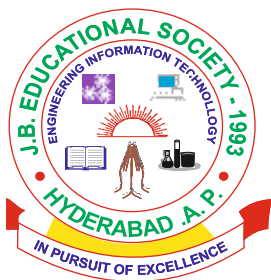


# **BHASKAR LAW COLLEGE**

(Estb. 2008)

(Approved by B.C.I. & Affiliated to O.U.)

## **Syllabus LL.M. (Constitutional Law)**



### **J.B. Group of Educational Institutions**

Yenkapally, Moinabad (M), Rangaa Reddy Dist.,

Hyderabad - 500 075.

Phone No. 040-23301523, 7702466889



<b>Syllabus - LL.M.</b>
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## **BRANCH - II (CONSTITUTIONAL LAW)**

### **Semester - I**

Paper	I	- Schools of Jurisprudence and Theories of Law (Common)
	II	- Indian Constitutional Law-I
	III	- Law And Social Transformation
	IV	- Legal Research Methodology

### **Semester - II**

Paper	V	- Indian Constitutional Law -II
	VI	- Comparative Constitutional Law - I
	VII	- Law and Justice In Globalization
	VIII	- Federal System In India: Centre - state Relations

### **Semester - III**

Paper	IX	- Comparative Constitutional Law-ii
	X	- Legal Pedagogy and ICT in Education
	XI	- Judicial Process and Constitution

### **Semester - IV**

Paper	XII	- Indian Constitutional Law: The New Challenges
	XIII	- Administrative Law
	XIV	- Dissertation





**SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

**I SEMESTER**

**PAPER - I : SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW**

**(Common Paper for All the Branches)**

**UNIT-I:** Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools- Salient features of Analytical, Historical, Philosophical and Sociological Schools.

**UNIT-II:** Meaning of Positivism-Analytical positivism of Bentham and Austin Kelsen's Pure Theory of Law-Hart's Concept of Law- Dworkin's criticism-Hart-Fuller controversy- Hart-Devlin's debate- Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

**UNIT-III:** Historical and Ancient Indian Jurisprudence - Savigny's concept of Volksgeist- Contribution of Henry Maine; Economic theory of law- Views of Karl Marx and Friedrich Engle's; Sociological theories of law Contribution of Ihering- Contribution of Ehrlich- Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests-American and Scandinavian Realism- Critical Legal Studies Movement.

**UNIT-IV:** Theories of Natural Law-Meaning of Natural Law-History of Natural law –Greek origins-Medieval period-View of St.Thomas Aquinas-Period of Renaissance/Reformation - Grotius and International Law Transcendental Idealism - View of Immanuel Kant": Natural Law and Social Contract theories- Stammler and Natural Law with variable content-Fuller and the Morality of Law- Hart on Natural Law-Finnis and Restatement of Natural law- Positivists and Naturalists debate.

**Suggested Readings:**

1. G.W.Paton: A Text book of Jurisprudence, 4<sup>th</sup> Edition; Clarendon Press, Oxford, 1972.
2. R.W.M. Dias, Jurisprudence. 5<sup>th</sup> Edition; Aditya Books Private Ltd., New Delhi, 1994.
3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6<sup>th</sup> Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated General Publications Pvt. Ltd. Sydney.
6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
7. S.N.Dhyani: Fundamentals of Jurisprudence: The Indian Approach.
8. 2<sup>nd</sup> Edition, Central Law Agency, Allahabad, 1997.
9. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
10. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
11. 10 Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

**SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

**I SEMESTER**

**PAPER - II : Indian Constitutional Law-I**

**UNIT-I:** Meaning of Constitution and Constitutional Law-Growth of modern Constitutions  
Classification - Historical background - Constitution in India after 1857 -  
Government of India Acts, 1919 & 1935 – Indian Independence Act, 1947 -  
Framing of Indian Constitution.

**UNIT-II:** Indian Constitution - Nature, Salient features, Preamble - Union and its territories  
- Citizenship - Fundamental Rights - Enforceability against State- General  
principles.

**UNIT-III:** Enumerated Fundamental Rights- Right to Equality-Right to Freedoms- Right to  
life and Personal Liberty- Right against Exploitation-Right to Freedom of  
Religion.

