

# **CONSTITUTIONAL AND ADMINISTRATIVE LAW**

**MAHATMA GANDHI UNIVERSITY  
SCHOOL OF INDIAN LEGAL THOUGHT  
(TEACHING & RESEARCH) DEPARTMENT OF LAW)**

**REGULATIONS FOR THE TWO YEAR LL .M. PROGRAMME  
(C&SS)  
with effect from 2021 admission**

**1.Objectives:**

The Two Year LL.M. Degree Programme offered in School of Indian Legal Thought, Teaching and Research Department of Law, Mahatma Gandhi University is intended to produce lawteachers, researchers and skilled legal practioners. The courses and transaction are designed to achieve these objectives.

**2.Structure, Duration and Scheme of Two Year LL.M.Programme**

(i) The LL.M. course shall be of two years' duration, full time, consisting of four semesters. Each semester will be of 20 weeks' duration including classroom teaching, library work, seminars and research. The Programme will be governed by the Credit and Semester system of the Mahatma Gandhi University.

(ii) A student may opt for courses as provided under the table in respect of the four Semesters given below.

(iii)A student for every Specialisation shall, in the course of four semesters, undergo instruction in 11 Compulsory/Core Courses, Six Elective Course, apart from the Dissertation and Viva-Voce as per the scheme. Elective course may be offered from the schedule of electives given below subject to the availability of teachers and other circumstances.

(iv) Courses and Credits :Two kinds of courses are offered – Core Courses and Elective Courses. Core Courses are offered by the School ,which are compulsory. Elective courses can be offered to the students from the schedule given below ,subject to the availability of teachers and other circumstances. The Faculty Advisor shall help the students in selecting Electives that are relevant to the programme for which they are admitted. Each course is allotted credits varying from 2 to 4 depending on the hours of instructions/practicals. (A 4-credit course, in general, is one which normally involves four hours per week of class room teaching or lecture/seminar/practical sessions.)

**3 Specializations:** The specializations offered in the School are the following ones:

1. Criminal Law
2. Constitutional and Administrative Law
3. Environmental Law
4. Intellectual Property Rights and Cyber Law

#### **4 Number of Seats :**

Number of students to be admitted to one specialisation shall be limited to a maximum of SEVEN. However the total intake for all the programmes together shall not exceed 28.

#### **5 Eligibility :**

A candidate who has passed LL.B. Examination of a University recognized as equivalent by Mahatma Gandhi University, securing not less than 50% of marks in the aggregate shall be eligible to be considered for admission. Relaxation of minimum marks and reservation of seats will be according to the reservation norms followed by Mahatma Gandhi University, Kottayam.

#### **6 Admission :**

Admission to the Programme shall be made as per the norms followed by Mahatma Gandhi University, Kottayam.

#### **7. Fees:**

The tuition fees, examination fees and other fees will be as prescribed by Mahatma Gandhi University, from time to time.

#### **8.Duration**

One full semester is equivalent to 18 – 20 weeks of teaching-learning-evaluation process. The minimum duration of a semester is 90 working days. A course may have lecture component (L) or practical component (P) or tutorial component (T) or combination of any two or all the three components. The total credits earned by a student at the end of a semester upon successful completion of a course are L + T + P or as the case may be. The credit pattern of a course is indicated as L: T:P.

#### **9. Course Code:**

Each course shall have a unique code number with four abbreviated components :

1. Department/school/centre/institute – Three to Four Alphabets;
2. Programme ----- MP – for all Master programmes

3. Course type (C- for core course; E- for elective course)
4. Course number in Arabic numerals – two digit number.

#### **10. Course Registration**

A student must register for the required number of courses as per specific curriculum of a programme, after the commencement of class of that semester. Each student shall have a registration card for each semester, wherein the title of the courses and corresponding course codes are entered and signed by the student, the faculty member offering the course and countersigned by Head ,SILT.

Based on this, a consolidated statement of courses to which registration is granted for the semester is to be prepared by SILT. This statement must be signed by the Head , SILT and has to be submitted to the C&SS section of the examination branch of the University within 20 days after the commencement of class of each semester.

#### **11. Credit Requirements:**

The minimum total credits required for the successful completion of the programme shall be 80 which shall be spread across the Core Courses, the Elective Courses, a compulsory dissertation, and the viva-voce at the end of the programme. A minimum of 8 credits shall be set apart for the dissertation and 2 to 4 credits for the viva-voce.

A student must register for the required number of courses at the beginning of each semester as stipulated by the School.

#### **12. Role of Faculty Council**

Faculty Council of SILT is responsible for the conduct and monitoring of all LL.M. programmes offered in the School.

#### **13. Faculty Advisor:**

A Faculty Advisor will be assigned to each student admitted to a Programme. The Faculty Advisor shall advise the student on various academic matters.

#### **14. Course Teaching**

- a) Courses shall generally be taught by the faculty members who designed the course, though the Faculty Council is authorized under MGU C&SS regulations 2020 to assign the teaching of a course to more than one faculty member.
- b) A time table shall be prepared and approved by the Faculty Council and shall be

published at the start of each semester.

### **15. Evaluation: External & Internal Evaluation:**

There shall be continuous internal assessment as well as end semester examinations for all the programmes. Evaluation of the first and third semester shall be done by the faculty members of the School offering the courses of study. End semester Examination of second and fourth semesters will be based on the question papers set by External Examiners. Evaluation of the end semester examinations of second and fourth semester shall be conducted by External Examiners and the concerned faculty members. External Examiner means a competent person in the specified subject from other Universities/ Institutes. A panel of External Examiners must be prepared based on recommendation of Faculty Council and must be approved by the Vice Chancellor.

### **Methodology**

Indirect Grading is employed for the evaluation of courses. The performance of a student in each course is evaluated in terms of percentage of marks converted to grade points. Students have to secure a minimum attendance of 75% to appear for the end semester examination. A separate minimum of 40% of marks is required in the Continuous Assessment (CA) as well as End semester examination for a pass in a course. Students who fail to obtain minimum of 40% mark in the Continuous Assessment can request the Faculty council for a chance to improve the marks for written tests. However, only one chance will be given.

**Revaluation:** Revaluation or Scrutiny of answer scripts for the first and third semester is provided. There is no provision for revaluation or scrutiny of answer scripts for the end semester examinations of 2<sup>nd</sup> and 4<sup>th</sup> Semesters as double valuation is performed on the scripts. The application for scrutiny and revaluation of answer scripts shall be submitted to the Head of the School within 15 days from the date of publication of the results. The Head of the School, in consultation with Faculty Council may entrust external expert(s) for revaluation.

