

LL.M. Syllabus

Compulsory Paper

Paper I : Law and Social Transformation in India

Paper II : Indian Constitutional Law-The New Challenges

Paper III : Judicial Process

Paper IV : Research Methodology

Paper V : Dissertation

Optional Papers

Group A : Criminal Law Group

Paper-I : Comparative Criminal Procedure

Paper-II : Treatment of Offender & Victimology

Paper-III : Drugs Addiction, Criminal Justice & Human Rights

Paper-IV : Privileged Class Deviance

Paper-V : Juvenile Delinquency

Paper-VI : Collective Violence & Criminal Justice System

Group B : Business Law Group

Paper-I : General Principle of Company Law-I

Paper-II : General Principle of Company Law-II

Paper-III : International Trade Law-I

Paper-IV : International Trade Law-II

Paper-V : Intellectual Property Law-I

Paper-VI : Intellectual Property Law-II

Group C : Constitutional Law Group

Paper-I : Constitutionalism : Pluralism & Federalism

Paper-II : National Security, Public Order and Rule of Law

Paper-III : Mass Media Law

Paper-IV : Human Rights

Paper-V : Administrative Law

Paper-VI : Administrative Process and Judicial Control

Note : Other groups may be added in future depending on availability of Faculty and other infrastructure.

LL.M. Course : Foundation Course: Paper I : Law and Social Transformation in India

Unit I : Law and Social Change

Meaning and concept of Law- Law as a purposive device, Change or transformation-Social change-Value orientation in social change-Theoretic Models on Social change and their application-Inter play between law and social change-stability and social change, Relationship between law and morality-culture, social change and law, Law and development, Social change in the context of democracy.

Historical and Sociological Study on the role of law in bringing about social change

Law and social change in ancient India-Social dimensions of law and social concern for justice-Role of family, associations and charitable institution in ancient India-The Interpretation of Shruti, Smriti and other commentaries to harmonize social change-Interaction between law and custom, Social control during the Muslim conquest-Social reform during the medieval period, Law and Social Transformation in Modern India-Colonial law and economic exploitation-Application of the Indian Law by the British-Social reforms and Women, Children and others-Codification of Laws-Freedom of Movement and Social reform ideas-Sociological perspective and social change.

Unit II : Constitution's Orientation and Social Transformation.

Impact of sociological school in India. Constitutional evolution and the Constitutional Assembly's role-Constitutional text as a mechanism for social change-the Constitutional amendments and social transformation-Basic structure theory as balancing continuity and change-The role of Governmental organs for social transformation-Working of the Constitution for Social transformation-Constitutional interpretation as an effective tool for social transformation. Application of international law in the process of constitutional interpretation-Constitutionalism and social transformation.

Legal concepts in new social order : Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhava, Jaya Prakash Narain-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, Naxalists Movement-Causes and cure-Rise of Dalits and changing equations in social order in twenty first century.

Unit III : Religion and Law

Religion as a divisive factor, secularism-Reform of the law on secular lines, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

Language and the Law

Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language. Language policy and the Constitution-Official Language, State Language, Court Language

Community and the Law

Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination-Scheduled castes, Tribes and Backward classes, Reservation : Statutory Commission, Statutory provisions.

Regionalism and the law

Regionalism as a divisive factor, concept of India as one unit, Right of Movement, residence and business, impermissibility of state or regional barriers, Equality in matters of employment-the slogan "sons of the soil" and its practice, Admission to educational institutions, preference to residents of a state.

Unit IV : Modernization and Law

Modernization as a value-Constitutional perspectives reflected in the fundamental duties, Modernization of social institutions through law, Reform of family law, Agrarian reform-Industrialization of agriculture, Industrial reform-Free enterprise v. state regulation-Industrialization and environmental protection, Reform of court process-Criminal law-plea bargaining, compounding and payment of compensation to victim, Civil laws-(ADR) Confrontation v. Consensus, mediation and conciliation, Lok adalats, Prison reforms, Democratic decentralisation and local self-government

Select Bibliography :

1. Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.
2. Robert Lingat, The Classical Law of India, 1998
3. U. Baxi, The Crisis of the Indian Legal System, 1982
4. Duncan Derret, The State, Religion and Law in India, 1999
5. H.M.Seervai, Constitutional Law of India, 1996

LL.M. : Foundation Course : Paper II : Indian Constitutional Law-The New Challenges

Unit I

Federalism : Creation of new states, 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, Direction 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, Boundary disputes, Deployment of security forces etc.

