

PROGRAM OUTCOME OF THE DEPARTMENT OF LAW, SCHOOL OF LAW

Master of Laws (LL.M.)

- 1.To enhance their research skills and to aid them to contribute to academic research and publications.
- 2.To equip and acquaint students with the teaching pedagogy thereby enabling them to enter the teaching profession.
- 3.To develop legal research skills and legal reasoning and apply them in legal profession.
- 4.To acquire and apply legal knowledge to the complex socio-legal problems.

H.N.B. Garhwal University (A Central University) Srinagar, Garhwal, Uttarakhand
School of Law/Department of Law
PROPOSED COURSE STRUCTURE- LL.M. (TWO YEAR)
(Course of Study, w.e.f. 2022-2023)

CONSTITUTIONAL LAW GROUP

Ist Semester

Course Code	Course Name	Credit	Category
101161	Legal Theory	4	Mandatory
101162	Law and Social Transformation-I	4	Mandatory
101163	Judicial Process-I	4	Mandatory
101164	Legal Education	4	Mandatory
101165	Communication and Computer Skills	2	Skill Paper
101166	Research Writing and Ethics	2	Mandatory

IInd Semester

Course Code	Course Name	Credit	Category
102161	Legal Concepts	4	Mandatory
102162	Law and Social Transformation-II	4	Mandatory
102163	Judicial Process-II	4	Mandatory
102164	Law and Justice in a Globalizing World	4	Mandatory
102165	Alternate Dispute Resolution	2	Skill Paper
102166	Basic Research Methods	2	Mandatory

IIIrd Semester

Course Code	Course Name	Credit	Category
103161	Comparative Public Law	4	Mandatory
103162	Mass Media Law	4	Mandatory
103163	National Security, Public Order and Rule of Law	4	Specialization/ Group
103164	Administrative Process and Judicial Control	4	Specialization/ Group
103165	Seminar Paper-I	4	Presentation Skill

IVth Semester

Course Code	Course Name	Credit	Category
104161	Indian Constitutional Law-The New Challenges	4	Mandatory
104162	Civil and Political Rights	4	Mandatory
104163	Constitutionalism: Pluralism & Federalism	4	Specialization/ Group
104164	Union State Relations and Constitutional Governance	4	Specialization/ Group
104165	Dissertation and Viva-Voce	4	Mandatory

LL.M.-I

SEMESTER

LL.M. SEMESTER - I

Paper-I

Course Name: Legal Theory

Course Code: 101161

Credit:4

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Objectives of the Course

1. To understand the historical evolution of legal thought and legal theory.
2. To acquaint students with the growth and development of law in different countries under different social and political conditions.
3. To acquaint students with the theories, attitude and insights of various jurists.
4. To make them understand the importance of the course as a foundation upon which the supra structure of the legal regime is constructed.

Outcomes of the Course

Students will be able:

1. To understand, define and explain the jurisprudential understanding of the legal concepts.
2. To identify, explain, distinguish the diverse origins and conceptualizations of law and develop a keen sense of objectivity while dealing with various laws.
3. To critically analyse various legal theories and to distinguish them into broader history of thought.
4. To put in practice the acquired knowledge and will use logical, analytical and decision-making ability to deal with contemporary challenges.
- 5.

Contents of the Course

Unit-I: Law and Jurisprudence- A study in interrelationship, nature and scope of Jurisprudence and Legal theory, Importance of the study of Jurisprudence and legal theory

Natural Law: History, Characteristics, Classical Natural Law, Natural law during the medieval period, Decline and Revival of Natural Law

Philosophical School

Unit-II: Analytical Positivism: Reasons for emergence of Positive thoughts

Pure Theory of Law

Unit-III: Sociological School- The social origin of law and legal institution. Impact of law on society. The task of law in society. Social criterion of the validity of law.

Social engineering

Realist School-American Realism and Scandinavian Realism

Unit-IV: Marxist School of Thought

Feminist Jurisprudence

Suggested Readings

1. B.N. Mani Tripathi, Jurisprudence (The Legal Theory), Allahabad Law Agency,2012
2. N.V. Paranjape, Studies in Jurisprudence and Legal Theory, Central Law Agency, 2013
3. Nomita Aggarwal, Jurisprudence, Central Law Publication,2010
4. S.N. Dhyani, Fundamentals of Jurisprudence (The Indian Approach), Central Law Agency,2004
5. Michael Doherty, Jurisprudence: The Philosophy of Law, Old Balley Press,2003
6. P.J. Fitzgerald, Salmond on Jurisprudence, Thomson Sweet & Maxwell Universal, 2008
7. R.W.M. Dias, Jurisprudence, Lexis Nexis (Indian Edition)2013
8. Suri Ratnapala, Jurisprudence, Cambridge University Press (First South Asian Edition)2009
9. W. Friedmann, Legal Theory, Universal Law Publishing Co.,2008
10. Bodenheimer, Jurisprudence-The Philosophy and Method of Law, Universal Delhi,1996

LL.M. SEMESTER - I

Paper-II

Course Name- Law and Social Transformation in India-I

Maximum marks: 100

Course Code- 101162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the social change through law and legal system.
2. To understand the role of religion, language and caste as a divisive factor.
3. To explore the law and legal institutions as a means to achieve development within the framework of law.
4. To make students aware of the role law has played and has to play in the contemporary Indian society.

Outcomes of the Course

Student will be able:

1. To understand the concept of language, religion and its relationship with the law.
2. To critically analyse the Law as an instrument of social change and product of tradition and culture.
3. To gain an understanding about barriers of society and impact of law to mitigate these issues.
4. To analyse the different approaches of Law and Justice.

Contents of the Course

Unit-I: Law and social change

Law as an instrument of social change
Law as the product of traditions and culture
Sociological school and its applicability in India
Principles of social legislation

Unit -II: Religion and the law

Religion as a divisive factor
Secularism as a solution to the problem
Freedom of religion and non-discrimination on the basis of religion
Religious minorities and the law

Unit- III: Language and the law

Language as a divisive factor: formation of linguistic states
Constitutional guarantees to linguistic minorities
Language policy and the Constitution: Official language; multi-language system
Non-discrimination on the ground of language

Unit -IV: Community and the law

Caste as a divisive factor
Non-discrimination on the grounds of caste.