**16. Question paper setting:** The Faculty Council of the School shall prepare the panel of question paper setters for each programme and get it approved by the Vice Chancellor. Questions for courses offered in the 1<sup>st</sup> and 3<sup>rd</sup> semesters, will be set by faculty members of the School and for 2<sup>nd</sup> and 4<sup>th</sup> semesters by external examiners. The Faculty Council shall as

far as possible recommend teachers of other Universities as external examiners for the purpose of preparing panel of question paper setters and examiners.

**17. Process of Evaluation:** The internal assessment will be a continuous assessment (CA) that accounts for 40% of the evaluation in both theory and practical. The end semester examination will account for the remaining 60% of the evaluation.

**17.1. End-Semester Examination:** The end semester examination will account for 60% of the evaluation. The evaluation of the end-semester examination of the first and third semesters shall be done by the faculty who taught the course. Evaluation of the 2<sup>nd</sup> and 4<sup>th</sup> semester courses based on questions set by external question paper setters shall be evaluated by two examiners; one, the external (as far as possible the question paper setter shall evaluate the answer scripts as well) and the other, internal examiner.

The double valuation of answer scripts in the second and the fourth semester courses shall be done by external examiners and the concerned faculty respectively as approved by the Faculty Council. The Head of the School will make arrangements for the evaluation of the answer scripts. The dissertation shall be evaluated by two examiners, one of them the faculty member who supervised the dissertation and the other an external examiner to be decided by the Head of the School from a panel recommended by Faculty Council and approved by the Vice Chancellor. The comprehensive viva-voce, if any, must be carried out along with Dissertation evaluation.

**17.2 Continuous Assessment (CA):** The student's participation and classroom performance as well as the feedback received from tests, tutorials, assignments and term papers shall form the basis for continuous assessment (CA). It accounts for 40% of the evaluation. This assessment shall be based on a predetermined transparent system involving periodic written tests, assignments and seminars. The percentage of marks assigned to various components for internal evaluation is as follows:

	Component	% of internal marks
(i)	Test papers	50%
(ii)	Assignments/Book Reviews/Debates	25%
(iii)	Seminars/Presentation of Case studies	25%

For each course there shall be at least two class tests during a semester. Average of the best of the marks obtained in the two tests (in the case of more than two tests) or the average of the tests ( if there is only two tests) will be counted as the internal test component of CA.

**Test Paper:** Valued answer scripts shall be made available to the students for perusal within 10 working days from the date of the tests.

**Assignments:** Each student shall be required to do atleast 2 assignments/book reviews for each course. Assignments/book review after valuation must be returned to the students. The teacher shall define the expected quality of the above in terms of structure, content, presentation and the like, and inform the same to the students. Punctuality in submission of assignments/records is to be given a weightage in the internalevaluation.

**Seminar:** Every student shall deliver atleast one seminar as an internal component of every course and must be evaluated by the respective course teacher in terms of structure, content, presentation and interaction. The soft and hard copies of the seminar report are to be submitted to the course teacher.

**Results of Continuous Assessment:**

The results of the CA counter-signed by Headof the School shall be displayed on the notice board 5 days before the end semester examinations. The marks awarded for various components of the CA shall not be rounded off, if it has a decimal part. The total marks of the CA shall be rounded off to the nearest whole number. Relevant records of continuous assessment (CA) must be kept in the Schoolfor five years after the completion of the course and that must be made available for verification.

**Continuous Assessment for Research Methods, Teaching Practicals and Legal Writing**

However, the continuous assessment in Research Methods, Teaching Practicals, and Legal Writing shall be as follows. For Teaching Practical, the norms provided under will be followed.

**Teaching Practical**

Written teaching plan and materials attached	5
Presentation	5
Response to questions and doubts	5
Methodology, Style, etc of teaching	5

Total	20

In Teaching Practical, the final evaluation shall be made by two teachers, one, the course teacher, and the other, the Head of the School or a teacher nominated by Head of the School. The remaining marks shall be distributed as per the table given below.

Component	Marks
Test paper	15
Assignment	5
Total	20 Marks

### **18. Dissertation**

There shall be a Dissertation to be undertaken by all students. Dissertations shall be carried out under the supervision of a teacher in the School approved by Faculty Council. The dissertation submitted by the students shall be valued by two examiners, one by the teacher of the school who guided the dissertation and the other by an External Expert from a Law School, outside the University to be appointed by the Head of the School from a panel approved by the Vice-Chancellor. The final marks for the Dissertation will be average of the two. A student who is unable to submit the dissertation along with his/her batch may be given two chances to do so with the immediate lower batches, after which he/she shall not be given any more chances.

### **19. Viva-voce**

The viva voce at the end of the Programme shall be conducted by a Board of Examiners constituted by the Faculty Council of the School. The Board, in addition, will include External Expert(s) from Law Schools, outside the University to be appointed by the Head of the School from a panel approved by the Vice-Chancellor.

### **20. External Evaluation of theory answer scripts:**

The evaluation shall be done after the examination at the earliest, preferably in a centralized valuation. As far as possible bar coded answer books shall be used to ensure confidentiality.



The evaluation of the answer scripts shall be done by examiners based on a well-defined scheme of valuation. End semester evaluation of theory answer scripts shall be conducted and evaluated by one internal examiner for odd semesters. For even semesters, one external and one internal examiner shall do the process of evaluation. That is, there shall be double valuation system of answer books in the 2<sup>nd</sup> and 4<sup>th</sup> Semester evaluation. The final marks awarded will be the average of two. If there is a variation of more than 10 % of the maximum marks, the answer books shall be valued by a third external examiner appointed by the Head of the School. The final marks to be awarded shall be the average of marks obtained in third valuation and the highest of marks awarded by the other two examiners.

## **21. Process of Evaluation of Dissertation**

- i. First Evaluation : Supervising teacher/s will assess the Dissertation and award Marks.
- ii Second evaluation: Second evaluation will be done by external examiner, based on the work done by the student.

There is no provision for improving the first/ second evaluation of Dissertation.

## **22. Grading System:**

The grading system followed is that of relative grading on a ten-point scale. The following table indicates the performance range and the relative value of the grades (grade points) on the scale.

<b>Letter grade</b>	<b>Performance</b>	<b>Grade point</b>

O	Outstanding	10
A plus	Excellent	9
A only	Very good	8
B plus	Good	7
B only	Above Average	6
C	Average	5
P	Pass	4
F	Fail	0
Ab	Absent	0

**Minimum grade for passing in a programme:**

The minimum CGPA for LL.M is 5.

The Head of the School shall ensure the regular student feedback of courses, teachers and programme in the prescribed format towards the end of all semesters and the same shall be made available to teachers concerned.

**23. Publication of Results:**

The results of the End Semester Examination (ESE) shall be published within 30 days from the date of the last examination.