Separation of Power : Doctrine of Separation of Powers and checks and balances, Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL : Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary.

Democratic Process : Election and Electoral reforms, Election Commission.

The rule of law :The independence of judiciary as an aspect of separation of powers/Division of functions.

Unit II :

The Executive : Constitutional status, Powers and functions of the President vis-a vis form of Government.

The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation on privileges.

The Judiciary : Status, Power, functions and contemporary developments, Power of judicial review.

Good Governance : Principle of good governance-Administrative responsibility and accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

Unit III:

1. 'State'-Need for widening the definition in the wake of liberalization.
2. Right to equality: Privatization and its impact on affirmative action.
3. Empowerment of Women.
4. Freedom of Press and Challenges of new scientific development.

Unit IV:

1. Emerging regime of new rights and remedies.
2. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
3. Secularism : Religious freedom and right of minorities to establish and administer educational institutions of their choice.
4. Implementation of International Obligation : Human Rights, Environmental protection and International trade.

LL.M. : Foundation Course : Paper III : Judicial Process

Unit I : Nature of judicial process

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 : Notions 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 II : Judicial Process in India

Indian debate on the role of judges and on the 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 limits.

Unit III : The Concepts of Justice

The concept of justice or 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-For its realization justice depends on law, but justice is not the same as law, the independence of justice theories-means to end relationship of law and justice-the relationship in the context of the Indian Constitutional ordering, Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography

1. Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
2. Cardozo, The Nature of Judicial Process, 1995 Universal, New Delhi
3. Henry J. Abraham, The Judicial Process, 1998, Oxford.
4. J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
5. W. Friedmann, Legal Theory, 1960
6. Bodenheimer-Jurisprudence-the Philosophy and Method of the Law, 1997, Universal, New Delhi
7. J. Stone, Legal System and Lawyers', Reasonings, 1999 Universal, New Delhi

LL.M. : Foundation Course : Paper IV : Research Methodology**Unit I**

1. Socio-legal research.
2. Doctrinal and non-doctrinal research.
3. Computerized research.
4. Relevance of empirical research.

Unit II

1. Legislative research material.
2. Decisional research material.
3. Ratio decidendi and obiter dicta.
4. Juristic writing.

Unit III

1. Formulation of research problem.
2. Tools and techniques of data collection.
3. Use of questionnaire and interview.
4. Use of case study.

Unit IV

1. Sampling procedure-design of sample, types of sample to be adopted.
2. Classification and tabulation of data.
3. Analysis of data.
4. Art of thesis writing.

Select Bibliography

1. William J. Grade and Paul K. Hatt, Methods in Social Research, London
2. H.M. Hyman, Interviewing in Social Research, 1965
3. Morris L Cohan, Legal Research in Nutshell, 1996
4. ILI Publication, Legal Research and Methodology

LL.M. Ist Semester : Group A : Criminal Law
Paper-I : Comparative Criminal Procedure

Unit I : Organisation of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Nayaya Panchayats in India, Panchayats in tribal areas, Organisation of prosecuting agencies for prosecuting criminals, Prosecutors and the Police, Withdrawal of Prosecution.

Unit II : Pre-Trial Procedure

Arrest and questioning of the accused, the rights of the accused, The evidentiary value of statements/articles seized/collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation

Unit III : Trial Procedure

The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Plea bargaining.

Unit IV : Correction and Aftercare service

The role of the court in correctional programmes in India

Preventive Measures in India :

Provisions in the Criminal Procedure Code

Special enactments

Public Interest Litigation : Directions for criminal prosecution.