Acceptance of caste as a factor to undo past injustices.
Protective discrimination: Scheduled castes, tribes and backward classes
Reservation: Statutory Commissions, Statutory provisions

Suggested Readings

1. Malik and Raval, Law and social transformation, Allahabad Law Agency, 2014
2. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi, 1988
3. Marc Galanter (ed.), Law and Society in Modern India, Oxford University Press, 1977
4. Robert Lingat, The Classical Law of India, Oxford, 1998
5. U. Baxi, The Crisis of the Indian Legal System. Vikas, New Delhi, 1982
6. U. Baxi (ed.), Law and Poverty Critical Essays, Tripathi, Bombay, 1988
7. Duncan Derret, The State, Religion and Law in India, Oxford University Press, New Delhi, 1999
8. H.M. Seervai, Constitutional Law of India, 1996
9. D.D. Basu, Shorter Constitution of India Prentice Hall of India (P) Ltd., New Delhi, 1996
10. P. Ishwara Bhat., Law and Social Transformation, Eastern Book Company, 2012

LL.M. SEMESTER - I

Paper-III

Course Name- Judicial Process-I

Course Code- 101163

Credit:4

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Objectives of the Course

1. To understand the nature of judicial process with instrument of social ordering.
2. To understand the legal development and creativity through judicial process.
3. To understand the concept of justice with theories of justice.
4. To understand the relationship between law and justice.

Outcomes of the Course

Students will be able:

1. To exhibit analytical and conceptual understanding of Judicial Creativity.
2. To study the nature of judicial process as an instrument of social ordering.
3. To understand the new emerging trend in the judicial process and Independence of judiciary.
4. To appreciate the role of judges in the judicial activism and the tools and techniques applied by them.

Contents of the Course

Unit-I: Nature of Judicial Process

Judicial process as an instrument of social ordering. Judicial process and creativity in law- Legal reasoning and growth of law. The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified system

Unit-II: Special Dimensions of Judicial Process in Constitutional Adjudications

Notions of judicial review. Role in constitutional adjudication-various theories of judicial role. Tools and techniques in policy making and creativity in constitutional adjudication. Problems of accountability and judicial law making

Unit-III: The Concept of Justice

The concept of justice and Dharma in Indian thought. Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought. Various theoretical bases of justice- the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition

Unit-IV: Relation between Law and Justice

Equivalence theories- Justice as nothing more than the positive law of the stronger class. Dependency theories- justice depends on law, but justice is not as the law. The independence of justice theories - The relationship in the context of the Indian constitutional ordering

Suggested Readings

1. Julius Stone, Legal System and Lawyer's Reasonings, Universal, New Delhi, 1985
2. Cardozo, Nature of Judicial Process, Universal, New Delhi, 1995

3. Henry J. Abraham, The Judicial Processes, Oxford,1998
4. W. Friedman, Legal Theory, Stevens, London,1960
5. M.P. Jain, Indian Constitutional Law, Lexis-Nexis, Year,2015
6. S.K. Chaturvedi, Judicial Process, Thompson Reuters, Year, 2021

LL.M. SEMESTER - I

Paper-IV

Course Name- Legal Education

Course Code- 101164

Credit:4

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Objectives of the Course

1. To familiarize the students with the contours of legal education system.
2. To study the legal education system of England, US and India.
3. To study the evolution of Indian legal system.
4. To deliberate upon the various teaching methodologies in law.

Outcomes of the Course

Students will be able:

1. To understand the various aspects of legal education.
2. To appreciate different legal education systems introduced in India, U.S. and U.K.
3. To demonstrate different teaching methods used in the legal education.

Contents of the Course

Unit-I: Introduction to Legal Education

Foundation of legal education- Meaning, object and domain of legal education

Unit-II: Legal education system in India, USA and UK

History of Legal Education in India- Ancient Period, Muslim Period, British Period

Development of Legal Education in India

Legal Education System in U.S. & U.K.

Unit-III: Legal Education in India

Reforms in legal education, Report of Knowledge Commission

Restructuring of Legal education

Clinical Legal Education-Concept and concerns

Legal Aid, Legal Literacy, Legal Survey

Unit-IV: Law Teaching

Lecture Method

The Problem Method

Discussion Method and its suitability at post graduate level teaching

Seminar Method of teaching

Clinical method of teaching

Suggested Readings

1. Albert J.Harno, Legal Education in United States, The Law Book Exchange Ltd.33, Terminal Avenue, Clark, New Jersey,2004
2. Stacey Steel and Kathryn Taylor, Legal Education in Asia: Globalization, Change and Contexts-, New York, Routledge,2010
3. Paul Maharg, Transforming Legal Education: Learning and Teaching the Law in the early Twenty First Century,2007
4. G. Mohan Gopal, N.R. Madhava Menon's Reflection's on Legal and Judicial Education, Universal Law Publishing Co. Pvt. Ltd., Delhi, 2009

5. N.R. Madhava Menon, Clinical Legal Education, Eastern Book Co., Lucknow,2006
6. Sushma Gupta, History of Legal Education, Deep and Deep pub. New Delhi,2006
7. S.K. Agrawal, Legal Education in India, Tripathi, Bombay,1973

LL.M. SEMESTER - I

Paper-V

Course Name: Communication and Computer Skills

Course Code: 101165

Credit:2

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Objectives of the Course

1. To create a basic understanding of computer, internet and ICT.

2. To understand the basic ethics of the use of internet and electronic communication.
3. To develop an understanding and application of MS-Word, MS-Excel and MS-Power Point.
4. To Understand the basics of communication, principles of communication and official communication.
5. To explore different aspects of non-verbal communication.
6. To understand and interpret the non-verbal codes of communication.

Outcomes of the Course

Students will be able:

1. To understand the basics of computers and computer networks as well as internet.
2. To apply the basics of internet and ICT for a better and effective use of internet.
3. To make use of the MS-Word, MS-Excel and MS-Power Point for creation of official and professional communications.
4. To understand the basics of communication by understanding the various principles of communication vis-à-vis official communications.
5. To gain an understanding of non-verbal codes and their effects on managing interaction, forming impressions, developing and maintain relationships.
6. To effectively apply the different concepts of non-verbal communication.

Contents of the Course

Unit- I: Basics of Computer and Internet

Computer-Meaning, Types and Importance

Basic Applications of Computers

Concept of Data, Computing and Information

ICT- Meaning, Uses, Advantages and Disadvantages

Basics of Internet and e-mailing- Computer Networks-LAN, WAN, PAN, Ethics of browsing and emailing

Word Processing

Basics of Word Processing, Text Creation and Formatting of Text, Table Handling, Spell Check, Language setting and Thesaurus

Spread Sheets

Basics of Spreadsheets, Manipulation of Cells, Formulas and Functions, Editing of Spreadsheets and Printing of spreadsheets

Presentation Software

Creating Presentation, Preparation and presentation of slides and slide shows

Unit-II: Fundamentals of Communication

Communication-Meaning, Nature, Characteristics, Types, Barriers and Effective classroom communication

Role and Importance of Communication- 7C's of Communication

Official Communication- Letters, Note taking, Memo, Notice, Circulars and Report Writing

Non-Verbal Communications

Para Language Communication

Place and Time Codes- Environment, artifacts and Chronemics

Contact Codes- Haptics and Proxemics
Visual and Auditory Codes-Kinesics, Physical Appearance and Vocalics
Object Language