**24. Conferment of the Degree:**

A candidate shall be eligible for the conferment of the degree only after he/she has earned the minimum CGPA as specified in the scheme of the programme, within the stipulated period.

**25. Reappearance and Improvement Examinations**

A student who failed for a course in a semester can register for Reappearance in the forthcoming examination, subject to the conditions set forth in this regulations. Improvement of marks/grades in the forthcoming examination can be done, subject to the conditions set forth in this regulations.

### *Registration for Improvement*

A candidate has to apply for registration for Improvement by paying the requisite fee. Candidates are not permitted to register for improvement of grades for Individual course. Candidates in the 1<sup>st</sup> and 2<sup>nd</sup> semesters, who have secured SGPA letter grade 'P' or above in the end-semester examination can improve their grade by reappearing for all the semester courses along with the next immediate batch.

In such cases, a candidate will be awarded a new grade only if there is an improvement in grade in the new examination; otherwise, the candidate is eligible to retain the grade already awarded.

Candidates in the 3<sup>rd</sup> semester, who have secured the SGPA letter grade 'P' or above in the endsemester examination, can improve their grade by reappearing for all the semester courses, along with the 3<sup>rd</sup> semester supplementary examination being conducted for failed candidates immediately after the completion of end semester examination of Fourth semester. This provision is applicable only for third semester. Improvement of 4<sup>th</sup> semester can be done along with the immediate lower batch.

1<sup>st</sup> and 2<sup>nd</sup> semester SGPA cannot be improved after the completion of the 4<sup>th</sup> semester. Only 3<sup>rd</sup> and 4<sup>th</sup> semester SGPA can be improved after the completion of a programme. The marks/grades awarded for Continuous assessment and that for the dissertation cannot be improved.

### *Reappearance:*

Candidates in the 1<sup>st</sup> and 2<sup>nd</sup> semesters who have secured a letter grade of 'F' or 'Ab' in any of the courses can avail two immediate consecutive chances to reappear for examination, coursewise, provided the candidate has applied for the same and paid the required fee.

Candidate in the 3<sup>rd</sup> semester who has secured letter grade of 'F' or 'Ab' in any of the courses can reappear for exams course-wise in the 3<sup>rd</sup> semester supplementary examination, which will be conducted immediately after the completion of End semester examination of Fourth semester, provided the candidate has applied for the same and paid the required fee (fee for

supplementary examination of any course shall be full semester examination fee irrespective of number of courses involved).

Candidates who secured the grade of only 'F' or 'Ab' in a course in the 4th semester examination can reappear course wise, along with the immediate lower batch.

Candidates who secured the grade of only 'F' or 'Ab' in a course in the 3rd /4th semester examinations will be given two additional chances for course-wise reappearance even after the completion of the programme but it has to be done within a period of two years after the completion. In such cases a candidate has to apply for the same as a supplementary exam and pay the required fee (Fee for supplementary examination of any course shall be full semester examination fee irrespective of number of courses involved).

## **26. Re-admission**

No students shall be readmitted to the 1st semester. Readmission to other semesters of the programme will have to be recommended by the Head of the School , subject to availability of seats in each programme. The student has to apply for Readmission, paying the prescribed fee. The student may be permitted to complete the programme by taking the required number of courses within a maximum period of eight continuous semesters, including the period of his/her programme, provided an amount equivalent to the semester fees for all the intervening semesters have been regularly paid and provided he/she has not been removed from the rolls by issuing a Transfer Certificate. The readmission is permissible only if the same programme with the same courses is available.

In all cases of discontinuation and readmissions, candidates must submit applications countersigned by the Head of the School to the Registrar and obtain the required order for the same. Candidates who are readmitted to repeat a course must follow the then existing syllabus for the said programme. They need to attend classes along with new batch of students and should obtain the required percentage of attendance as usual.

## **27. Grade Card:**

Grade cards will be issued to the student after the publication of results of each End Semester Examination. The Grade Card will indicate the grades obtained for the courses as well as the semester grade point average (SGPA) which is the weighted average of the

numerical value (grade point) obtained by the student in the semester. Weighted average is calculated by dividing the sum of the product of the grade point or numerical value obtained for each course and the credits that it carries by the total number of credits earned. The Cumulative Grade Point Average (CGPA) for the whole programme will be calculated in the same way, which will also be indicated in the Grade Card issued for the Final Semester examinations of the programme. **Minimum SGPA in all semesters is not an assurance to minimum CGPA for the entire programme.**

## 28. Percentage Equivalence of Grade:

Range of % of Marks	Grade Letter	Grade Point
95 - ≤100	O	10
85 - <95	A plus	9
75 - <85	A only	8
65 - <75	B plus	7
55 - <65	B only	6
45 - <55	C	5
40 - <45	P	4
<40	F	0
Absent	Ab	0

### Calculation of Semester Grade Point Average (SGPA) :

Credit Points for the Course = Credits assigned for the Course X Grade Point secured for the Course.

SGPA indicates the performance of a student in a given Semester. SGPA is based on the total Credit Points earned by a student in all the courses divided by the total credits assigned to the Semester.

**Note: SGPA is computed only if the candidate passes in all the required courses (gets a minimum required grade for a pass in all the required courses as per the specific**

**curriculum). Securing of SGPA in all semesters may not enable students to secure minimum required CGPA for a pass in the programme.**

$$\text{SGPA} = \frac{\text{Total credit points earned by the student from all the required courses of a Semester}}{\text{Total credits of all courses required in a semester}}$$

### **Calculation of Cumulative Grade Point Average (CGPA)**

CGPA refers to the Cumulative Grade Point Average weighted across all the semesters (4 Semesters). CGPA is obtained by dividing the total number of credit points earned by the student in all the semesters by the total number of required credits of all the Semesters as per curriculum.

**CGPA = ( Sum of the Credit Points secured by the student for each semester ) ÷ (Sum of the Credits assigned to each Semester of the Programme)**

$$\text{CGPA} = \frac{\text{Total Credit Points of Semester- S1} + 2 + 3 + 4}{\text{Total Credits of Semester- S1} + 2 + 3 + 4}$$

This formula shall be printed on the Grade Card issued to the student with a note that it could be used to convert the grades into mark-percentages. (The details of the grading system as indicated above shall also be printed on the Grade Card).

### **Conversion of SGPA/CGPA to Grade**

10	O
9.0 - <10	A plus
8.0 - <9	A only
7.0 - <8	B plus
6.0 - <7	B only
5.0 - <6	C
4.0 - <5	P
<4	F
Absent	Ab

## **Conversion of CGPA to percentage**

$$\text{Equivalent Percentage} = \frac{(\text{CGPA obtained}) \times 100}{\text{Maximum CGPA (=10)}}$$

The equivalent percentage shall be represented in a numeric format rounded to two decimal digits accuracy (“99.99”) and will not be rounded to the nearest integer.