LL.M. Ist Semester : Group A : Criminal Law
Paper-II : Treatment of Offenders and Victimology

Unit I : Introductory : Definition of Penology

Theories of Punishment : Retribution, Utilitarian prevention : Deterrence; Utilitarian : Intimidation; Behavioural prevention : Incapacitation, Behavioural prevention : Rehabilitation-Expiation, Classical Hindu and Islamic approaches to punishment

Unit II : Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India-An inquiry through the status law and case law, Law Reform Proposal.

Unit III : Imprisonment

The State of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis- development reforms

Unit IV : Victimology

Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath Committee and Law Commission of India.

LL.M. IInd Semester : Group A : Criminal Law
Paper-III : Drug Addiction, Criminal Justice and Human Rights

Unit : Introduction

Problem of drug addiction, Analysis of the background and different convention related to control of drug trafficking, Causes of drug addiction.

Unit II : India Regulatory System

Penal provisions under the IPC and Custom Act, Penal provisions under the Narcotics, Drugs and Psychotropic Substances Act, 1985, Procedure and punishment under NDPS Act.

Unit III : Analysis of the development made in NDPS Act for making in it more human right friendly

Amendments of the NDPS Act, 1985 and their effects, Human right protection, Judicial approaches to sentencing in Drug trafficking and Abuse, Analysis of the background, text and operation of the single convention on Narcotic Drugs, 1961, U.N. Convention against illicit trafficking in NDPS, 1998

Unit IV : Role of community in combating Drug Abuse

Role of educational system, Role of medical profession, Law reform initiatives.

LL.M. IInd Semester : Group A : Criminal Law**Paper-IV : Privileged Class Deviance****Unit I : Introduction**

Conception of white color crimes, Indian approaches to Socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understand Indian development.

Unit II : Police Deviance

Police Atrocities: Encounter killing and the plea of superior's orders, Structure of legal restraint on police power in India, Unconstitutionality of 'Third Degree' method and use of fatal force by Police.

Unit III : Professional Deviance

Unethical practices by the Lawyers, Unethical practices by the Doctors, Unethical practices by the Media Persons.

Unit IV : Response of Indian Legal order to the Deviance of Privileged Classes

Prevention of Corruption Act, 1947, Vigilance Commission, Commission of Enquiry

LL.M. IIIrd Semester : Group A : Criminal Law
Paper-V : Juvenile Delinquency

Unit I

The conception of 'child' in Indian Constitution and Penal Code, Delinquent Juvenile, 'Neglected Juvenile', the Overall situation of children/young persons in India, also with reference to crime statistics (of crime by and against children), Differential Association, Anomie, Gang-sub-culture.

Unit II : Legislative Approaches

Legislative approaches during the late colonial era, Juvenile Justice Act, 2000, Constitutional Aspects, Competent Authorities, Powers given to government, Community Participation as envisaged, United Nation Conventions on the Right of Child, 1989

Unit III : Indian Context of Juvenile Delinquency

The child population percentage to total sex ratio, urban/rural/rural-urban, Labourers, In organised industries like Zari, Cappet, Bidi, Glass, In unorganised section like domestic servant, shops and establishments, Durg Addicts, Victims of violence-sexual abuses, battered, killed by parents.

Unit IV : Judicial Contribution and Preventive Strategies

Social Action Litigation concerning Juvenile Justice, Judicial decisions, Role of legal profession in Juvenile Justice System, State Welfare Programme health, Nutrition, Role of community, family, voluntary, bodies, industrials, individual.

LL.M. IIIrd Semester : Group A : Criminal Law**Paper-VI : Collective Violence and Criminal Justice System****Unit I**

Notion of 'force', 'coercion', 'violence', Distinctions: Symbolic violence, Institutionalized violence structural violence, Speech as an incitement to violence, 'Collective political violence' and legal order.