**UNIT-IV:** Cultural and Educational rights-Right to Constitutional remedies-Saving Clauses  
(Art.31-A, B & C)-Directive Principles of State Policy-Object and Philosophy-  
Classification- Enforceability - Interrelation of Fundamental Rights and Directive  
Principles-Fundamental Duties- Importance and enforceability

**Suggested Readings:**

1. H.M.Seervai, Constitutional Law of India (in 2 Volumes), Universal Book Traders, New Delhi.
2. Granville Austin, Indian Constitution-Cornerstone of a Nation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report), (in 5 Books and 12 Volumes), Lok sabha Secretariat, New Delhi,1999.
4. B.Shiva Rao, Framing of the Indian Constitution (in 5 Volumes), Indian Institute of Public Administration. New Delhi.
5. Mopani, Constitutional Law of India, 2005, Wadhwa and Co., Nagpur,
6. Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute. Indian Bar Review, All India Reporter and Supreme Court Cases & Landmark judgments of Indian Higher Judiciary on the given topics.

**SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

**I SEMESTER**

**PAPER-III: LAW AND SOCIAL TRANSFORMATION**

(Common Paper for All the Branches)

**Unit I:** 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. Law as the product of Traditions and Culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, Sociological school and its applicability in India, Principles of Social Legislation.  
2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

**Unit II:** 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory Commissions, statutory provisions.

**Unit III:** 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women's Commission e. Empowerment of women; Constitutional and other legal provisions

**Unit IV:** Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats g. Democratic decentralization and Local Self-government.

**BIBLIOGRAPHY:**

1. Marc Galanter (ed.): Law and Society in Modern India (1997), Oxford.
2. Robert Lingat: The Classical Law of India (1998), Oxford
3. U. Baxi: The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi, (ed.): Law and Poverty Critical Essays (1988), Tripathy, Bombay
5. Manushi: A Journal about Women and Society.
6. Duncan Derret: The State, Religion and Law in India(1999),Oxford

University Press, New Delhi

7. H. M. Seervai : Constitutional Law of India (1996)
8. D. D. Basu : Shorter Constitution of India(1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta: Law and Menace of Child Labour (2000) Anmol Kiran Destha Publications, Delhi.
10. Savitri Gunasekhare: Children, Law and Justice (1997), Sage
11. Indian Law Institute: Law and Social Change : Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani: Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India c13. M.P. Jain: Outlines of Indian Legal History (1993), Tripathi, Bombay.
13. Agnes, Flavia: Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

## Syllabus - LL.M.

### SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)

#### I SEMESTER

#### **PAPER-IV: Legal Research Methodology**

(Common Paper for All the Branches)

- Unit-I:** Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables Definitions- Relevance of empirical research in law-Induction and Deduction-Case study.
- Unit-II:** Finding the Law-Sources of legal material including e-sources-Law reporting in India- Using a law library-Survey of available legal material-bibliographical search. Research Methods- Socio-legal research-doctrinal and non-doctrinal research.
- Unit-III:** Research tools and techniques for collection of data – Observation - Questionnaire- Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.
- Unit-IV:** Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms- Types of Research needed for Law Reforms-Analytical Research, Historical Research.

#### **Suggested Readings:**

1. Goode &Hatt: Methods in Social Research: Mc Graw - Hill Book Company, Singapore1981
2. C.R.Kothari: Research Methodology: Methods and Techniques, 2<sup>nd</sup> Edition,WishwaPrakashan,NewDelhi,1995.
3. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research,9th Edition, Himalaya Publishing Housing, Bombay- Delhi-Nagpur1994.
4. Pauline V Young: Scientific Social Survey and research, 3<sup>rd</sup> Edition, Prentice Hall, New York, 1960.
5. B.N.Ghosh, Scientific Method and Social Research; 4<sup>th</sup> Edition Sterling Publishers Private Limited New Delhi,1987.
6. S.K.Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi, Hans Raj, Theory and Practice in Social Research; 4th Edition, Surjeet Publicatios, NewDelhi,1992, Surjeet Publicatios, New Delhi, 1992

**SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

**II SEMESTER**

**PAPER – V: INDIAN CONSTITUTIONAL LAW -II**

**UNIT-I :** Union Executive: President, Council of Ministers and Parliamentary Form of Government, Powers and Functions – Union Legislature: Composition, Election, Powers, Functions, Privileges and Immunities – State Executive: Governor and Council of Ministers, Powers and Functions – State Legislature: Composition, Election, Powers, Functions, Privileges and Immunities.