### **29. Rank/ Position Certificate:**

Rank Certificate shall be issued to the first three positions only, in each specialization of the Programme. Students who have completed the course by availing the opportunity of reappearance for a course will not be eligible for Rank certificate.

If Rank certificate in a prescribed format is demanded by institutions for awarding a specific fellowship/scholarship, the same may be given for such students as a special case in the prescribed format.

### **30. Registration with CSS:**

The list of students registered for each semester programme should be forwarded to the C&SS along with original certificates (Degree Certificate + SSLC) immediately after closing of admissions to the programme.

**31. Consolidation and Declaration of Results:** All work pertaining to the examinations shall be held in the School under the direct control and supervision of the Head of the School. The Head of the School in consultation with the Faculty Council shall monitor the Continuous Assessment/ End Semester Examinations and evaluations or nominate a teacher as the chief examiner who will assist him/her in the matter. The marks awarded for internal assessment will be displayed in the School’s notice board / published in the School Website at the end of each semester.

Complaints from students regarding the marks awarded in internal assessment should be reported to the concerned faculty member who is charge of the course, within 3 working days

from the date of publication of the same on the notice board/Website. If the student is not satisfied with the decision taken by the concerned course teacher, the complaint may be raised before the Head of the School and the Head of the School shall place the same before the Faculty Council for appropriate decision.

The pass board of the School will consist of selected teachers/ the entire faculty of the School concerned and will be constituted by the Head of the School in consultation with the Faculty Council. The tabulated grade sheets will be forwarded after each end-semester examination to the office of the Controller of Examinations of the University. The C&SS section in the Controller's office will check the Grade cards forwarded from the School and notify the results after consolidating them and issue statement of credits. On completion of the final semester a consolidated Grade Card showing the details of all the courses taken will be prepared. The consolidated Grade Card containing the details of all the courses with their titles, credits, grades obtained, the total credits earned, the SGPA and the CGPA will be issued to students.

**32. All other matters will be governed by the relevant regulations of Mahatma Gandhi University, Kottayam.**

**33. Distribution of Courses and Credits:**

The Core Courses of each of the specializations are given in appropriate places in the tables given below. The Elective Courses are provided under the Schedule of Elective Courses given below. The tables given below provide for details regarding internal and external marks, respective credits, and annexure numbers. The syllabus and other details of the courses are provided in respective annexure as indicated below in the Syllabus Annexure.

**SCHEME**

**GENERAL COURSE STRUCTURE FOR ALL SPECIALISATIONS**

SI. No	Course Code	Course Title	POE	CREDITS	Core/Elective	CA	ESA	Marks
1	LTM21C01	Common Core	LL.M	4	C	40	60	100



2	LTM21C02	Common Core	LL.M	4	C	40	60	100
3	LTM21C03	Subject Core	LL.M	4	C	40	60	100
4	LTM21C04	Subject Core	LL.M	4	C	40	60	100
5	LTM21E34	Subject elective	LL.M	4	E	40	60	100
				<b>20</b>				
<b>Second Semester</b>	<b>Course Code</b>	<b>Course Title</b>	<b>POE</b>	<b>CREDIT</b>	<b>Core/elective</b>	<b>CA</b>	<b>ESA</b>	<b>Marks</b>
1	LTM21C05	Common Core	LL.M	4	C	60	40	100
2	LTM21C06	Common Core	LL.M	4	C	60	40	100
3	LTM21C07	Subject Core	LL.M	4	C	60	40	100
4	LTM21C08	Subject Core	LL.M	4	C	60	40	100
5	LTM21E35	Seminar Paper	LL.M	4	E	60	40	100
				<b>20</b>				
<b>Third Semester</b>	<b>Course Code</b>	<b>Course Title</b>	<b>POE</b>	<b>CREDIT</b>	<b>Core/elective</b>	<b>CA</b>	<b>ESA</b>	<b>Marks</b>
1	LTM21C09	Subject Core	LL.M	4	C	60	40	100
2	LTM21C10	Subject Core	LL.M	4	C	60	40	100
3	LTM 21E36	Subject elective	LL.M	4	E	60	40	100
4	LTM 21E37	Subject elective	LL.M	4	E	60	40	100
5	LTM21E38	Subject elective	LL.M	4	E	60	40	100

				<b>20</b>				
<b>Fourth Semester</b>	<b>Course Code</b>	<b>Course Title</b>	<b>POE</b>	<b>CREDIT</b>	<b>Core/elective</b>	<b>CA</b>	<b>ESA</b>	<b>Marks</b>
<b>1</b>	LTM21C11	Subject Core	LL.M	4	C	60	40	100
<b>2</b>	LTM 21 E39	Subject Elective	LL.M	4	E			
<b>3</b>	LTM21C12	Dissertation and Viva	LL.M	12	C			275
				<b>20</b>				
			<b>TOTAL CREDITS</b>	<b>80</b>				

## Graduate Attributes of Mahatma Gandhi University

<b>Critical thinking and analytical reasoning</b>	Capability to analyse, evaluate and interpret evidence, arguments, claims, beliefs on the basis of empirical evidence; reflect relevant implications to the reality; formulate logical arguments; critically evaluate practices, policies and theories to develop knowledge and understanding; able to envisage the reflective thought to the implication on the society.
<b>Scientific reasoning and Problem solving</b>	Ability to analyse, discuss, interpret and draw conclusions from quantitative/qualitative data and experimental evidences; and critically evaluate ideas, evidence and experiences from an unprejudiced and reasoned perspective; capacity to extrapolate from what one has learned and apply their competencies to solve problems and contextualise into research and apply one's learning to real life situations.
<b>Multidisciplinary/ Interdisciplinary/ Transdisciplinary approach</b>	Acquire interdisciplinary /multidisciplinary/ transdisciplinary knowledge base as a consequence of the learning they engage with their programme of study; develop a collaborative-multidisciplinary/interdisciplinary/transdisciplinary- approach for formulate constructive arguments and rational analysis for achieving common goals and objectives.
<b>Intra and Interpersonal skills</b>	Ability to work effectively and respectfully with diverse teams; facilitate collaborative and coordinated effort on the part of a group, and act together as a group or a team in the interests of a common cause and work efficiently as a member of a team; lead the team to guide people to the right destination, in a smooth and efficient way.
<b>Digital literacy</b>	Capability to use ICT in a variety of learning situations, demonstrate ability to access, choose, collect and evaluate, and use a variety of relevant information sources; structure and evaluate those data for decision making.
<b>Global Citizenship</b>	Building a sense of belonging to a common humanity and to become responsible and active global citizens. Appreciation and adaptation of different sociocultural setting. Acquire skills to
<b>Social competency</b>	Possess knowledge of the values and beliefs of multiple cultures, appreciate and adapt to a global perspective; and capability to effectively engage in a multicultural society and interact respectfully, manage and lead with diverse groups.
<b>Equity, Inclusiveness and Sustainability</b>	Appreciate and embrace equity, inclusiveness and sustainability and diversity; acquire ethical and moral reasoning and values of unity, secularism and national integration to enable to act as dignified citizens; able to understand and appreciate diversity
<b>Lifelong learning</b>	Continuous acquisition of knowledge and skills. Learn, unlearn and re-learn based on changing ecosystem. "Learning how to learn", that are necessary for participating in learning activities throughout life, through self-paced and self-directed learning aimed at personal development, meeting economic, social and cultural objectives, and adapting to changing trades and demands of work place through knowledge/skill development/reskilling.