Suggested Readings

1. Introduction to Computers, Peter Norton, Mc Graw Hill Education, 2017
2. Using Information Technology, Brian K Williams, Stacey Sawyer, McGraw- Hill Education, 2006
3. Learning MS-Word and MS-Excel, Rohit Khurana, APH Publishing Corporation, 2010
4. Microsoft Word, Excel and Power Point: Just for Beginners, Dorothy House, Outskirts Press, 2015
5. Business Communication, V.K. Jain and Omprakash Biyani, S. Chand Company Ltd., 2007
6. Non-verbal Communication, Judee K Burgoon, Valerie Manusov, Laura K. Guerrero, Routledge, 2021

LL.M. SEMESTER - I

Paper-VI

Course Name: Research Writing and Ethics

Course Code: 101166

Credit:2

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Objectives of the Course

1. To provide students with the fundamental knowledge of basics of philosophy of science and ethics, research integrity, publication ethics.
2. To conduct sessions to furnish information to identify publication misconduct and predatory publications.
3. To understand Indexing and citation databases, open access publications, research metrics (citations, h index, Impact Factor etc).
4. To present plagiarism tools for a valid and ethical research report.

Outcomes of the Course

Students will be able :

1. To demonstrate fundamentals of research and publication ethics.
2. To identify publication misconduct and predatory journals.
3. To apply various tools available for plagiarism check.
4. To utilize various indexing and citation database.
5. To maintain academic integrity of the Institution.

Contents of the Course

Unit-I: Theory

Philosophy: definition, nature and scope, concept, branches.

Ethics: definition, moral philosophy, nature of moral judgments and reactions.

Scientific conduct: Ethics with respect to science and research,

Intellectual honesty and research integrity.

Scientific misconducts: Falsification, Fabrication, and Plagiarism (FFP).

Redundant publications: duplicate and overlapping publications, salami slicing.

Selective reporting and misrepresentation of data

Publication ethics: definition, introduction and importance

Unit-II: Practice

Open access publishing: SHERPA/ROMEO online resource to check publisher copyright & self-archiving policies

Software tool to identify predatory publications developed by SPPU

Journal finder / journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.

Publication misconduct: Definition, concept, problems that lead to unethical behaviour and vice versa, types, Violation of publication ethics, authorship and contributor ship, Identification of publication

misconduct, complaints and appeals, Predatory publishers and journals, Use of plagiarism software like Turnitin, Urkund and other open-source software tools

Databases and Research metrics:

Databases- Indexing databases, Citation databases: Web of Science, Scopus, etc.

Research Metrics: Impact Factor of journal as per Journal Citation Report, SNIP, SJR, IPP, Cite Score.

Metrics: h-index, g index, i10 index, alter metrics

Suggested Readings

1. Miro Todorovich; Paul Kurtz; Sidney Hook The Ethics of Teaching and Scientific Research,
2. Barbara H. Stanley, Joan E. Sieber, Gary B. Melton, Research Ethics, A Psychological Approach
3. Jeffrey A. Gliner, George A. Morgan Lawrence Erlbaum Associates Research Methods in Applied Settings, An Integrated Approach to Design and Analysis, 2000
4. Joel Lefkowitz Lawrence Erlbaum Associates, Ethics and Values in Industrial-Organizational Psychology, 2003

LL.M.-II

SEMESTER

LL.M. SEMESTER – II

Paper-VII

Course Name: Legal Concepts

Course Code: 102161

Credit:4

Maximum marks: 100

Semester Examination:60

Sessional Examination: 40

Objectives of the Course

1. To provide understanding of a number of concepts which are important when considering the nature of law.
2. To demonstrate understanding of the relationship between particular concepts and the law.
3. To evaluate and analyse the key concepts relevant to law.
4. To apply the concepts in further learning context and to find out the potential areas of research.

Outcomes of the Course

Students will be able:

1. To develop an understanding of a number of concepts which are important when considering the nature of law.
2. To analyse and evaluate the key concepts relevant to law.
3. To develop a reasoned argument which demonstrates understanding of the relationship between particular concepts and the law.
4. To reflect and develop their learning to apply them in further learning contexts.

Contents of the Course

Unit- I: Sources of Law

Custom- Definition, Nature, Requisites of a valid custom, Relation between custom and prescription, Theories regarding transformation of custom into Law

Precedent- Precedent as a source of law, Nature of judicial precedent, Kinds of precedents, Ratio Decidendi Obiter Dicta, Doctrine of Stare Decisis, Prospective overruling, Merits and Demerits

Legislation- Supreme & Subordinate Legislation, Kinds of subordinate legislation, Delegated legislation, control of delegated legislation, Codification of laws

Unit- II: Rights and Duties-Theories of legal rights, Essential elements Classification and categorization of rights, Types of rights, Correlation of rights with duties, Generation of rights, The basis of rights. Obligation and duty.

Unit- III: Legal Personality- Origin & Concept, Definition, Kinds, Liability, Theories

Possession- Nature, Meaning, Roman law, English law, Elements, Kinds, Acquisition

Ownership- Definition, Characteristics, Acquisition, Kinds, Ownership & possession

Title - Definition and Nature, Classification

Unit-IV: The concept of justice- Meaning, nature and varieties of justice-Marx, Austin, Allen. The basis of justice- the liberal contractual tradition, the liberal utilitarian tradition, the liberal moral tradition, the socialist tradition
Law and morality

Suggested Readings

1. B.N. Mani Tripathi, Jurisprudence (The Legal Theory), Allahabad Law Agency,2012
2. N.V. Paranjape, Studies in Jurisprudence and Legal Theory, Central Law Agency, 2013
3. Nomita Aggarwal, Jurisprudence, Central Law Publication,2010
4. S.N. Dhyani, Fundamentals of Jurisprudence (The Indian Approach), Central Law Agency,2004
5. Michael Doherty, Jurisprudence: The Philosophy of Law, Old Balley Press,2003
6. P.J. Fitzgerald, Salmond on Jurisprudence, Thomson Sweet & Maxwell Universal, 2008
7. R.W.M. Dias, Jurisprudence, Lexis Nexis (Indian Edition)2013
8. Suri Ratnapala, Jurisprudence, Cambridge University Press (First South Asian Edition)2009
9. W. Friedmann, Legal Theory, Universal Law Publishing Co.,2008
10. Bodenheimer, Jurisprudence-The Philosophy and Method of Law, Universal Delhi,1996

LL.M. SEMESTER - II

Paper-VIII

Course Code: 102162
Credit:4

Semester Examination:60
Sessional Examination: 40

Objectives of the Course

1. To understand various crimes against women and children.
2. To understand gender injustice and its various forms.
3. To understand various Constitutional and other legal provisions for empowerment of women and children.
4. To develop thought process of the students regarding the modernization in laws so that positive changes in the society can be brought.
5. To equip the students with the basic concepts of Gandhi's *sarvodaya*, Marxists' view.
6. To trace the reason for development of Naxalite movement.