**UNIT-II :** Higher Judiciary: Supreme Court and High Courts, their Composition, Jurisdiction - Appointment, Transfer and Removal of Judges – Independence of Judiciary – Judicial Creativity

**UNIT-III :** Relations between Union and States - General Principles of Interpretation- Legislative, Administrative and Financial Relations – Cooperative and Competitive Federalism - Liability of State in Contracts and Torts - Right to Property.

**UNIT-IV :** Freedom of Interstate Trade, Commerce and intercourse in India – Services under the Union and States – Administrative Tribunals – Election Commission - Emergency Provisions and Impact on Fundamental Rights - Amendment of Constitution and Basic Structure Theory

**Suggested Readings:**

1. H.M.Seervai: Constitutional Law of India (in 2 volumes), Universal Book Traders, New Delhi.
2. Granville Austin: Working of a Democratic Constitution: The Indian Experience, OUP 1999.
3. B.Shiva Rao (ed): Framing of the Indian Constitution (in 5 Volumes) Indian Institute of Public Administration, New Delhi.
4. V.N.Shukla: Constitution of India, Eastern Book Co., Lucknow
5. M.P.Jain: Constitutional Law of India, Wadhwa and Co., Nagpur
6. D.D.Basu: Commentary on the Constitution of India, S.C.Sarkar & Co., Calcutta.
7. V.D.Mahajan: Constitutional Law of India, Eastern Book Company.

## Syllabus - LL.M.

### SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)

#### II SEMESTER

#### **PAPER – VI: COMPARATIVE CONSTITUTIONAL LAW - I**

(British, French and Swiss Constitutions)

**UNIT -I :** Modern Constitutions: Idea, Evolution, and Nature – Classification: Unitary, Federal and Confederal – Comparative Analysis - Theory of Separation of Powers: Theory and Practice.

**UNIT-II :** British Constitution - Salient Features - Rule of Law - Executive, Legislature and Judiciary under the Constitution –Supreme Court of England and House of Lords-Appointment of Judges- Conventions -Parliamentary Sovereignty - Emergency Powers –Magna Carta and Bill of Rights.

**UNIT-III :** French Constitution, 1958 - Salient Features – Significance of Liberty, Equality and Fraternity – Executive, Legislature and Judiciary under the Constitution -Constitutional Council –Amending Procedure - Emergency Powers.

**UNIT-IV :** History of Swiss Constitutions (1848 and 1874) - Swiss Constitution, 1999 - Salient Features – Fundamental Rights, Citizenship and Social Goals – Executive, Legislature and Judiciary under the Constitution - Direct Democracy - Relations between the Confederation and the Cantons –Amending Procedure.

#### **Suggested Readings:**

1. D.D.Basu: Comparative Constitutional Law, Prentice Hall of India, New Delhi.
2. K.C.Wheare: Modern Constitutions, Oxford University Press, London.
3. A.C.Kapoor: Select World Constitutions, S.Chand & Company, New Delhi.
4. C.F.Strong: Modern Political Constitutions, ELB Society, London.
5. A. V.Dicey: An Introduction to the study of Law of the Constitution, Macmillan. Delhi.
6. O.Hood Phillips: Constitutional and Administrative Law, Sweet &Maxwell, London.
7. Martin Loughlin: The British Constitution: A Very Short Introduction, OUP 2013.
8. Herman Finer: Theory and Practice of Modern Government (2 Vol), Methuen & Co., London
9. Dorothy Pickles: French Republic, Methuen & Co. London.
10. John Bell: French Constitutional Law, Clarendon Press, 1995.
11. Sophie Boyron: The Constitution of France: A Contextual Analysis, Hart Publishing 2012.
12. M.Y.Pylee: Constitutions of the World. Universal Law Publishing Co. New Delhi.
13. WE.Rappord: The Government of Switzerland.
14. Patricia Egli: Introduction to Swiss Constitutional Law, Dike Verlag 2020
15. Alexander Mistic, Nicole Töpperwien: Constitutional Law in Switzerland, 2<sup>nd</sup> edn, Kluwer Law International 2018.
16. András Sajó, Michel Rosenfeld (eds.), The Oxford Handbook of omparative Constitutional Law, OUP.
17. J.W.F. Allison (ed.), A.V.Dicey's Comparative Constitutionalism, OUP 2013.