Unit II

Religiously sanctioned structural violence caste and gender based, Ahimsma in Hindu, Jain, Buddish and Islamic traditions in India, Gandhijis approach to non-violence, Nature and scope of agrarian violence in the 18th, 19th century in India

Unit III : Violence against the Schedule Caste

Notion of Atrocities, Incident of Atrocities, Uses of Criminal Law to combat atrocities as certain aftermath of atrocities, Violence against women.

Unit IV :

Incidence and courses of communal violence, Findings of various commissions of inquiry, the Role of police and paramilitary systems in dealing with communal violence, operation of criminal justice system firing and in relation to, communal violence.

LL.M. Ist Semester Group B : Business Law
Paper I : General Principles of Company Law-I

Unit-I : Corporate Jurisprudence

1. Corporate Personality and abuse of Corporate Personality.
2. Comparative Legal Regimes of U.K., U.S., and European Union of Corporate Law.
3. Legislative Dimensions of Corporation-Socio-Economic Changes in India.

Unit-II : Corporate Documents

1. Prospectus : Types, Nature and Role in Issue, Liability for Mis-statement
2. Memorandum of Association: Contents & Amendment Forms and Doctrine of Ultra Vires.
3. Article of Association : Forms Contents & Amendment & Doctrine of Indoor Management, Doctrine of Constructive Notice

Unit-III : Corporate Finance

1. Capital of the Corporation
2. Shares: Classification, Listing, Issue, IPO & FPO, IDR, GDR, Capital Market Management, Listing of Shares.
3. Intermediaries & Regulation of Intermediaries, Insider Trading.
4. Charge and Securitization-concept
5. Inter-corporate Investment: Misuses of Subsidiaries as Financial Vehicle.

Unit-IV : Corporate Management

1. Membership : Nature of Membership & Rights of Shareholders in Management
2. Minority and Majority Shareholding : Conflict of Issues
3. Directors : Types, Qualification, Remuneration : Legal Positions of Directors
4. Board of Director : Powers, Ultra Vires Acts & Liability
5. Corporate Meeting: Types and Legality of Meeting, Resolution.

LL.M. Ist Semester Group B : Business Law
Paper II : General Principles of Company Law-II

Unit-I : Corporate Transparency & Accountability

1. Accounting and Auditing-Legal Issues
2. Inspection & Investigation : Serious Fraud Investigation Office & Role of SEBI
3. Majority rules and oppression & Mismanagement, class action, Derivative Suit

Unit-II : Corporate Merger & Acquisitions

1. Reconstruction amalgamation, merger and take over
2. Rehabilitation and Revival of Companies
3. SICA

Unit-III : Corporate Winding Up

1. Winding Up: Types and Nature
2. Grounds of Winding Up
3. Official Liquidators
4. Removal of Companies

Unit- IV: Corporate Administration & Corporate Governance

1. National Company Law Tribunal and NCLAT, Special Courts
2. Corporate Governance and SEBI Regulations
3. Social Responsibility of Company

References:

1. The Companies Act, 2013
2. The Companies Rules
3. The Indian Contract Act, 1872
4. Securities Contract Regulation Act 1956
5. SEBI Act, 1992
6. Depositories Act, 1996
7. SEBI (Issue of Capital & Disclosure Requirements) Regulation 2009

Books

1. L.C.B. Gower, Principles of Modern Company Law,1997 Sweet & Maxwell, London
2. A Ramaiya, Guide to the Companies Act, 2011 Lexis Nexis
3. Palmer, Palmer's Company Law, 1987 Stevens, London.
4. Dr A.K. Majumdar & Dr G.K. Kapoor, Taxmann's Company Law and Practice 2013 18th Ed.
5. Robert R. Penington, Company Law, Oxford University Press
6. Boyle and Birds, Company Law (Universal Law Publishing Co. Pvt. Ltd., ed. 5th 2004)

7. Gopalsamy, N,A : Guide to Corporate Governance, (New Age International (p)Ltd, ed 1st 2006)
8. Nicholas Bourne, Lecture Notes on Company Law, (Cavendish Publishing)
9. Madhumita Chatterji, Corporate Social Responsibility, Oxford University Press
10. Company Law Journal Published by L.M. Sharma (Editor), Company Law
11. Journal Office, New Delhi Corporate Law Advisor published by Corporate Law Advisor, PO Box No. 3, Vasant Vihar, New Delhi-110052
12. Clause 49 of Listing Agreement.