# Programme Outcomes (PO) of Mahatma Gandhi University

## **PO 1: Critical Thinking and Analytical Reasoning**

Capability to analyse, evaluate and interpret evidence, arguments, claims, beliefs on the basis of empirical evidence; reflect relevant implications to the reality; formulate logical arguments; critically evaluate practices, policies and theories to develop knowledge and understanding; able to envisage the reflective thought to the implication on the society.

## **PO 2 : Scientific Reasoning and Problem Solving**

Ability to analyse, discuss, interpret and draw conclusions from quantitative/qualitative data and experimental evidences; and critically evaluate ideas, evidence and experiences from an unprejudiced and reasoned perspective; capacity to extrapolate from what one has learned and apply their competencies to solve problems and contextualise into research and apply one's learning to real life situations.

## **PO 3: Multidisciplinary/Interdisciplinary/Transdisciplinary Approach**

Acquire interdisciplinary /multidisciplinary/transdisciplinary knowledge base as a consequence of the learning they engage with their programme of study; develop a collaborative-multidisciplinary/interdisciplinary/transdisciplinary- approach for formulate constructive arguments and rational analysis for achieving common goals and objectives.

## **PO 4: Communication Skills**

Ability to reflect and express thoughts and ideas effectively in verbal and nonverbal way; Communicate with others using appropriate channel; confidently share one's views and express herself/himself; demonstrate the ability to listen carefully, read and write analytically, and present complex information in a clear and concise manner and articulate in a specific context of communication.

## **PO 5: Leadership Skills**

Ability to work effectively and lead respectfully with diverse teams; setting direction, formulating an goal, building a team who can help achieve the goal, motivating and inspiring team members to engage with that goal, and using management skills to guide people to the right destination, in a smooth and efficient way.

## **PO 6: Social Consciousness and Responsibility**

Ability to contemplate of the impact of research findings on conventional practices, and a clear understanding of responsibility towards societal needs and reaching the targets for attaining inclusive and sustainable development.

## **PO 7: Equity, Inclusiveness and Sustainability**

Appreciate equity, inclusiveness and sustainability and diversity; acquire ethical and moral reasoning and values of unity, secularism and national integration to enable to act as dignified citizens; able to understand and appreciate diversity, managing diversity and use of an inclusive approach to the extent possible.

**PO 8: Moral and Ethical Reasoning**

Ability to embrace moral/ethical values in conducting one's life, formulate a position/argument about an ethical issue from multiple perspectives, and use ethical practices in all work. Capable of demonstrating the ability to identify ethical issues related to one's work and living as a dignified person in the society.

**PO 9: Networking and Collaboration**

Acquire skills to be able to collaborate and network with scholars in an educational institutions, professional organisations, research organisations and individuals in India and abroad.

**PO 10: Lifelong Learning**

Ability to acquire knowledge and skills, including "learning how to learn", that are necessary for participating in learning activities throughout life, through self-paced and self-directed learning aimed at personal development, meeting economic, social and cultural objectives, and adapting to changing trades and demands of work place through knowledge/skill development/ reskilling.

## Constitutional and Administrative Law

### I ST SEMESTER

SI No	Course	Core/Elective	credits	Marks-Int	Marks-ext	Total marks
1	Research methodology &Teaching Practicals	C	4	50	50	100
2	Law,Judicial process &Social Transformation	C	4	40	60	100
3	Fundamentals of Administrative law	C	4	40	60	100
4	Constitutional Principles-Fundamental Rights &Directive Principles	C	4	40	60	100
5	Parliamentary System of Government	E	4	40	60	100

### II<sup>nd</sup> SEMESTER

SI No	Course	Core/ Elective	credits	Marks-Int	Marks-ext	Total marks
1	Law and Justice in a Globalising World	C	4	40	60	100
2	Comparative Public Law	C	4	40	60	100
3	Centre-State Relations & Constitutional Governance	C	4	40	60	100
4	Administrative Law-II	C	4	40	60	100
5	Seminar Course	E	4	40	60	100

### III<sup>rd</sup> SEMESTER

SI No	Course	Core /Elective	credits	Marks-Int	Marks-ext	Total marks
1	Amending Process & Judicial Review	C	4	40	60	100
2	Administrative Law-III	C	4	40	60	100
3	Administrative discretion and Control Mechanism	E	4	40	60	100
4	Indian Constitution Law:The New Challenges	E	4	40	60	100
5	Remedies in Administrative law	E	4	40	60	100

**IVTH SEMESTER**

SI No	Course	Core/Elective	credits	Marks-Int	Marks-ext	Total marks
1	Maladministration and Remedies	C	4	40	60	100
2	Judicial System Under the Constitution	E	4	40	60	100
3	Dissertation and Viva	C	12			275



**MAHATMA GANDHI UNIVERSITY**

**Name of course - LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING**

<b>School Name</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING</b>					
<b>Type of Course</b>	Common Core					
<b>Course Code</b>	LTM21C01					
<b>Course Summary &amp; Justification</b>	The primary objective of the course is to enhance the ability of the student of law to transform a legal research scholar as well as teacher of legal studies. This course focuses on legal education system in India, to have an overall idea of legal teaching in the contemporary context. The teaching practical entails each student to develop the ability and skill of teaching in law. Research methodology part of the course imparts skills to develop research tools and primary idea about legal research methodology. Another thrust area of the course is training in academic writing ethics as well as orient in academic writing in law.					
<b>Name of the Academic Staff and Qualification</b>	Dr. Arathi. P.M. Assistant Professor					
<b>Semester</b>	SEMESTER I			<b>Credit</b>		4
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Authentic learning Collaborative learning Case based learning	40	5	10	20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					





## MAHATMA GANDHI UNIVERSITY

**Name of course - LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING**

*Others- Library, teaching practical, seminar and assignment preparations, test, journal, class room discussion etc.*