Outcomes of the Course

Student will be able:

1. To analyse various issues faced by women in our country and their constitutional guarantees.
2. To demonstrate the major contribution of Vinoba Bhave; Jayaprakash Narayan for movement of Sarvodaya; Fabien the importance of Gram *Nyayalayas*.
3. To exhibit modernization and its impact on the law.
4. To analyse different approaches of Law and Justice.
5. To evaluate the reason for the development of Naxalite movement.

Contents of the Course

Unit-I: Constitution and Social Transformation

Constitutional text as a mechanism for social change
The constitutional amendments and social transformation-Basic structure theory
The role of Governmental organs for social transformation
Constitutional interpretations as an effective tool for social transformation

Unit -II: Women, Children and the law

Crimes against women
Gender injustice and its various forms
Women's Commission
Empowerment of women: Constitutional and other legal provisions
Child abuses- Different forms of violence, Child labour, Sexual exploitation and Child trafficking
Children and education

Unit- III: Modernization and the law

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.
Modernization on family laws
Reform of court processes

- i. Criminal law: Plea bargaining; compounding and payment of compensation to victims
- ii. Civil law: (ADR) mediation and conciliation; *Lokadalats*
- iii. Democratic decentralization and local self-government

Unit -IV: Alternative approaches to law

The jurisprudence of *Sarvodaya*---Gandhiji, Vinoba Bhave; Jayaprakash Narayan--- Surrender of dacoits; concept of grama *nyayalayas*

Socialist thought on law and justice: An enquiry through constitutional debates on the right to property

Indian Marxist critique of law and justice

Naxalite movement: causes and cure

Suggested Readings

1. Malik and Raval, Law and Social Transformation, Allahabad Law Agency, 2014
2. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi, 1988
3. H.M. Seervai, Constitutional Law of India, 1996
4. P. Ishwara Bhat, Law and Social Transformation, Eastern Book Company, 2012
5. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour, Anmol Publications, Delhi, 2000
6. Savitri Gunase Khare, Children, Law and Justice, Sage, 1997
7. J.B. Kripalani, Gandhi: His Life and Thought, Ministry of Information and Broadcasting, Government of India, 1970
8. Flavia Agnes, Law and Gender Inequality: The Politics of Women's Rights in India, Oxford University Press, 1999
9. Manushi, A Journal About Women and Society
10. D. D. Basu, Shorter Constitution of India Prentice – Hall of India (P) Ltd., New Delhi, 1996

Course Name: Judicial Process-II

Maximum marks: 100

Course Code: 102163

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

- 1.To understand the new norms of relationship between the nature of judicial process and Indian judiciary.
- 2.To make students aware of the various aspects of the judicial process including changing norms of the society.
3. To explore the importance of judicial review with judicial process.
- 4.To understand the role played by Supreme Court of India in justice delivery system.

Outcomes of the Course

Students will be able:

1. To Understand judicial process and new challenges before the Indian judiciary.
2. To appreciate the role of judges in the judicial activism and the tools and techniques applied by them.
3. To exhibit the origin of indigenous system of Uttarakhand and will be able to apply the learnings of the course in practice.

Contents of the Course

Unit-I: Judicial Process in India- Indian debate on the role of Judges and on the notion of judicial review. New challenges before the Indian judiciary

Unit-II: Independence of judiciary and the nature of judicial process. Attitude of judicial confrontation with the legislature and executive. Appointment and transfer of judges and its effect on independence of judiciary

Unit-III: Judicial activism. Reasons in defence of judicial activism. Constitution of India and Judicial activism. Role played by the Supreme Court of India. The tools and techniques of the judicial activism. Need for care and caution

Unit-IV: Decision making in the Supreme Court of India. Nature of participation- dissent, concurrence, unanimity and voted with majority. Indigenous legal system of Uttarakhand- concept, evolution, prospect and challenges

Suggested Readings

1. A. Lakshminath, Judicial Process and Precedent, EBC, Fourth Edition, 2016
2. Cardozo, Nature of Judicial Process, Universal, New Delhi,1996
3. Henry J Abraham, The Judicial Processes, Oxford,1998
4. W. Friedman, Legal Theory, Stevens, London,1960
5. M.P. Jain, Indian Constitutional Law, Lexis Nexis, Year 2015
6. John Rawls, A Theory of Justice, Universal, New Delhi,2000
7. S.K. Chaturvedi, Judicial Process, Thompson Reuters, Year 2022

LL.M. SEMESTER – II

Paper-X

Course Name- Law and Justice in a Globalizing World

Maximum marks: 100

Course Code- 102164

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To enable the students to understand the process of globalization and its impact on law and justice.
2. To enable the students to critically analyze the concept of global justice and the mechanisms designed to achieve it.
3. To enable the students to appreciate the demands for change raised by different groups to the international legal order and institutions in the light of globalization.

Outcomes of the Course

Students will be able:

1. To understand the process of globalization and its impact on international as well as municipal law.
2. To analyze the concept and emerging issues of Law and Justice in a globalizing world.
3. To evaluate the effect of globalization on law and justice nationally and internationally.
4. To suggest reforms in international law and working modalities of international institutions.

Contents of the Course

Unit- I: Introduction

Relationship of Law and Justice: Justice as Function and Purpose of Law

Globalization and different dimensions of Globalization: Social, Political, and Economic

Emergence of Transnational Law in a Globalizing World

Globalization and Sovereignty of States

Unit- II: Globalization and Justice

Concept of Global Justice

Global Poverty

Globalization and Social Justice/ Global Distributive Justice

Displacement for Development

Role of international institutions to control armed conflicts, environmental pollution and terrorism

Unit- III: Impact of Globalization and Free Market

Impact of globalization on welfare state
Impact on Natural Resources and Environment
Impact on Human rights
Impact on Trade and Investment law
Impact on Intellectual Property Rights

Unit- IV: Emerging Concepts of Justice in Globalization

Amartya Sen's Idea of Justice: Its relevance in the light of Justice and World.
Special Economic Zone (SEZ): Need of Law and Challenges
Environmental Jurisprudence and Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs)
Accountability and Transparency in Governance

Suggested Readings

1. John Rawls, Theory of Justice, Universal publications,2001
2. A. Anghie, Imperialism, sovereignty and the making of international law, Cambridge University Press,2007
3. T. Pogge, World poverty and human rights: Cosmopolitan responsibilities and reforms, Cambridge Polity,2002
4. B. Rajagopal, International law from below: Development, social movements and third world resistance, Cambridge University Press,2003
5. A. Sen, The idea of justice, Harvard University Press,2009
6. N. Fraser, Scales of justice: Reimagining political space in a globalizing world, Cambridge University Press,2010
7. A. Buchanan, Justice, legitimacy, and self-determination: Moral foundations for international law, Oxford University Press,2004
8. U. Baxi, The Future of Human Rights, Oxford University Press,2008
9. Anthony McGrew, David Held, Governing Globalization: Power, Authority and Global Governance, Polity Press, 2002.
10. Jean-Marc Coicaud, Michael W. Doyle, The Globalization of Human Rights, United Nations University Press, 2003
11. John Baylis, Steve Smith, The Globalization of World Politics: An Introduction to International Relations, Oxford University Press, 2008
12. Karl-Heinz Ladeur, Public Governance in the Age of Globalization,2004
13. Laura Valentini, Justice in a Globalizing World: A Normative Framework, Oxford University Press, 2011
14. Simon Coney, Justice Beyond Borders: A Global Political Theory, Oxford University Press, 2005