Reports

1. Desirable Corporate Governance- A Code by CII
2. OECD Principles of Corporate Governance 2004
3. Kumar Mangalam Birla Committee Report on Corporate Governance
4. N.R. Narayana Murthy Committee Report on Corporate Governance
5. J.J. Irani Committee Report on Company Law
6. Naresh Chandra Committee Report on Corporate Audit and Governance
7. Report of the Advisory Group on Bankruptcy Laws (N.L. Mitra Committee Report)
8. Justice Eradi Committee Report on Law Relating to Insolvency of Companies
9. Report on Trend and Progress of Banking in India by Reserve Bank of India
10. Report of Omkar Goswami Committee
11. Report of Expert Committee on Securitization (Andhyaarjuina Committee)
12. Report of Committee on Banking Sector Reforms (Narasimham Committee)
13. World Bank Report on The Sub Prime Crisis : Implications for Emerging Markets
14. RBI KYC Norms

Cases

1. Borland's Trustee v. Steel Brothers and Co. Ltd. (1901) 1 Ch. 279.
2. Royal British Bank v. Turquand (1865) 619 ER 886, Morris v. Kansen (1946) 1 ALL ER 586.
3. In re, Kamal Distillery Co., AIR 1966 Ounj.655.
4. Lakshmi Rattan Lai Cotton Mills v. XK Jute Mills Co., AIR 1957 ALL ER 311
5. A Lakshmanaswainy Mudaliar v. Life Insurance Corporation of India, AIR 1963 SC 1185
6. Ashbury Railway Carriage and Iron Co. Ltd. V. Riche (1875) 44 LJ 185
7. Bajaj Auto Ltd. V. N.K Firodia (1971) 41 Com Cases 1.
8. Gammom India Ltd. V. Hong Kong Bank and others (1992) 7 CLA 124
9. Needle Industries (India) Ltd. v. N.I. Newey (India) Holding Ltd. 51 Com. Cases 743.
10. Salmon v. Salmon (1897) AC 22.
11. Lee v. Lee's Farming Ltd. (1960) ALL ER 420
12. Workmen v. Associated Rubber Industry, (1986) 59 Com. Cases 134
13. Bacha F. Guzdar v. CIT., AIR 1955 SC 74
14. In re Metal Constituent Company, (1902) 1 Ch. Div. 707

LL.M IInd Semester Group B : Business Law**Paper-III : International Trade Law-I****Unit I**

Introduction to International Trade Law

Fundamentals of Contract

Indian Law of Contract and Sale of Goods Act.

Unit II

Formation of International Commercial Contract

International Sales Law.

Unit III

Carriage of Goods by Land, Water and Air

Marine Insurance.

Unit IV

Financial of International Trade

U.N. Convention on the Limitation period in International Sale of Goods Act, 1973.

LL.M IInd Semester Group B : Business Law**Paper-IV : International Trade Law-II****Unit I**

International commercial Arbitration

Regulation of International Trade

Custom and Central Excise Clearance.

Unit II

Foreign Exchange and Taxation matters

Foreign Direct Investment and Transfer of Technology.

Unit III

Competition Laws

EXIM Policy.

Unit IV

WTO Obligations, Conceptual frame work and agreement

Trade in Service.

LL.M IInd Semester Group B : Business Law**Paper-V : Intellectual Property Rights-I****Unit I**

Concept of Intellectual Property

Economic Importance of Intellectual Property

International Scenario : TRIPS and other Treaties.

Unit II

Copy Right : Introduction to Copyright, The Copyright Act, 1957, Copyright vis-a-vis

Digital Technology, Software Copyright.

Implication of International Conventions in India.

Unit III

Industrial Design : Need for Protection of Industrial Designs, The Designs Act, 2000

International Regime relating to Industrial Design.