### COURSE OUTCOMES (CO)

CO No.	Expected Course Outcome	Learning Domains	PO No.
	<i>Upon completion of this course, students will be able to;</i>		
1	Understand objective, importance and role of legal education in contemporary India	U, An,I,Ap	1,3,6,7
2	Learn methods of teaching in legal studies	U, A,S,I,Ap,E	2,3,4,5,8
3	Associate the relationship between social transformation and legal research	U,A, An,I	1,6,7,8
4	Explore and learn qualitative and quantitative legal research methods	U,A,S,I,Ap	2,10
5	Understand concepts like ethics and intellectual honesty in academic writing	R,U,A,An	2, 5
6	Develop skills in academic writing of lesson plans, legal research report, synopsis, book review	U,E,C,S	1,2,3,10

*\*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)*

### COURSE CONTENT

		Hours	CO.No.
<b>UNIT 1 – LEGAL EDUCATION IN INDIA</b>		12 Hours	
1.1	Objectives of legal education in contemporary India	2	1
1.2	Legal Education in the Globalised World	3	1
1.3	Legal Education Reform Reports	2	1



**MAHATMA GANDHI UNIVERSITY**

**Name of course - LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING**

1.4	New Education Policy and Legal Education	3	1
1.5	Online Legal Education and Implications/question of digital divide	2	1
<b>UNIT 2 - METHODS OF TEACHING IN LAW</b>		15 Hours	
2.1	Lecture method	2	2
2.2	Case method	2	2
2.3	Socratic method	2	2
2.4	Discussion method	2	2
2.5	Tutorial method	2	2
2.6	Comparative understanding different teaching methods/ merits and demerits of teaching methods	3	2,5
2.7	Usage of ICTs- democratic practices in classrooms	2	2,6
<b>UNIT 3- LEGAL RESEARCH</b>		13 Hours	
3.1	Legal Research- nature Need and Importance	2	3
3.2	Kinds of research - Doctrinal and Non Doctrinal Legal Research	3	3
3.3	Relative Merits- Doctrinal and Non Doctrinal Legal Research	2	3
3.4	Importance of socio-legal research	3	3
3.5	Inter-disciplinary approach in legal research	3	3,4
<b>UNIT 4 – QUALITATIVE AND QUANTITATIVE RESEARCH METHODS IN LAW</b>		20 Hours	
4.1	Quantitative data-Sources and techniques of data collection in legal research	3	4



**MAHATMA GANDHI UNIVERSITY**

**Name of course - LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING**

4.2	Sampling and Survey- methods of sampling	3	4
4.3	Interview – Questionnaire – Case Study- Focus Group Discussions	3	4
4.4	Qualitative methods- narrative analysis– in legal research	3	4
4.5	Legal anthropology-	3	4
4.6	Participatory observation in legal research	2	4
4.7	Mixed methods in legal research- impact of legal research in addressing social inequalities	3	3,4
<b>UNIT 5 – ACADEMIC WRITING IN LAW</b>		15 Hours	
5.1	Legal Writing- Referencing	4	5,6
5.2	Research Ethics- intellectual honesty- Plagiarism-	4	5,6
5.3	Writing of Research Report	2	5,6
5.4	Writing lesson plans, synopsis, book reviews	5	5,6

<b>Teaching and Learning Approach</b>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p>Direct Instruction: Brain storming lectures, Explicit Teaching, E-learning</p> <p>Inter-active Instruction: Active co-operative learning, collaborative learning, Seminars, Group Assignments, teaching practical, group discussions, debates, academic writing workshops.</p> <p>Authentic learning: Library work and Group discussion, Presentation by individual student/ Group representative, Case studies and comments, Literature Review, book review, synopsis writing</p>
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## MAHATMA GANDHI UNIVERSITY

**Name of course - LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING**

### Assessment Types

#### Mode of Assessment

##### A. Continuous Internal Assessment (CIA)

1. Internal Test – Descriptive and analytical type of questions and Problems are involved.
2. Book review – reading text and writing review by every student to review a seminal work on any topic relevant to the course and submit a report
3. Teaching Practical and writing lesson plans on selected area of legal studies
4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class
5. Academic writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime
6. Model synopsis writing on selected area of research as a prerequisite academic exercise to the LLM dissertation synopsis writing
7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching



## MAHATMA GANDHI UNIVERSITY

**Name of course - LEGAL RESEARCH METHOD, TEACHING AND ACADEMIC WRITING**

### B. End Semester Examination

#### REFERENCES

- Law Commission of India, XIV Report (1958)  
U.G.C., *Report of the Curriculum Development Centre in Law* (2001)  
S.K. Agarwala (Ed.), *Legal Education in India*, N M Tripathi, Bombay (1973).  
International Legal Centre, *Legal Education in a Changing World* (1975)  
Packer and Ehrlich, *New Directions in Legal Education*, McGraw-Hill Book Company, New York (1972).  
LeBrun Merline, and Johnstone M, *The Quiet Revolution: Improving Student Learning in Law*, Law Book Company, Melbourne (1995)  
Morris L. Cohen, *How to Find the Law*, 9th edn, West Publishers, St Paul, Minn. (1976)  
Morris L. Cohen, *Legal Research in a Nutshell*, West Publishers, St Paul, Minn. (1978)  
Peter Goodrich, *Reading the Law: A Critical Introduction to Legal Method and Techniques*, Blackwell Publications (1986).  
John A. Yogis, Innis M. Christie, Michael J. Iosipescu, *Legal Writing and Research Manual*, Butterworths, Toronto (1988)  
Goode and Hatt, *Methods in Social Research*, Surjeet Publications, New Delhi  
Pauline V Young, *Scientific Social Survey and Research*, Printice Hall (1956)  
Indian Law Institute, *Legal Research and Methodology* (1982)

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**MAHATMA GANDHI UNIVERSITY**

**Name of course - Law, Judicial Process and Social Transformation**

<b>School Name</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Law, Judicial Process and Social Transformation</b>					
<b>Type of Course</b>	Common Core					
<b>Course Code</b>	LTM21C02					
<b>Name of Academic Staff and Qualification</b>	Prof.(Dr.)Bismi Gopalakrishnan LL.M., Ph.D					
<b>Course Summary &amp; Justification</b>	The primary aim of the course is to develop coherent understanding of the relationship between law and social change, as a determinant of social transformation. In the process, the student will analyse the views of various jurists in this regard, from different schools social change during pre and post-independence. The course will also help the students to comprehend the relevant provisions of the Indian Constitution, and also the landmark judicial decisions in this regard. The student can examine whether law necessarily leads, or it follows social change and that whether stability is one of the basic requirements of law.					
<b>Semester</b>	1			<b>Credit</b>		4
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Authentic learning Collaborative learning Case based learning	55	5	-	20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					
<i>Others- Library, field work, seminar and assignment preparations, test, journal, discussion etc.</i>						

**COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
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**MAHATMA GANDHI UNIVERSITY**

**Name of course - Law, Judicial Process and Social Transformation**

	<i>Upon completion of this course, students will be able to;</i>		
1	Illustrate the function of law as an instrument of social change.	U	1
2	Relate the role of law in society	A	1
3	Investigate whether law necessarily leads, or it follows social change	An	3
4	Construct models to bring out the relationship of law rights and duties	An	3
5	Associate the role of constitution and constitutional amendments in reforming social institutions.	U	3
6	Evaluate the changing values of society and the readjustment of legal principles	E	6
7	Appraise the nature of judicial process	An	6
*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)			

**COURSE CONTENT**

		Hrs	CO.No.
<b>UNIT 1 – LAW AND SOCIAL CHANGE</b>		14 Hrs	
1.1	Meaning and concept of Law- Law as an instrument of change or transformation	2	1
1.2	Law and social change in ancient India - pre-independence and post-independence	4	1
1.3	Law and Social Transformation in Modern India Sanskritization and Westernization	4	3



## MAHATMA GANDHI UNIVERSITY

**Name of course - Law, Judicial Process and Social Transformation**

1.4	Introduction of common law system and institutions in India and the impact on the Indian Social and Legal Order-	2	3
1.5	Limits of Law in bringing out social change.	2	1
<b>UNIT 2 - CONSTITUTION'S ORIENTATION AND SOCIAL TRANSFORMATION</b>		18 Hrs	
2.1	Constitutional evolution and the Constitutional Assembly's Role Constitutional text as a mechanism for social change	4	5
2.2	Constitutional amendments and social transformation	3	5
2.3	Basic structure theory as balancing continuity and change	2	5
2.4	Working of the Constitution for Social Transformation	2	5
2.5	Constitutional interpretation as an effective tool for social transformation.	2	5
2.6	Constitutional perspectives reflected in the fundamental duties	1	5
2.7	Application of international law in the process of constitutional interpretation Constitutionalism and social transformation	2	6
2.8	Constitutionalism and social transformation	2	6
<b>UNIT 3- MODERNISATION OF SOCIAL INSTITUTIONS THROUGH LAW, REFORM OF COURT PROCESSES, ALTERNATIVE APPROACHES TO LAW</b>		11 Hrs	
3.1	Agrarian reform - Industrialization of agriculture- Industrial reform:	2	4
3.2	Free enterprise v. State regulation - Industrialization v. environmental protection	2	4





## MAHATMA GANDHI UNIVERSITY

**Name of course - Law, Judicial Process and Social Transformation**

3.3	Criminal law: Plea bargaining; compounding and payment of compensation to Victims - Civil law: (ADR) Confrontation v. consensus; mediation and conciliation;	3	4
3.4	Democratic decentralisation and local selfgovernment	2	4
3.5	The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave Jayaprakash Narayan - concept of grama nyayalayas-lok adalaths	2	4
<b>UNIT 4 – CONTEMPORARY NATURE OF JUDICIAL PROCESS</b>		18 Hrs	
4.1	Nature of the Judicial Process Role of Philosophy (Logic), History, Tradition and Sociology- the Judge as a Legislator	5	7
4.2	Notions of Judicial Review-Constitutional Basis-Democratic Character of Judicial Review-	3	7
4.3	DOCTRINE OF PRECEDENT	5	7
4.4	Judicial and Juristic Activism-Judicial Creativity and its Limitations	3	6
4.5	Judicial Activism vis- a-vis Judicial Self-Restraint	2	6
<b>UNIT 5 – INDIAN JUDICIAL PROCESS AND THE POLITICAL PROCESS</b>		14 Hrs	
5.1	Debates on the Role of Judges -Supersession, Commitment & Transfer	2	7
5.2	SocioEconomic Background of the Indian Judiciary-Politics of Judiciary-Political Process	3	7
5.3	Jurimetrics: Concept-Conventional-Civil Law and Behavioural Perspective	4	7



**MAHATMA GANDHI UNIVERSITY**

**Name of course - Law, Judicial Process and Social Transformation**

5.4	Impact of Public Opinion on the Judicial Process	2	4
5.5	Role of the Appellate Indian Judges in the Development, Renovation and Retardation of Constitutional Goals	3	4

<b>Teaching and Learning Approach</b>	<b>Classroom Procedure (Mode of transaction)</b> seminar, group activities, assignment, project, case study , group discussion board, debate, text reading, role play
<b>Assessment Types</b>	<b>Mode of Assessment</b> 1. Continuous Internal Assessment (CIA) 2. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar 3. Assignments A. Semester End examination

**REFERENCES**

1. M. N. SRINIVAS *SOCIAL CHANGE IN MODERN INDIA*
2. OLIVER MENDELSJOHN, *LAW AND SOCIAL TRANSFORMATION IN INDIA*, OXFORD UNIVERSITY PRESS, 2014.
3. SHARYN ANLEU, *LAW AND SOCIAL CHANGE*, SAGE PUBLISHING, 2010.
4. MARC GALANTER (ED). *LAW AND SOCIETY IN MODERN INDIA*, OXFORD, 1997.
5. BAXI, UPENDRA, *THE CRISIS OF INDIAN LEGAL SYSTEM*, VIKAS PUBLICATION, 1982.
6. BAXI, UPENDRA (ED). *LAW AND POVERTY: CRITICAL ESSAYS*, TRIPATHI, BOMBAY, 1988.
7. DUNCAN DERRET. *THE STATE, RELIGION AND LAW IN INDIA*, OXFORD, 1999.
8. INDIAN LAW INSTITUTE, *LAW AND SOCIAL CHANGE: INDO-AMERICAN REFLECTIONS*, TRIPATHI, 1988.
9. M. P. JAIN. *OUTLINES OF INDIAN LEGAL HISTORY*, TRIPATHI, BOMBAY, 1993.
10. AGNES FLAVIA, *LAW AND GENDER INEQUALITY: THE POLITICS OF WOMEN'S RIGHTS IN INDIA*, OXFORD, 1999.
11. VED KUMARI, *OFFENCES AGAINST WOMEN IN KAMALA SANKARAN AND UJJWAL KUMAR SINGH* (ED) TOWARDS LEGAL LITERACY AN INTRODUCTION TO LAW IN INDIA PP.78-94 (2008) OXFORD, NEW DELHI.