LL.M. SEMESTER - II

Paper-XI

Course Name- Alternate Dispute Resolution

Maximum marks: 100

Course Code- 102165

Semester Examination:60

Credit:2

Sessional Examination: 40

Objectives of the Course

1. To appreciate the importance of alternative dispute resolution mechanism as mode of dispute resolution.
2. To encourage students to play an active role in the construction of their own knowledge and in the design of their own learning strategies.
3. To inculcate the practical approaches through the case study on Domestic Arbitration and International Arbitration.
4. To developed the practical approaches, participation and report writing skills through the participation in *Lok Adalats* and Legal Awareness Camps.

Outcomes of the Course

Students will be able :

1. To understand various modes of ADR with procedure and practice.
2. To evaluate the sophisticated understanding of ethical and legal issues surrounding dispute resolution models and practice including case study.
3. To formulate the modalities and techniques of resolution of disputes through outside court settlement.

Contents of the Course

Unit-I: Introduction & General Concept of Alternative Dispute Resolution and Arbitration

Meaning, Nature and Scope of ADR, Arbitration- Definitions with related Sections description, New York Convention and Geneva Convention, Indian Council of Arbitration (ICA) – Its system and working

Unit -II: Other Modes of Alternative Dispute Resolution and Report Writing

Conciliation, Mediation, Negotiation, Section 89 of the Civil Procedure Code, 1908 and Plea Bargaining, Reports on participation in Legal Awareness Camps organized by department and/or with other institutions, Reports on participation in *Lok Adalats*

Suggested Readings

1. Avtar Singh, Law of Arbitration & Conciliation and Alternative Resolution Systems, Eastern Book company,2021
2. K.V. Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House,2021
3. Madsudan Sahary, Text book on Arbitration and Conciliation with Alternative Dispute Resolution, Universal Law Co.Pvt.Ltd.,2017
4. N.V. Paranjpe, Law relating to Arbitration & Conciliation in India, Central Law Agency,2016
5. Rohit M. Subramanium, Eastern Book Co., 2021
6. Anirban Chakraborty, Law & Practice of Alternative Dispute Resolution in India, LexisNexis, 2016
7. S.M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow white Publications Pvt. Ltd., 2021
8. Shashank Garg, Alternative Dispute Resolution, Oxford,2018

LL.M. SEMESTER - II

Paper-XII

Course Name- Basic Research Methods

Maximum marks: 100

Course Code- 102166

Semester Examination:60

Credit:2

Sessional Examination: 40

Objectives of the Course

1. To make the students understand the fundamentals of research.
2. To help students identify legal research goals.
3. To make them familiar with problems being faced by researchers in India.
4. To help them understand mechanics of report writing.

Outcomes of the Course

Students will be able:

1. To conduct effective doctrinal as well as empirical legal research by using fundamental tools of legal research.
2. To learn the proper ways of citation.
3. To design and execute research problem.
4. To develop a research proposal to write dissertation.

Contents of the Course

Unit- I: Research

What is Research? Meaning and Objectives

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

Types/kinds:

- a. Doctrinal and Non-Doctrinal (empirical)
- b. Applied Research
- c. Fundamental Research
- d. Library Research
- e. Analytical Research
- f. Participatory and Non-Participatory

- g. Comparative and Historical
- h. Socio-legal Research
- i. Quasi disciplinary and Inter-disciplinary (multi- disciplinary) Research
- j. Quantitative and qualitative Research
- k. Research for Legal Reform

Unit- II: Research Methods

Research Design

Various Steps in Research: Research Process

Research Problem: Identification and Formulation

Hypothesis

Use of Library

Use of Modern Technology/ Computer Assisted Research

Tools and Techniques for Collection of Data

- a. Primary and Secondary Sources
- b. Literature Review
- c. Observation Method
- d. Questionnaire
- e. Interview
- f. Case study
- g. Sampling
- h. Jurimetrics

Analysis and Interpretation of Data

- a. Use of Deductive and Inductive Methods in Research
- b. Preparation of Research Report and Writing of Research report
- c. Budgeting of Research
- d. Ethical and Legal Issues: Plagiarism and Copyright Violation

Suggested Readings

1. M.O. Price, H. Binter and Bysiewicz, Effective Legal Research,1978.
2. Pauline V. Young - Scientific Social Survey and Research,1962.
3. William J. Grade and Paul K. Hatt, Methods in Social Research, Graw-Hill Book Co.
- 4.H.M.Hyman, Interviewing in Social Research, 1965
5. Payne, The Art of Asking Questions,1965
6. Morris L. Cohan- Legal Research in Nutshell, West Publishing Co.,1996
7. Harvard Law Review Association- Uniform System of Citations
8. Indian Law Institute Publication- Legal Research and Methodology

LL.M.-III

SEMESTER

LL.M. SEMESTER - III

Paper-XIII

Course Name- Comparative Public Law

Maximum marks: 100

Course Code- 103161

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the term public law by contrasting with the realm of private law and the relationship between the two streams of law.
2. To identify the basic concepts of public law framework and the emerging concepts in administrative law and criminal law.
3. 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.

Outcomes of the Course

Students will be able:

1. To understand and appreciate a particular legal system in the wider socio-political context in which it operates.
2. To apply the concepts and laws appropriately in the course of professional performance.
3. To identify the potential areas of research.

