

LLM (CONSTITUTIONAL & ADMINISTRATIVE LAW)

SEMESTER - I

PAPER-I RESEARCH METHODOLOGY AND WRITING SKILLS

UNIT –I INTRODUCTION

The science of research and scientific methodology. Interrelation between speculation, fact and theory building-some fallacies of scientific methodology with reference to socio legal research. Inter-disciplinary research and legal research models, Arm chair research vis-a-vis empirical research. Legal research-common law and civil law legal systems II.

UNIT –II RESEARCH DESIGN

Workable Hypothesis-formulation and evaluation., Major steps in research design.

UNIT –III RESEARCH TECHNIQUES

Sampling, Survey and Case Study method, Scaling and Content Analysis

UNIT – IV RESEARCH TOOLS AND DATA PROCESSING

Observation, Interview and schedule, Questionnaire, Socio-metrics and jurimetrics, Data processing (deductions and Inductions) analysis and interpretation of data.

UNIT – V LEGAL WRITING

Report/article writing in legal research, Use of definitions, maxims, concepts, principles, doctrines in legal research, Citation methodology, Book review and case comments

Suggested Reading Materials for Reference

1. Robert Watt- Concise book on Legal Research.
2. Ram Ahuja-Research Method.
3. Good and Hatt- Research Methodology.
4. Stott D.-Legal Research
5. Robert Watt and Francis Johns- Concise Legal Research.
6. S.K. Verma & Afzal Wani- Legal Research Methodology (and material announced in the Class).

SEMESTER I

PAPER- II COMPARATIVE PUBLIC LAW

UNIT II INTRODUCTION

Meaning and definition of Public Law, Concept of Public Law, Globalization of Comparative Public Law

UNIT II TOOLS OF COMPARATIVE PUBLIC LAW

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

UNIT III PUBLIC INTEREST LITIGATION – US, INDIA

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 Crimes, Juvenile Justice

UNIT V OMBUDSMAN

Ombudsman in Scandinavian countries, International Scenario – Common law and Civil law, Indian Scenario, Lokpal (Ombudsman), Lokayukta

Select Bibliography

1. H. W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Phillips - Constitutional Law
6. Dicey - Introduction to Law of the Constitution.
7. O Hood Phillips - Constitutional Law and Administrative Law.
8. M. P. Jain, S. N. Jain - Principles of Administrative Law.
9. K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
10. The Handbook of Comparative Criminal Law, Stanford Law Books (2010)

SEMESTER I

PAPER- III LAW AND JUSTICE IN A GLOBALISED WORLD

UNIT I INTRODUCTION

Meaning and significance of Globalization, Concept of Global Justice, Global Justice and Right to Development

UNIT II THEORETICAL PREPOSITIONS OF GLOBAL JUSTICE

Realism, Particularism, Nationalism, Cosmopolitanism

UNIT III HISTORICAL AND CENTRAL CHALLENGES TO GLOBAL JUSTICE

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

States, sovereignty and Transnational Law, Economic and Trade Institutions-MNC's, structural reforms of United Nations-Security Council (d) International Judicial Institutions

UNIT V MODELS TO ACHIEVE GLOBAL JUSTICE

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

Recommended Readings

1. Duncan Bell (ed.) Ethics and World Politics. Oxford 2010. • Allen Buchanan. Justice, Legitimacy, and Self-determination: Moral Foundations for International Law. Oxford 2004.
2. Simon Caney, Justice Beyond Borders. Oxford., 2005
3. Nicole Hassoun. 2008a. "World Poverty and Individual Freedom." American Philosophical Quarterly. Vol. 45, No. 2: 191-198.
4. Andrew Hurrell. 2001. "Global Inequality and International Institutions." Global Justice. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford. • Martha Nussbaum, Frontiers of Justice. Cambridge, Mass.: Harvard University Press, 2006.
5. Thomas Pogge, World Poverty and Human Rights. Cambridge: Polity, 2002.

SEMESTER I

PAPER-IV CENTRE & STATE RELATIONS & CONSTITUTION GOVERNANCE

Objectives-To teach them Federalism& Distribution of Fiscal Power

UNIT: I FEDERALISM- ESSENTIALS

Models of Federal Government - U.S.A., Australia, Canada, Evolution of federal government in India, Centre-State relations, Factors responsible for subordination of States, Administrative relations

UNIT: II DISTRIBUTION OF FISCAL POWER

Scheme of Allocation of taxing power, Extent of Union power of taxation, Residuary power-inclusion of fiscal power, Fundamental Rights, Inter Government tax immunities, Difference between tax and fee.

UNIT: III DISTRIBUTION OF TAX REVENUES

Tax-sharing under the Constitution, Finance Commission- Specific purpose grants (Article 282), Borrowing Power of the State, Restrictions on legislative power of the Union and States/ with regard to trade and commerce.

UNIT: IV PLANNING AND FINANCIAL RELATIONS

Planning Commission, National Development Council, Plan grants, Inter- State Council & Inter-State disputes.

UNIT: V FEDERAL GOVERNMENT IN INDIA

Legal & Constitutional of Status Jammu and Kashmir, Sarkaria Commission Report, What Reforms is Necessary?

SELECT BIBLIOGRAPHY

1. H. M. Seervai, Constitutional Law of India (1991),Tripathi, Bombay
2. J. N. Pandey – Indian Constitutional Law (CLA) Ed. 2014.

SEMESTER I

PAPER- V FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES

Objectives-Tell them about democracy & their rights & duties.

UNIT: I FUNDAMENTAL RIGHTS –

Right to Equality, & Sub Sections, Freedom and social control.