## Syllabus - LL.M.

### SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)

#### LL.M. II SEMESTER

#### **PAPER-VII: LAW AND JUSTICE IN GLOBALIZATION**

##### **UNIT– I -Introduction**

- Concept of Law & Justice
- Law making power of different organs of the State
- Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees
- Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.
- Perspective on Social Justice:
  - Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self- governance, Trusteeship theory, Sarvodaya, Antyodaya
  - Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards at State Socialisms.
  - Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine

##### **UNIT – II - Globalization - its Process**

- Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.
- Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State Third World Perspectives.
- Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women

##### **UNIT– III - The Doctrine of Law and Precedent –An Indian Perspective**

- The Rule of Law in Globalizing World
- Role of Precedent in the development of Law and Society
- Judicial Creativity, Judicial Activism and Judicial over - Activism
- Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)
- Role of dissent in the development of law and society

##### **UNIT- IV: International Organizations vis-a-vis Globalization**

- Role of United Nations in the Globalization Process
- Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO
- MNCs & CSR
- Impact of Globalization on Judicial Process and administration of Justice
- Impact of globalization on Human Rights with special reference to Gender Equality
- Feminism, Sexual Violence, UNO and Women Rights, CEDAW and Violence against Women Impact of globalization on free market and related notions
- Globalization vis-a-vis Environment and development



## References:

### Books:

1. Acharya N.K., Text Book on Intellectual Property Rights, Asia Law House, Hyderabad (2001).
2. Agarwala V.K., Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999)
3. Anaya James, Indigenous Peoples in International Law, Oxford University Press, New York (1996).
4. Bhatnagar J. P, Women and Their Rights, Ashoka Law House, 2<sup>nd</sup> Edn, 1998, New Delhi.
5. Bimal N. Patel, *"Responsibility of International Organizations"* Eastern book Company.
6. Bryan Horrigan, Adventures in Law and Justice, Universal Law Publishing Co. Pvt. Ltd, 1<sup>st</sup> Indian Reprint, 2005, New Delhi.
7. Chakrabarty, N.K., (Dr.) Gender Justice, V edition 2006, R. Cambray & Co. Private Ltd, Kolkata.
8. Christine Chorine, Women and the Law, Vol-2, Socio-Legal Information Centre, 1999, Bombay.
9. Das J.K., Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi (2001).
10. Das J.K., Indigenous Peoples, Sustainable Development and Human Rights, Ganga Kaveri Publishing House, Varanasi (1997).
11. Dev. Raj (2003). Globalisation and Decentralized Economic Development, New Delhi; Raj at Publications.
12. Devinder Sharma (1994). GATT and India. The Politics of Agriculture, New Delhi: Konark Publishers Pvt. Ltd.
13. Dipankar Sengupta, Debashis Chakraborty and Pritain Benergee (ed) (2006). Beyond the Transition Phase of WTO: An Indian Perspective on Emerging Issues, New Delhi: Academic Foundation.
14. Falendra. K. Sudan (2005). Globalisation and Liberalization. Nature and Consequences, New Delhi: Serials Publications.
15. Kenneth W. Abbott, *"The Law and Politics of International Organizations"* Edward Elgar Publishing.
16. Rosalyn Higgins, Development of International Law through the Political Organs of
17. Sixty Years of the Multilateral Trading System: Achievements and Challenges, published by WTO Publications.
18. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy), published by WTO Publications
19. the United Nations (1963)
20. Tom Campbell and Alejandra Mancilla, "Theories of Justice" ASHGATE.
21. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2002.
22. William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009).
23. World Commission on Social Dimension of Globalization, A Fair Globalization: Creating Opportunities for All (2004).

## Syllabus - LL.M.

### SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)

#### II SEMESTER

#### PAPER – VIII: FEDERAL SYSTEM IN INDIA: CENTRE-STATE RELATIONS

##### UNIT-I: Nature of the Indian Polity

1. Forms of constitution – Unitary, federal, confederation – merits and demerits
2. Historical evolution of federal features: Government of India Act of 1919, Government of India Act 1935
3. Nature of Indian polity
4. Judicial perspective over the nature of Indian polity

##### UNIT II: Union –State Legislative Relations

1. Scheme of distribution of legislative powers between Union and States;
2. General principles of interpretation relating to the various lists; Doctrine of pith and Substance; Doctrine of Colourable Legislation and Doctrine of Territorial Nexus.
3. Residuary powers, Doctrine of Occupied Field, Parliament's power to legislate on the State List
4. Legislative powers of the parliament during emergency

##### UNIT III: Administration and Financial Relations

1. Distribution of Executive and Financial Powers
2. Finance commission
3. All India Services
4. Centre's directive to state.

