospital – Restrictions on Removal of Human Organs – Legal Liability of Medical Profession – Medical Audit.

UNIT – IV SCIENCE TECHNOLOGY & HEALTH 16

Science Technology & Health – Euthanasia- Legal Status of Donation of Body parts – Rights to Refuse treatment.

UNIT – V HEALTH LAW AND MEDICAL ETHICS 16

Principles of Medical Ethics – Autonomy – Board of Medical Ethics by Medical Council of India – Ethical Guidance for Research – Deontological Utilitarian Theories.

TOTAL: 80 Hours

TEXT BOOKS

1. Health Law : A Guide for Professionals and Activies, M.C. Gupta, 1st edn, (2002)
2. Micheal Davies – Text Book on medical Law, 1st edn, Vol. I:(2004)

REFERENCE BOOKS

1. Granville Austin, Indian Constitution, The Cornerstone of a Nation, New Delhi, Oxford University Press, 3rd Edition, 2007
2. Health Law and Compliance Update 2017, Steiner, John E.Jr, Wolters Kluer Aspen Pub: 6th edn.
3. Health Law, Frameworks and Contexts, Anne – Maree Farrell, Hohn Devereux, Isabel Karpin, Penelope Weller, Cambridge University Presss, Vol.II, (2015).