UNIT: II PERSONAL LIBERTY

Changing dimensions of personal liberty,

UNIT: III CULTURAL AND EDUCATIONAL RIGHTS

Right to constitutional remedies

UNIT: IV FUNDAMENTAL DUTIES, DIRECTIVE PRINCIPLES

Directive Principles of State policy.

UNIT: V Interrelationship between Fundamental Rights, and Directive Principles.
Fundamental Duties.

Selected Bibliography –

1. J.N. Pandey Constitutional law of India
2. M.P. Jain Constitution of India
3. H.M. Seervai Constitution law of India (Vols. 3)
4. Dr. V.N. Shukla Hkkjr dk lafo/kku
5. Dr. D.K. Tripathi Hkkjr dk lafo/kku

SEMSTER -II

LLM (CONSTITUTIONAL AND ADMINISTRATIVE LAW)

PAPER-I LOCAL SELF GOVERNMENT AND FEDERAL GOVERNANCE

Objectives:- To adapt them work legally in local administration.

Unit: I Historical Perspectives: Early Period, Gram Swaraj the Gandhian concept

Unit: II Constitutional Scheme: Directive Principles, Structure and powers of local bodies

Unit: III Legislative Powers: Direct democracy and grass root planning, Municipalities and Corporation, Gram Sabha, Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws

Unit: IV Financial Powers: Levying taxes, Licensing power, Financial resources and powers Judicial and Quasi-judicial powers of the Local Bodies

Unit: V Election to Local Bodies, Conduct of Meetings – Corporation, Municipal Council,, Panchayat Committee and Gram Sabha, Institutional and Judicial Control.

Suggested:

1. Dr. J.N. Pandey Constitution Law of India
2. N. Shukla Constitution Law of India
3. M.P. Jain Indian Constitution

SEMSTER -II

PAPER-II ADMINISTRATIVE LAW

Objectives:- To teach the structure, governance, organization, powers and functions of public authorities in India.

Unit: I Evolution and significance of Administrative Law, Various systems of governance-form, Administrative systems from ancient to modern.

Unit: II England and U.S.A, Doctrine of Separation of Powers:, France Other Countries systems

Unit: III Comparative survey – Common Law and Continental System, England, USA, France and India from Rigidity to Flexibility.

Unit: IV Rule of Law: Changing dimensions, Regulation of administrative process. Delegated, Legislation: Problems, Process and Control, Judicial Review of delegated legislation. Procession Fairness: Evolution and Significance of Natural Justice, England: Judicial Process, Doctrine of fairness and doctrine of legitimate expectation. U.S.: Due process and judicial decision, India: Doctrine of Fairness (Art.14, 19, 21) Doctrine of Legitimate Expectation, Privilege against disclosure, official secrecy, Access to information and

Unit: V Right to Information Act. Control on Maladministration: Ombudsman, Commissions of Inquiry, Vigilance Commissions, Investigative Agencies: The CBI, Inquiries by Legislative Committee, Legislative control, Judicial Inquiries.

SELECT BIBLIOGRAPHY

1. Friedman, The State and Rule of law in a mixed Economy.
2. Ivor Jennings, Law & the Constitution
3. D.D.Basu, Comparative Administrative Law, 1998
4. Jain & Jain, Principles of Administrative Law
5. Prof. Madhavi Gidwan –Pub – Delhi, Media Law

SEMSTER –II

PAPER- III MEDIA LAW

Objectives:-This paper deals with the interaction between law and mass media. This paper examines the major laws, regulations and court decisions affecting the media. It aims to familiarise the theoretical debates on media, law and ethics in the Indian context. It also attempts to evolve an understanding of the complexities of ethical and legal media practice.

UNIT: I INTRODUCTION

Evolution of Media, Types of media:Print, Electronic, E-Media - Free Flow of Information beyond boundaries and barriers, Difference between Visual and non- Visual Media - impact on People

UNIT: II FREEDOM OF SPEECH AND EXPRESSION -ARTICLE 19 (1) (A)

An introduction to Freedom of expression, Evolution of Freedom of Press, Restrictions under Constitution

- (i) Article 19 (2)
- (ii) Government Power to legislate - Article 246 read with the Seventh Schedule.
- (iii) Power to impose Tax -licensing and licence fee.
 - Advertisement & Ethics: Misleading Advertisement vis-a-vis Consumers rights

UNIT: III LAW OF DEFAMATION AND OBSCENITY

Defamation, Libel, Slander

- Obscenity
- Sedition

UNIT: IV Development of laws relating to Mass Media, vis a vis International regime

UNIT: V Censorship of films, Censorship under Constitution, Censorship under the Cinematograph Act. Pre-censorship of films.

Select Bibliography

1. H.M. Seervai, Constitutional Law of India 2002 Vol. 1 Universal
2. MP Jain Constitutional Law of India (1994) Wadhva Nagpur

SEMSTER – II
PAPER-IV MINORITIES LAW

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

UNIT: I MINORITIES IN INDIAN SOCIETY

Concept of Minorities, Linguistic Minorities, Religious Minorities

UNIT: II INTERNATIONAL NORMS FOR PROTECTION OF MINORITIES

Human Rights of Minorities, Minority Rights under the International Covenant on Civil and Political Rights Non-discrimination provisions of the United Nations Charter 1945 Declaration on Rights of Minorities

UNIT: III MINORITY RIGHTS

Secularism, Right to religion, Linguistic rights

UNIT: VI CULTURE AND TRADITIONS

Right to culture and traditions, National Commission for Minority

UNIT: V RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS

Educational rights of Minorities, Right to administer Minority Educational institution, Aided and Unaided Minority Educational Institutions and Governmental Controls National Commission for Minority Educational Institutions

SUGGESTED:

M.P.Jain, Indian Constitutional Law

D.D.Basu, Commentary on the Constitution of India

M.P. Sijgh, Constitution of India

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DISSERTATION