##### UNIT IV: Emergency Provisions

1. Emergency provisions; Article 352, 356 and 360
2. Cooperative federalism

##### Suggested Readings

1. K.C. Wheare, Federal Government
2. Jain M.P. Outlines of Indian Legal History.
3. M.V. Pylee, Constitutional History of India.
4. Rama Jois M, Legal and Constitutional History of India.
5. Stetalvad M.C. Constitutional History of India
6. Keith A.B. Constitutional History of India
7. H.M. Seervai, Constitutional Law of India –Vol. I and II
8. G.C..V. Subbarao, Legislative powers in India Constitutional law.
9. V.D Sebastain, India federalism: the legislative conflict
10. L.M Singhvi, Union State Relations in India
11. K. Subba Rao, The Indian Federation.
12. K.P Krishna Shetty, The Law OF Union State Relations and Indian Federalism.
13. Ashok Chandra, Federalism in India.
14. Subba Rao G C V Indian Constitutional Law
15. Pande G S Constitutional Law of India
16. Saharay HK Constitution of India
17. Plyee M.V Our Constitution government & politics
18. Tope T K Constitutional Law of India

## Syllabus - LL.M.

### SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)

#### III SEMESTER

##### PAPER-IX: COMPARATIVE CONSTITUTIONAL LAW-II

(American, Australian and Canadian Constitutions)

**UNIT- I :** Federal and Confederal Constitutions- Principles of Federalism - Constitutionalism - Different types of Federalism- Doctrine of Separation of Powers - Theory of Checks and Balances - Judicial Review in U.S.A. : Evolution, Scope and Limits.

**UNIT-II:** U.S. Constitution – Evolution and Making - Salient features – Composition, Powers and Functions of Federal Executive, Legislature and Judiciary – Amendment of Constitution - Distribution of Legislative Powers – Bill of Rights.

**UNIT-III:** Australian Constitution - Evolution - Salient features – Structure and powers of Commonwealth Legislature, Executive and Judiciary -Amendment of Constitution - Distribution of Legislative powers.

**UNIT-IV:** Canadian Constitution (1867 through 1982) - Evolution and Patriation of Constitution –Salient features - Structure and powers of Dominion Legislature, Executive and Judiciary - Distribution of Legislative Powers - Charter of Rights and Freedoms - Amendment of Constitution.

##### Suggested Readings:

1. D.D.Basu: *Comparative Constitutional Law*, 2<sup>nd</sup> edn., Lexis Nexis 2014.
2. M.P.Singh: *Comparative Constitutional Law*, 2<sup>nd</sup> edn., EBC 2011.
3. K.C.Wheare: *Federal Government*, Oxford University Press, London.
4. S.E.Finer, *Comparing Constitutions*, Clarendon Press, Oxford.
5. Edward S. Corwin: *Constitution and What it means today*. Princeton University Press;
6. C.Herman Pritchett, *The American Constitution*, MC.Graw-Hill Book Company, New York.
7. Mark Tushnet, Sanford Levinson, Mark A Graber (eds.), *The Oxford Handbook of the U.S. Constitution*, OUP 2015
8. P.H.Lane: *Some Principles and Sources of Australian Constitutional Law*, Law Book Company of Australia Ltd., Sydney.
9. W.Anstey Wynes: *Legislature, Executive and Judicial Powers in Australia*, The Law Book Company of Australia Ltd., Sydney.
10. Adrienne Stone, Cheryl Saunders (eds.), *The Oxford Handbook of the Australian Constitution*, OUP 2018.
11. TM.Cookey: *The General Principles of Constitutional Law in the United States of America*.
12. Laurence H. Tribe, *American Constitutional Law*, 3<sup>rd</sup> revised edn., Foundation Press 1999.
13. Bernard Schwartz, *American Constitutional Law*, Cambridge University Press, 2013.
14. Laskin: *Canadian Constitutional Law*, Carswell Co. Ltd. Toronto.
15. Nathalie Des Rosiers, Patrick Macklem, Peter Crawford Oliver (eds.), *The Oxford Handbook of the Canadian Constitution*, OUP 2017.