Unit-IV

Design : Integrated Circuit Layout, The Semiconductor Integrated Circuit Layout

International Conventions.

LL.M IInd Semester Group B : Business Law**Paper-VI : Intellectual Property Rights-II****Unit I**

Trademark and Passing Off : Introduction to Trade Mark and its Relevance and Need for Protection, Trade Mark Act, 1999, Passing Off.

Unit II

Exhaustion of Right in Trade Mark

Domain Name dispute and cyber squatting.

Unit III

Law relating to Geographical Indication : Domestic as well as International Law

Traditional Knowledge.

Unit IV

Introduction to Patents

Indian Patent Act, 1970

International Regime relating to Patent : Convention and Treaties, Relevant provisions under TRIPs

Drug Patent vis-a-vis Public Health, Software Patent.

LL.M Ist Semester Group C : Constitutional And Administrative Law

Paper-I : Constitutionalism : Pluralism & Federalism

Unit I : Constitutionalism

Authoritarianism-Dictatorship, Democracy-Communism, Limited Government-concept-limitations on governmental 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, Separation of Powers : 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, Human Rights : International conventions, Limits & doctrine of domestic jurisdiction in international law.

Unit II : Federalism

What is a 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 v. State Autonomy, Political factors influencing federalism, Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam, Dynamics of federalism.

Unit III : Pluralism

What is a pluralistic society? Ethnic, 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 a Uniform v. Personal laws - vertical federalism.

Unit IV :

1. Equality in Plural Society : Right to equality and reasonable classification, Prohibition of discrimination on ground of religion, caste, sex, language, Abolition of untouchability, Secularism-Constitutional principles, Tribal Groups and Equality.
2. Pluralism and International Concerns : International Declaration of Human Rights, Conventions against genocide, Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self-determination.

Select Bibliography :

1. Upendra Baxi, Law, Democracy and Human Right , 5 Lokayan Bulletin 4 (1987).
2. V.M.Dandekar. Unitary Elements in a Federal Constitution, 22 E.P.W 1865, 1988
3. Rajeev Dhavan, The Press and the Constitutional Guarantee of Free Speech and Expression, 28 JILI 299 (1986)
4. M.A.Fazal, Drafting a British Bill of Rights, 27 JILI 423, 1985
5. M.P.Jain, Indian Constitutional Law (1994), Wadhwa
6. H.M.Seervai, Constitutional Law of India, (1993)

LL.M Ist Semester Group C : Constitutional And Administrative Law

Paper-II : National Security, Public Order and Rule of Law

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-suspendability, 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, 1 988

Select Bibliography :

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

LL.M IInd Semester Group C : Constitutional And Administrative Law
Paper-III : Mass Media Law

Unit I : Mass media-Types of-Press Films, Radio and Television

Ownership pattern-Press-Private-Public, Ownership pattern-Films-Private, Ownership patterns-Radio & Television, Public, Difference between Visual and non-Visual Media-impact on Peoples minds.

Press-Freedom of Speech and Expression-Article 19 (1) (a)

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition. The law relating to employees wages and service conditions, Price and Page Schedule Regulation, Newsprint Control Order, Advertisement-is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

Unit II : Films-How far included in freedom of speech and expression?

Censorship of films-Constitutionality, The Abbas Case, Difference between films and Press-why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

Unit III : Radio and Television-Government Monopoly

Why Government department? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal Scrutiny of serials etc., Judicial Review of Doordarshan decisions : Freedom to telecast.

Unit IV : Constitutional Restrictions

Radio and Television subject to law of defamation and obscenity, Power to legislate-Article 246 read with the Seventh Schedule. Power to impose tax-licensing and licensing fee.

Select Bibliography

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. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends, 1984
7. D.D.Basu, The Law of Press of India, 1980
8. Rajeeve Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

LL.M Ist Semester Group C : Constitutional And Administrative Law
Paper-IV : Human Rights

Unit I : Panoramic View of Human Rights

1. Human Rights in Non-Western Thought, Awareness of Human Rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International Law and the Position in India (e.g., Convention of Social Discrimination, Torture, Gender discrimination, Environment and the Two human right covenants.)