Contents of the Course

Unit- I: Public Law and its Role in Governance

Nature of Public Law

Distinction between public and private law

Scope of Public law – Constitutional law, administrative law and Criminal law

Basic concepts of Public Law

Principles of Accountability and Public Law

Unit- II: Comparative Constitutional Law

Presidential and Parliamentary forms of Government

Federal and Unitary Governments

Forms of Governments

Federal and Unitary Forms

- (a) Features, Advantages, and Disadvantages
 - (b) Model of Federalism and Concept of Quasi-Federalism
 - (c) Role of Courts in Preserving Federalism
 - 1. Supremacy of Legislature in Law Making
 - 2. Rule of Law
 - (a) Dicey's Concept of Rule of Law
 - (b) Modern Concept of Rule of Law
 - (c) Social and Economics Rights as Part of Rule of Law
- Separation of Powers
- (a) Concept of Separation of Powers
 - (b) Checks and Balances
 - (c) Separation of Powers or Separation of Functions

Unit-III: Comparative Administrative Law

French concept of Separation of Powers and Administrative Courts

Droit Administratif

Administrative courts in France

Council d'etat

Scope of Judicial Review in UK

Scope of Judicial Review in US

Public Interest Litigation in India and US

Unit-IV: Comparative Criminal Law

Domestic Violations-International, National

Provisions relating to Rape

Plea Bargaining-USA, India

White Collar Crimes

Juvenile Justice

Suggested Readings

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance*, Oxford University Press, 2010
2. D.D. Basu, *Comparative Constitutional Law*, 2nd ed., Wadhwa, Nagpur
3. David Strauss, *The Living Constitution*, Oxford University Press, 2010
4. Dr. Subhash C. Kashyap, *Framing of Indian Constitution*, Universal Law, 2004
5. Elizabeth Giussani, *Constitutional and Administrative Law*, Sweet and Maxwell, 2008
6. Erwin Chemerinsky, *Constitutional Law, Principles and Policies*, 3rd ed., Aspen, 2006
7. M.V. Pylee, *Constitution of the World*, Universal, 2006
8. Mahendra P. Singh, *Comparative Constitutional Law*, Eastern Book Company, 1989
9. Neal Devins and Louis Fisher, *The Democratic Constitution*, Oxford University Press, 2010
10. S.N. Ray, *Judicial Review and Fundamental Rights*, Eastern Law House, 1974
11. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine*, Oxford University Press, 2009
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia*, Oxford University Press, 2013
13. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009)
14. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions*, Cambridge University Press, 2009

LL.M. SEMESTER - III

Paper-XIV

Course Name- Mass Media Law

Maximum marks: 100

Course Code- 103162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To equip the students with fundamental knowledge of Media law.
2. To understand constitutional and legal framework of media law.
3. To introduce students to the major legal, ethical and policy issues related to the mass media.
4. To explain in broad context, existing media law and policy and be able to critique and analyse future laws and policies.

Outcomes of the Course

Students will be able:

1. To critically analyze the legal and regulatory restrictions on freedom of speech and expression and their impact on freedom of press.
2. To explain and apply the legal principles in practice.
- 3 To develop the research-oriented understanding in the field of mass media law.

Contents of the Course

Unit-I: Media and the Constitution

History of Media Law in India, Constitutional Rights of Media & Limitations on Freedom of Speech and Expression

Media & Other Constitutional Estates

Legislature: Breach of Privileges

Judiciary: Contempt of Court

Executive: Official Secrets Act, Central Civil Service Conduct Rules

Issues relating to reporting Legislature and Judiciary

Unit-II: Media and the Law

Media & Criminal Law

Defamation

Sedition

Obscenity

Media and Civil wrongs (Torts)

Defamation

Breach of privacy

Negligence

Media & Copyright issues

Right to Information Act 2005: New tool for Press Freedom

Media and Journalists: Working Journalists Act and Press Council & Human Rights

Trial by Media: Influence on Adjudicators

Unit-III: Advertisement and the Law

Basis of Advertisement: Constitutional Freedom of Commercial Speech

Drug and Magic Remedies (Objectionable Advertisements) Act and other Laws regulating Advertisements

Content of Advertisements: Civil and Criminal liability

Unfair Practices through Advertisements and Consumers Rights

Advertising Standards Council of India: A Self-Regulatory Organization

Misleading Advertisements

Unit-IV: Electronic Media and Regulatory Law

Convergence of New Media in the Internet: Cinema, Social Media

Expansion of Electronic Media: Broadcast sector – TV and Radio

Autonomy of Public Sector Broadcaster: Prasar Bharti Law

Freedom of Private Broadcasting: Broadcasting Regulation Bill and Cable TV Network Regulation Act

Cinematography Act, Pre-censorship, Indecent Representation of Women (Prohibition) Act and Young Persons (Harmful Publications) Act

Information Technology Act 2000

Suggested Readings

1. H.M. Seervai, Constitutional Law of India, 1991
2. M.P. Jain, Constitutional Law of India, 1994
3. John B. Howard, The Social Accountability of Public Enterprises, 1980
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India, 1976
6. E.S. Venkaramiah, Freedom of Press: Some Recent Trends, 1984
7. D.D. Basu, The Law of Press of India, 1980
8. Rajeev Dhavan, Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

LL.M. SEMESTER - III

Paper-XV

Course Name-National Security, Public Order and Rule of Law Maximum marks: 100
Course Code- 103163 Semester Examination:60
Credit:4 Sessional Examination: 40

Objective of the Course:

1. To understand the importance of rule of law as the base of true democratic system.
2. To understand the grave threats faced by the state to its existence arising from extra ordinary circumstances created by war or external aggression or armed rebellion.
3. To analyze the different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

Outcomes of the Course

Students will be able:

1. To demonstrate the threats faced by the state to its existence arising from extra ordinary circumstances created by war or external aggression or armed rebellion.
2. To analyse the protection of national security and maintenance of public order that results into expansion of the powers of the state and its agencies.
3. To evaluate the maintenance of balance between national security, public order on the one hand with the rule of law on the other.

Contents of the Course

Unit-I: National Security, Public Orders and Rule of Law: Emergency Detention in England-Civil Liberties, Subjective satisfaction or objective assessment? Pre-Independence law.

Unit-II: Article 22 of the Constitution, Preventive Detention and Safeguards, Declaration of Emergency, 1962, 1965 and 1970 Emergencies, 1975 Emergency

Unit-III: Exceptional Legislations: COFEPOSA and other legislation to curb economic offenders, TADA -The Draconian Law, Comments of NHRC, Special courts and Tribunals, Due process and special legislation, Martial law, Provisions in English, Provisions in the Constitution.

Unit-IV: Civil Liberties and Emergency: Article 19, Meaning of 'Security of State', Meaning of 'Public Order', Suspension of Article 19 Rights on Declaration of Emergency, President's Right to suspend right to move any court, Article 21-Special importance-its non-suspend ability, Suspendability-44th Amendment.

Access to Courts and Emergency: Article 359-ups and downs of judicial review, Constitution (44th) Amendment Act, 1978, Constitution (59th) Amendment Act, 1988

Suggested Readings

1. G.O. Koppell, The Emergency, The Courts and Indian Democracy 8 JILI 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the Habeas Corpus, 1978
3. International Commission of Jurists, Status of Emergency and Human Rights, 1984
4. N.C. Chatterji and Parameshwar Rao, Emergency and the Law, 1966
5. M.P. Jain, Indian Constitutional Law, Lexis-Nexis,2018

LL.M. SEMESTER - III

Paper-XVI

Course Name-Administrative Process and Judicial Control

Maximum marks: 100

Course Code- 103164

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To understand the new norms of relationship between the administrative process and judicial control.
2. To explain the nature of administrative process and examine the judicial review of administrative action in India.
3. To demonstrate the importance of limits of judicial review, separation of power, and to control and check scope of the administrative actions.
4. To apprise of the legal framework governing public administration and the principles to control executive power to avoid arbitrariness and promote equity, justice and good conscience.