## **Syllabus - LL.M.**

### **SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

#### **III SEMESTER**

##### **PAPER- X : - LEGAL PEDAGOGY AND ICT IN EDUCATION**

###### **UNIT-I-Legal Pedagogy**

Introduction- Legal Pedagogy: Meaning, Traditional Legal Pedagogy methods and its limitations, Socratic-style, doctrine-heavy pedagogy, Changing Dimensions of Legal Pedagogy- Need for Integrated Pedagogy, Experiential learning: Participative Method, Clinical or Simulated practice: Clinical legal education, Real life Problem solving Method, Group Discussion Method, Case Study and Case analysis Method, Simulation and Role Play Method, Collaborative and cooperative Learning Teaching Method, Research-Interdisciplinary approach: Basic Research, Applied Research and Integrated Research, Legal writing, Advocacy, Fact finding, Client counseling, Negotiation.

###### **UNIT-II- Teaching, Learning, Evaluation and Supervision in Legal education**

Supervision, Research Papers and Research Projects, Inculcating Research Habits, Enhancing Research Skills, Inculcation of Good Practices- Research Ethics, Internships, Placements, Outcome Based Education, Curriculum Planning- Developing Teaching Plans, Developing Learning Outcomes (LOs) : Blooms Taxonomy: Six levels of learning,, Designing Programme Objectives (POs) and Course Objectives (COs), Aligning the Curriculum plan with COs and POs; COs and LOs

###### **UNIT-III-ICT in Education**

Concept, Need and importance of ICT in Education, Paradigm Shift due to ICT from 'Teaching' to 'Learning'-Curriculum, Methods of Teaching, Role of Teacher, Classroom Environment, Evaluation Procedure, Education Management, Challenges and Barrier to integration of ICT in Indian schools classrooms, ICT skilled teacher, ICT skills and Qualities of ICT teacher. Safe use of ICT, Virus management, Net safety, Netiquettes, Legal and ethical issues.

###### **UNIT-IV-ICT in Legal Education: Need and Importance of legal education**

Design of Law Curriculum – Efforts to review Legal Education -Global & India -Traditional Content based Curriculum -Current Challenges- Globalization, Pandemic & Shift from Adversarial to Dispute Resolution Model -Transition to Capability framework- Integrated Models with Transferable generic and legally specific skills for Legal Profession- Demand for Competitiveness in Information & Communication Technology – New Evaluation & Assessment Models– Role of Online teaching. ICT tools in Legal pedagogy: Role and Application- ICT tools in legal pedagogy-Electronic books- E-Books-Electronic Journals- E-Journals- Electronic Legal databases- E-Library-Power point Presentations

###### **Suggested Readings**

###### **BOOKS**

1. Dasgupta, Lovely, “Reforming Indian Legal Education: Linking Research and Teaching.” Journal of Legal Education 59, no. 3 (2010): 432–49.  
<http://www.jstor.org/stable/42894129>.

2. Choudhary, T, "Legal Education and Pedagogy in Contemporary Era" (2020)
3. Muntjewerff, Antoinette, ICT in Legal Education (September 25, 2009). CLPE Research Paper No. 24/09, Available at SSRN: <https://ssrn.com/abstract=1478726> or <http://dx.doi.org/10.2139/ssrn.1478726>
4. David J. McQuoid-Mason (Ed.), Legal Aid And Law Clinics In South Africa (School of Law, Howard College, University of Natal,1985).
5. Madhava Menon, Legal Education for Professional Responsibility – An Appraisal of the New Pattern, Legal Education in India Status and Problems (BCI Trust, New Delhi 1983).
6. N. R. Madhava Menon (ed.) Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education (Eastern Book Co.,1998).
7. S. Agrawala, Legal Education in India (West Publishing Company,1973).
8. S.P. Sathe, Access to Legal Education and the Legal Profession in India, (Rajeev Dhavan Ed., Butterworths, London,1989).
9. S.K. Sharma, Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients (Rawat Publications, Jaipur,1984).
10. S.S. Sharma, Legal Aid to the Poor: The Law and Indian Legal System (Deep & Deep Publications, New Delhi,1993).
11. Integrating Technology in the classroom shelly, Cashman, Gunter and Gunter publication.
12. Essential of Educational Technology, Madan Lal, Anmol Publication.
13. Online Teaching Tools and Methods, Mahesh Varma, Murari Lal & Sons.