2. Fundamental Rights Jurisprudence as Incorporating Directive Principles

The dichotomy of Fundamental Rights and Directive Principles, The interaction between Fundamental Right and Directive Principles, Resultant expansion of basic needs oriented human rights in India.

Unit II : Right not be Subject to Torture, Inhuman or Cruel Treatment

Conceptions of torture, third-degree methods, 'Justification' for it, Outlay of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform-proposed and pending.

Minority Rights : Conception of minorities, Scope of protection, The position of minority 'Woman' and their basic rights, Communal Riots as involving violation of rights.

Rights to Development of Individuals and Nations : The U.N. Declaration on right to Development, 1987, The need for constitutional and legal changes in India from human rights standpoint.

People's Participation in Protection and Promotion of Human Rights : Role of International NGOS, Amnesty International, Minority Rights Groups, International Bars Association, Law Asia, Contribution of these groups to protection and promotion of human rights in India.

Unit III

Development Agencies and Human Rights : Major International funding agencies and their operations in India, World Bank lending and resultant violation/promotion of human rights, Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Comparative Sources of Learning : EEC Jurisprudence, The Green Movement in Germany, The International Peace Movement, Models of Protection of the rights of indigenous peoples : New Zealand (Maoris), Australia, Aborigines and Canada (Indians).

Freedom : Free Press-its role in protecting human rights, Right of association, Right to due process of law, Access and Distributive justice.

Unit IV

Independence of Judiciary : Role of the Legal Profession, Judicial appointments-tenure of judges, Qualifications of judges, Separation of judiciary from executive.

European Convention of Human Rights : European Commission/Court of Human Rights, Amnesty International, PUCL, PUDR, Citizens for Democracy, Minorities Commission, Human Rights Commission, Remedies Against Violation of Human Rights.

Select Bibliography

1. M.J. Akbar, Riots after Riots, 1988
2. U. Baxi (ed.) The right to be Human, 1986
3. U. Baxi, The Crisis of the Indian Legal System, 1982
4. F. Kazmi, Human Rights, 1987
5. L. Levin, Human Rights, 1982
6. H. Beddard, Human Rights and Europe, 1980
7. Nagendra Singh, Human Rights and International Co-operation, 1969
8. S.C. Kashyap, Human Rights and Parliament, 1978
9. Moskowitz, Human Rights and World Order, 1958
10. J.A. Andrews, Human Rights in International Law, 1986

**LL.M IIIrd Semester Group C : Constitutional And Administrative Law
Paper-V : Administrative Law**

Unit I

1. Evolution and significance of Administrative Law in various systems of governance-from ancient to modern.
 - a) England and USA
 - b) France
 - c) Other systems
2. Doctrine of Separation of Powers: Comparative survey-Common Law and Continental System : England, USA, France and India from Rigidity to Flexibility.
3. Rule of Law : Changing dimensions, Regulation of administrative process.

Unit II

Delegated Legislation : Problems, Process and Control, Judicial Review of delegated legislation.

Unit III

Procedural 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 : Through judicial decision-Docctrine of Fairness (Art.14, 19, 21)-Doctrine of Legitimate Expectation, Privilege against disclosure, official secrecy, Access to information and Right to Information Act.

Unit IV :

Control on Maladministration : Ombudsman, Commissions of Inquiry, Vigilance Commissions, Investigative Agencies : The CBI, Inquiries by Legislative Committee, Legislative control, Judicial Inquiries.

Select Bibliography

1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh, Lok Ayukta : A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law

LL.M IIIrd Semester Group C : Constitutional And Administrative Law**Paper-VI : Administrative Process and Judicial Control****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 liver sidge to padfield, discretion and Justifiability, violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias, Lack of rationality and proportionality, oppressing decision.

Unit III

Limits of Judicial Review : Locus standi and PIL, Laches, Resjudicata, 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.