Outcomes of the Course

Students will be able:

1. To understand and interpret administrative processes to explore the various functional aspects of administrative body.
2. To explain various principles governing the judicial control over the administrative power.
3. To examine the new emerging trends in the administrative process and judicial regulation of the same.
4. To develop the enquiry of understanding the latent aspects of administrative process that imbibe in a power-liabilities dynamics, and its scope of judicial review on the administration action.

Contents of the Course

Unit-I: Administrative process: Nature and Meaning, the role of civil service, the role of administrative agencies, Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, Taxing power, Responsibility and accountability.

Unit -II: Judicial Review of Administrative action in India: Historical development, power of Supreme Court, Powers of High Courts, Role of Subordinate Courts. Jurisdiction: Finality Clause, Conclusive evidence Clauses, Law Fact distinction, Exclusionary Clause. Ground of Judicial Review: Doctrine of Ultra vires, Unreasonable discretionary power: From Liversidge to Padfield, discretion and Justifiability, violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Mala fides and Bias, Lack of rationality and proportionality, oppressing decision.

Unit-III: Limits of Judicial Review: Locus standi and PIL, Laches, Res-judicata, alternative remedies, Remedies Writs, injunction and declaration.

Unit-IV: 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.

Suggested Readings

1. I.P. Massey, Administrative Law, EBC, 2020
2. M.P. Jain, Administrative Law, Lexis Nexis ,2017
3. C.K. Takwani, Lectures on Administrative Law, EBC, 2021
4. S.P. Sathe, Administrative Law, Lexis Nexis, 2010
5. A. Lakshminath, Judicial Process & Precedent, EBC ,2009
6. Paul Craig, Administrative Law, Sweet & Maxwell, 2018
7. H.W.R. Wade& C.F. Forsyth, Administrative Law, Oxford, 2014
8. B. P. Banerjee, Judicial Control of Administrative Action, Lexis Nexis, 2012
9. Stephen P. Robbins, Administrative Process, Prentice Hall, 1976

LL.M. SEMESTER - III

Paper-XVII

Course Name-Seminar Paper

Maximum marks: 100

Course Code- 103165

Semester Examination:60

Credit:2

Sessional Examination: 40

Seminar papers are transacted in courses and are graded on the basis of the student's research paper, report, and presentation. At the postgraduate level, the seminar paper is an important part of developing research direction. Students will be exposed to work in a contemporary area of law through the Seminar paper at the postgraduate level, and they will be able to demonstrate their understanding through extensive written submissions and presentation. This will also allow students to voice their unique ideas, which will be backed up by solid background study, in order to develop alternative solutions to current legal concerns. Students will also be able to create research work worthy of publication in reputable journals or book chapters under the assistance of faculty mentors and this mandatory paper will also nurture and hone presentation skills of the students. Students are encouraged to follow the University's Academic Integrity Policy when working on projects or writing papers for publication. "Academic Integrity" refers to the activity of intellectual honesty that results in the development of intellectual property and involves a student.

LL.M.-IV

SEMESTER

LL.M. SEMESTER - IV

Paper-XVIII

Course Name-Indian Constitutional Law: The New Challenges

Maximum marks: 100

Course Code- 104161

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To explore Constitution as a living and composite document and to address the emerging issues and challenges.
2. To acquaint students that the Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

Outcomes of the Course

Students will be able:

1. To understand and interpret Constitution to address the emerging complex issues.
2. To explore the various Constitutional principles working in the backdrop and its interplay with the emerging issues.
3. To explore the potential area of research.

Contents of the Course

Unit -I: Indian Federalism

Creation of new states and need for widening the definition in the wake of liberalization

Allocation and share of resources - distribution of grants in aid

The inter-state disputes on resources

Rehabilitation of internally displaced persons

Centre's responsibility and internal disturbance within States

Directions of the Centre 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: Emerging Regime of New Rights

Reading Directive Principles and Fundamental Duties as Fundamental Rights

Right to education; Commercialization of education and its impact; and Brain drain by foreign education market

Religious freedom and right of minorities to establish and administer educational institutions of their choice

Implementation of International Obligation: Human Rights, Environmental protection and International trade

Empowerment of Women

Freedom of Press and Challenges of new scientific development

Rights of Third Gender

Unit-III: Institutional Dynamics

Overview of functioning of three organs of the State in post-independence era

Separation of powers and theory of checks and balance

Privileges and Immunities of legislature and their members

Judicial Activism and Judicial Accountability

Contempt of Courts

Political Morality and effect of Anti-Defection Law

Unit-IV: Democratic Process

Nexus of politics with criminals and the business

Election: Status of election commission, electoral reforms

Coalition government: stability, durability, and corrupt practice

Grass root democracy.

Suggested Readings

D.D. Basu, Introduction to the Constitution of India, Lexis Nexis, 2019

H.M. Seervai, Constitutional Law of India, Universal Book Traders 1996

M.P. Jain, Indian Constitutional Law, Wadhwa and Co., 2003

Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, 1999

LL.M. SEMESTER - IV

Paper-XIX

Course Name-Civil and Political Rights: Comparative Study

Maximum marks: 100

Course Code- 104162

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To impart knowledge and understanding of the civil and political rights enshrined in the Constitution of India.
2. To understand the comparative study of Civil and Political Rights.
3. To have an insight into the working of American Constitutional System.
4. To analyse the Electoral Process and Laws of India and US.

Outcomes of the Course

Students will be able :

1. To develop a deep and comprehensive understanding of the civil and political rights enshrined in the constitution of India.
2. To understand and comprehend comparative analysis of civil and political rights.
3. To exhibit knowledge of the First Amendment of the American Constitution.
4. To explore the potential area of research.

Contents of the Course

Unit-I: Constitutional basis for protection of Individual rights

Balance between individual liberty and social needs

Availability and suspension of rights

Protective discrimination with special references to emerging judicial response to the problems of group inequalities

Unit-II: Right to Equality and Freedom of Speech and Expression

Right to Equality: General principles, Protective discrimination with special reference to emerging judicial response to the problems of group inequalities. Comparative study of the decisions of the Indian and American courts

Freedom of Speech and Expression: Liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution

Unit-III: Right to Life and Freedom of Religion

Expansive interpretation of Article 21

Nature, scope and meaning of terms “Personal Liberty”, and “Procedure established by law” in Indian Constitution, Nature, scope and meaning of terms “Liberty” and “Due Process” in American Constitution

Freedom of religion: profess, practice, propagation and administration of religious institutions

Freedom of religion: judicial interpretation of the freedom under the Constitution of India and of the United States

Unit-IV: Elections and the Emerging Electoral Rights

Adaptability of the Constitutional law to the changing needs of the society

Power and Procedure for amendments of these rights under the American and Indian constitution

Constitutional foundation of the right to vote

The voting rights Acts.