#### ARTICLES

1. A.S. Anand, Legal Education in India - Past, Present and Future, 3 S.C.C. (Jour.) 1(1998).
2. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All India Law Teachers Association (1968).
3. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 Clinical Law Review 307(2000-2001).
4. D.A. Desai, "Role and Structure of Legal Profession", XXII IBR(1995).
5. D.C. Mukherjee, "Practical Side of Law Teaching", 2 Journal of Bar Council of India,(1973).
6. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 U. Det. Mercy L. Rev.(1994).
7. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States", 13 Clinical Law Review 165(2006-2007).
8. Frank S.Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", Mic. J. Int'l. L. (1990).
9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment",28 J.I.L.I.(1986).
10. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience,2 Clinical Law Review 167(1995).
11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L.REV. 1461 (1997-1998).
12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 SCC Jour.(1995).
13. Krishna Iyer, "Professions for the People: A Third World Perspective", XXIIIBR (1995).
14. Madhava Menon N.R., "Bar Councils and Management of Legal Profession",

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15. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, IBR(1995).

16. Madhava Menon., "Legal Education for Professionals Responsibility – An Appraisal

of the Five Year LL.B. Course", XII, Bar Council Review(1986)

17. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Book review) 19 J.I.L.I.(1977).

18. N. R. Madhava Menon, "Lawyer in the Adjudicative Process: An Appraisal of Section 30 of Advocates Act, 1961", 8 JB Council of India 105(1981).

19. Place of Skills in Legal Education, 43 Columbia Law Review 345(1945).

20. R.K. Gupta, "Legal Aid and Legal Education: Work Brain Teasers", 2 Delhi Law Review(1973)

21. Resolutions of the 12th All India Law Teachers Conference, 2 Delhi Law Review 291 (1973) (Resolution No.II).

22. Shuvro Prosun Sarker, "Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India", 19 International Journal of Clinical Legal Education(2013).

23. Steve Sheppard, "An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams", 65 UMKC Law Review 65

24. Steven I. Friedland, "How We Teach: A Survey of Teaching Techniques In American Law Schools" 20 Seattle Univ. L. R. 1.

25. Upendra Baxi, "Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law", 51 Journal of the Bar Council of India (1975-76).

26. Uprendra Baxi, "The Pathology of the Indian Legal Professions", XXII IBR,(1995)

**SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

**III SEMESTER**

**PAPER-XI: JUDICIAL PROCESS AND CONSTITUTION**

**UNIT-1:**

Nature and Concept of Judicial Process: Judicial process as an instrument of social ordering- Judicial process and creativity in law : Common Law model, legal reasoning and the growth of law, change and stability – The tools and techniques of judicial review and judicial creativity- Role of judicial Concepts and judicial discretion in judicial reasoning- Judicial Contribution in bringing Social Change.

**UNIT-II:**

Judicial Process and Application of the Law of Precedent – Doctrine of Precedent-Ratio Decidendi and Obiter Dictum-Methods of determining ratio- Stare decisis and its exceptions-Precedent in Common Law and Civil law Countries - Special Dimensions of Judicial Process in Constitutional

Adjudication-Notions of Judicial Review- Judicial Review vis-a-vis Judicial Activism - Judicial Activism and Judicial Self Restraint- Problem of Accountability in judicial law-making.

**UNIT-III:**

Judicial Process in India-Operation of precedent in India: search for the legislative intention- Judicial process in a statute free zone and judicial process on statutory materials-The Indian Debate on the role of the Judges and on the notion of Judicial review- Prospective overruling- The “Independence” of Judiciary and 'Political' nature of Judicial Process-Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions- Institutional liability of courts and judicial activism :Scope and Limits.

**UNIT-IV:**

Judicial Process and Constitutional Amendments-Evolution of the Concept of Basic Structure- Philosophy of the Doctrine of Basic Structure – The Recent Developments: The “Essence of Rights” test and “Rights Test” to determine Basic structure- Basic Structure and Constitutionalism-Constitutional Morality versus Public Morality - Comparative Analysis of Judicial Process- Judicial Process in UK, USA, Australia and Other Countries

**Suggested Readings:**

1. Cordozo 'The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi
2. Julius Stone. The Province and Function of Law Ch.1, PP 8-16, (2000), Universal Law Publishing Co., New Delhi
3. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985), Butterworths.
4. J.Stone. Legal System and Lawyer's Reasoning (1999), Universal Law Publishing Co., New Delhi
5. Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.
6. Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.
7. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP: 365-395, (2007).

8. A.S.Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).
9. Upendra Baxi, On how not to Judge the Judges” 25Journal of the Indian Law Institute,P. 211 (1983).
10. Henry J. Abraham, The Judicial Process (1998), Oxford.
11. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)
12. G.B.Reddy, Judicial Activism in India, 2 nd Edition (2013), Gogia Law Agency, Hyderabad



## **Syllabus - LL.M.**

### **SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

#### **IV SEMESTER**

#### **PAPER-XII INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES (Common Paper for All the Branches)**

##### **UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes Central-State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

##### **UNIT-II**

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code-Freedom of Speech and Expression Right to broadcast and telecast-Right to Strike, Hartal and Bandh.

##### **UNIT-III**

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation-Compensatory Jurisprudence-Right to Education-Right to Information-Right to wholesome environment-Doctrine of public trust

##### **UNIT-IV**

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post-independence era -Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members- Judicial Activism and Judicial Accountability-Contempt of Courts- Political Morality and effect of Anti-defection Law

#### **Suggested Readings:**

- H.M. Seervai, Constitutional Law of India (in 2-Volumes), Universal Book Traders, New Delhi.
- Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, Oxford.
- Constituent Assembly Debates (Official Report), (in 5 Books and 12 Volumes), Lok Sabha Secretariat, New Delhi.
- B.Shiva Rao, Framing of the Indian Constitution (in 5-Volumes), Indian Institute of Public Administration, New Delhi.
- M.P.Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.
- Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP
- Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

**SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

**IV SEMESTER**

**PAPER-XIII ADMINISTRATIVE LAW**

**UNIT-I:**

Administrative Law-Definition, Scope, Causes for its growth- Difference between Administrative Law and Constitutional Law - Classification of Administrative action - Rule of Law – French Administrative System (Droit Administratif).

**UNIT-II:**

Theory of Separation of powers - Delegated Legislation: Classification, Constitutionality and Controls - Limits of Delegated Legislation – Principles of Natural Justice, Origin, Evolution - Classification, Principles of Fair Hearing and Rule against Bias - Exception to the application of Principles of Natural Justice.

**UNIT-III:**

Discretionary Powers of Administration - Doctrine of Legitimate Expectation - Doctrine of Proportionality - Judicial Control and Judicial Review of Administrative Action: Grounds and Means – Constitutional and Statutory remedies.

**UNIT-IV:**

Public Corporations - Liabilities of State in Contracts and Torts - Promissory Estoppel- Administrative Tribunals - Ombudsman: Lokpal, Lokayukta and Central Vigilance Commission - Right to Information.

**Suggested Readings:**

1. H.W.R. Wade Administrative Law, Clarendon Press, Oxford.
2. Garner: Administrative Law, Butterworths, London.
3. J.A.G. Griffith and H.Street : Principles of Administrative Law, Pitman Publishing, New York.
4. S.A.De Smith: Judicial Review of Administrative Action, Stevens and Sons, London.
5. M.P.Jain & S.N .Jain: Principles of Administrative Law, Wadhva and Company, Nagpur.
6. S.P.Sathe: Administrative Law, Butterworths, New Delhi.
7. I.P.Massey: Administrative Law, EBC, Lucknow
8. K.C.Davis: Administrative Law & Government, West Publishing Co., St. Paul Minn.
9. David Foulkes: Administrative Law. Butterworths. London.
10. Dr.Abdul Rayees Khan: Administrative Law, K.K.Publications, Hyderabad.

## **Syllabus - LL.M.**

### **SYLLABUS OF LL.M. (CONSTITUTIONAL LAW)**

#### **IV SEMESTER**

##### **PAPER- XIV DISSERTATION**

Introducing the component of conducting Research Design Seminar, in third semester after finalizing the topics for LL.M Students. In Fourth Semester Progress Seminar and Pre-Submission Seminar to be conducted for every candidate in respect of the topic allotted to him/her. Such Three seminars are to be conducted on the weekends during the III and IV semester, and the teaching workload for conducting such seminars during the LL.M IV semester will be two teaching periods per week. The seminars to be conducted as condition precedents i.e first Research Design seminar, once it is satisfactorily conducted, then followed by the progress seminar to appraise the progress of writing the thesis, and finally, the pre- submission seminar along with a plagiarism check report (with less than 25% Similarity). When the supervisor, the HOD and the Principal of the respective college sign on the dissertation, the same can be submitted to the University followed by the conduct of Viva-Voice as per the existing procedure. This change is recommended w.e.f the Academic Year 2024-2025 (even for those who will be submitting their dissertation during this year).

\*Note: All the three stages of the research to be satisfied one after the other, finally the candidate is allowed for viva voce.

5. Allotment of topic in III semester
6. Research design in III semester
7. Progress Seminar in IV semester
8. Pre-Submission Seminar in IV semester

\*\*\*\* THE END \*\*\*\*