Judicial supervision of Elections

Role of Election commission

Suggested Readings

H.M. Seervai, Constitution of India, Universal Publication,2020

M.P. Jain; Indian Constitutional Law, LexisNexis, 2018

Jenny Schultz, Melissa Castan, and Sarah Joseph, The International Covenant on Civil and Political Rights, Cases, Materials, and Commentary, Oxford University Press,2014

LL.M. SEMESTER - IV

Paper-XX

Course Name-Constitutionalism: Pluralism & Federalism

Maximum marks: 100

Course Code- 104163

Semester Examination:60

Credit:4

Sessional Examination: 40

Objectives of the Course

1. To introduce students the various models of pluralism and forms of constitutional government and federal structures.
2. To study federal forms of government from various jurisdictions.
3. To understand the federal form of government prescribed under the constitutional scheme in India.

Outcomes of the Course

Students will be able:

1. To understand various contours of federal form of governance.
2. To analyse the ideas of pluralism and equality under the constitutional scheme.
- 3.

Contents of the Course

Unit-I: Constitutionalism

What is Constitution? Limitation on Government parts
Democracy/Authoritarianism/ Dictatorship
Separation of Powers. Rule of Law-concept and new horizons
Conventions of constitutionalism - law and conventions
Fundamental rights, Human rights, Human rights-International conventions

Unit-II: Federalism

What is federal Government? Difference between confederation federation and unitary
Conditions required for federalism. Patterns of Federal Governments: USA, Australia, Canada, India
New trend in Federalism –Cooperative Federalism full faith and credit, Inter-State Council, Zonal Councils
India: Central control v. State Autonomy. Political factors influencing federalism.
Judicial review- for federal umpiring

Plural aspects of Indian federalism-Jammu &Kashmir, Punjab and Assam. Dynamics of federalism

Unit-III: Pluralism

What is pluralist society? Ethnic, Linguistic, cultural, Political Pluralism
Individual rights – Right to dissent. Right to self-determination
State intervention for protection of human rights
Rights of religious and linguistic minorities in India
Compensatory discrimination for backward classes
Freedom of association and Freedom of religion

Unit-IV: Equality in Plural Society

Right to equality and reasonable classification
Women-Right to equality and right to special protection in India
Abolition of untouchability and position of SC, ST and OBC in India
Tribal groups and equality
Prohibition of discrimination on ground of religion, caste, sex language
Secularism- Constitutional principles

Suggested Readings

1. U. Baxi, Law, Democracy and Human Rights, 5 Lokayan Bulletin 4,1987
2. V.M. Danekar, Unitary Elements in a Federal Constitution, 22 ,EPW
3. M.A. Fazal, Drafting a British Bill of Rights, 27 JILI 423(1985)
4. Rhett Ludwikowski, Judicial Review in the socialist Legal Systems-Current Development, 37 ICLD 89-108, (1988)
5. Jagat Narain, Judicial Law Making and the Place of the Directive Principles in the Indian Constitution, JILI198 (1985)
6. K.C. Wheare, Federal Government, Greenwood, 1980
7. D.D. Basu, Commentary on the Constitution of India, LexisNexi,s 2015
8. M.P Jain, Indian Constitutional Law, Lexis Nexis, 2018

LL.M. SEMESTER - IV

Paper-XXI

Course Name-Union State Relation & Constitutional Governance Maximum marks: 100

Course Code- 104165 Semester Examination:60

Credit:4 Sessional Examination: 40

Objectives of the Course

1. To analyze the origin and historic evolution of the concept of federalism in India.
2. To familiarize students with the relationship between union and state under the constitutional mechanism.
3. To develop an understanding among the students about the constitutional provisions with respect to the services under the Union and States.
4. To familiarize the students with the emergency provisions incorporated in the Constitution of India which regulates the relationship between the Centre and States during emergency.

Outcomes of the Course

Students will be able:

1. To develop an understanding of the constitutional governance under the scheme of our constitution.
2. To analyse the relationship between Centre and State with special reference to emergency provisions.
3. To demonstrate the federal and unitary features under the constitutional provisions.

Contents of the Course

Unit-I: Concept of Federalism

Financial System under the British Rule- Lord Mayo's Financial Reform, Lord Lytton's Provincial Contracts of 1877-78, Financial System under the Government of India Act 1919, Financial Relation under the Government of India Act 1935

Unit-II: Taxing powers

Taxing Powers of the Union, Taxing Powers of the States, Concurrent Taxing Powers, Residuary Taxing Power, Tax and fee, Restrictions on taxing powers

Distribution of Revenue: Exclusively Union Taxes, Central Taxes shared with States,

Central taxes assignable to States

Unit-III: Directive Principles of State Policy

Significance of fundamental rights and fundamental duties vis-a-vis Directive Principles of State Policy

Fundamental Duties: Meaning, nature, scope, evolution and its relations with fundamental duties.

Nature, scope and justifiability of Directive Principles of State Policy

Economic Rights: Social security and welfare provisions

Unit-IV: Service under the Union and the States

Recruitment and regulations applicable on conditions of services

Doctrine of pleasure- Restrictions on Doctrine of Pleasure

Constitutional safeguards to civil servants

Public Service Commission- Appointment of member of Public Service Commission and functions of Public Service Commission

Suggested Readings

1. K.C. Wheare - Federal Government, Greenwood, 1980
2. Anirudh Prasad, Centre-State Relations in India, Deep Publishers, 1985
3. H.M. Seervai - Constitutional Law of India, Universal, 2015
4. D.T. Lakdawala - Union State Financial Relations, Anmol 2004
5. D.D. Basu - Commentary on the Constitution of India, LexisNexis 2015
6. Subhash C. Kashyap, Commentary on Constitution of India, Vitasta Publishers, 2019
7. Glanville Austin, The Indian Constitution: Cornerstone of a Nation, OUP 2021
8. M.P Jain, Indian Constitutional Law, LexisNexis, 2018
9. G.S Pande, Constitutional Law of India, University Book, 2019

LL.M. SEMESTER - IV

Paper-XXII

Course Name-Dissertation and Viva-Voce

Maximum marks: 100

Course Code- 104166

Semester Examination:60

Credit:4

Sessional Examination: 40

Selecting the topic of the dissertation, prior permission of the Head of the Department will be essential and the topic will be related to the subjects / papers which are studied in any one of the semesters. The dissertation shall be supervised by the regular teacher. The dissertation shall be evaluated by external examiner. The viva-voce shall be conducted by an external and an internal examiner. The candidate must have secured 40 percent of marks separately in dissertation and viva-voce and 50% in aggregate. The candidate must be present in viva-voce, otherwise he will be declared fail in viva-voce and the candidate will have to reappear in the viva-voce examination and will have to deposit the fee as required by the university. The dissertation shall be submitted before the commencement of IVth semester examination.