## MAHATMA GANDHI UNIVERSITY

**Name of course -** Law, Judicial Process and Social Transformation

12. VIRENDRA KUMAR: *DYNAMICS OF RESERVATION POLICY: TOWARDS A MORE INCLUSIVE SOCIAL ORDER 50*, JOURNAL OF THE INDIAN LAW INSTITUTE PP 478-517 (2007).
13. VIRENDRA KUMAR, '*MINORITIES*' *RIGHT TO RUN EDUCATIONAL INSTITUTIONS: T.M.A PAI FOUNDATION IN PERSPECTIVE 45*, JOURNAL OF THE INDIAN LAW INSTITUTE PP 200-238 (2003)
14. S. P. SATHE, *JUDICIAL ACTIVISM IN INDIA*, OXFORD UNIVERSITY PRESS (2002).
15. FIREDMAN , *LAW IN A CHANGING SOCIETY*( UNIVERSITY OF CALIFORNIA PRESS)

### SUGGESTED READINGS

1. CAPPELLETTI AND GARTH (ED.), *ACCESS TO JUSTICE*, (1978) VOL. I, BOOK I, PART I
2. B. SIVARAMAYYA, *INEQUALITIES AND THE LAW* (1984)
3. UPENDRA BAXI , *THE CRISIS OF INDIAN LEGAL SYSTEM*, (1982) CHS. 1, 2, 3, 8 & 10
4. UPENDRA BAXI, *LAW AND POVERTY* (1988) CHS. 1, 2, 3, 5, 19, 20 & 21
5. GOVERNMENT OF INDIA, *REPORT OF THE EXPERT COMMITTEE ON LEGAL AID: PROCESSUAL JUSTICE TO THE PEOPLE* (1973)
6. GOVERNMENT OF INDIA, *REPORT ON NATIONAL JURIDICARE : EQUAL JUSTICE - SOCIAL JUSTICE*, (1977)
7. DUNCAN DERRET, *THE STATE, RELIGION AND LAW IN INDIA*, 1999
8. H.M.SEERVAI, *CONSTITUTIONAL LAW OF INDIA*, 1996
9. P.ISHWARA BHAT, *LAW & SOCIAL TRANSFORMATION*, EBC, LUCKNOW, 2009
10. GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION : CORNERSTONE OF A NATION* (OXFORD CLARENDON PRESS) . 1966

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**MAHATMA GANDHI UNIVERSITY**

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PSO2-To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

PSO3-Study the specialized subjects with a globalized perspective and do a comparative study of the Indian law with other countries To assess and contribute to policy making/advocacy through fresh perspectives that arise out of the comparative study of the systems

PSO4-To acquaint, train and equip students with a comprehensive knowledge and relevance of Administrative law and Constitutional law in the present times.

PSO5- To enhance advocacy and teaching and research skills

PSO6-To enhance the ability of the students to analyze the legal problems and challenges from scholarly and objective point of view and work towards finding solutions to the problems by application of laws and regulations

PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Fundamentals of Administrative Law.</b>					
<b>Type of Course</b>	SUBJECT CORE					
<b>Course Code</b>	LTM21C03					
<b>Names of Academic Staff &amp; Qualifications</b>	Dr. A.P. Rajeesh, B.Sc, LL.M., Ph.D, Associate Professor, School of Indian Legal Thought.					
<b>Course Summary &amp; Justification</b>	The Course aims to provide a thorough understanding of the basic concepts and principles of Administrative Law. Administrative law being one of the major branches of public law percolate into human life in every moment and in every respect. A detailed study into constitutional and administrative law is possible only after a thorough understanding of fundamentals of administrative law.					
<b>Semester</b>	1					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Mixed approach of Authentic learning Collaborative learning and Independent learning	40	10		25	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome On successful completion of the course the following will be the expected outcome.</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Detailed understanding of basic concepts in administrative law like rule of law, separation of power, classification of administrative functions under different heads and a detailed analysis of its practical application in the modern system of governance.	R/U	1, 2 &4
2	Proper understanding of the impacts of liberalization, privatization, and decentralization on state and state power.	U/E	3,5&7
3	Through understanding of the different set of procedures followed by the administrative authorities in different	U/Ap/A	2,4&7

	types of functions discharged by the administrative authorities and thus to improve the skill o advocacy of lawyers.		
4	To provide a thorough knowledge about the nature and development of administrative law in different countries including India..	U/A/E	1&2
5	Proper understanding of interlink between constitutional law and administrative law.	U/E/Ap	2,4&6
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si no	Topic	Hours	CO no
<b>1</b>	<b>UNIT-1-Administrative Law Nature and Origin. Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Nature of Administrative law	<b>6</b>	<b>1&amp;2</b>
<b>1.2</b>	Origin and development of administrative law	<b>5</b>	<b>4&amp;5</b>
<b>1.3</b>	Impact of theory of welfare State and liberal era on Administrative law.	<b>4</b>	<b>2&amp;3</b>
<b>2</b>	<b>UNIT-2-Basic Doctrines in Administrative Law</b>	<b>15</b>	
<b>2.1</b>	Separation of power and its impact on administrative law.	<b>5</b>	<b>1&amp;2</b>
<b>2.2</b>	Rule of law and its impacts on Administrative Law	<b>5</b>	<b>1&amp;2</b>
<b>2.3</b>	Meaning of Administrative authorities in the present day context.	<b>2</b>	<b>3&amp;5</b>
<b>2.4</b>	Importance of Administrative law in the modern world	<b>3</b>	<b>1,3,4 &amp;5</b>
<b>3</b>	<b>UNIT-3- Classification of functions Content for Classroom Transaction (Sub-units)</b>	<b>20</b>	
<b>3.1</b>	Need and rationale for classification	<b>5</b>	<b>1,3,4 &amp;5</b>
<b>3.2</b>	Administrative functions	<b>4</b>	<b>1,3 &amp;4</b>
<b>3.3</b>	Rule making functions	<b>6</b>	<b>1&amp;4</b>

<b>3.4</b>	Adjudicatory functions	<b>5</b>	<b>1&amp;2</b>
<b>4</b>	<b>UNIT-4-Delegated Legislation</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>10</b>	
<b>4.1</b>	Nature and importance of Delegated Legislation	<b>3</b>	<b>1, 3 &amp;4</b>
<b>4.2</b>	Different types of delegated legislation	<b>2</b>	<b>1&amp;2</b>
<b>4.3</b>	Rulemaking procedure	<b>3</b>	<b>1,2 &amp;3</b>
<b>4.4</b>	Importance of hearing in rule making	<b>2</b>	<b>1,2 &amp;5</b>
<b>5</b>	<b>UNIT-5-Control mechanisms over Delegated Legislation</b>	<b>15</b>	
<b>5.1</b>	Need for control	<b>3</b>	<b>1,2,3 &amp;5</b>
<b>5.2</b>	Judicial control over delegated legislation	<b>5</b>	<b>1,2 &amp;3</b>
<b>5.3</b>	Theory of excessive delegation	<b>3</b>	<b>3&amp;4</b>
<b>5.4</b>	Delegation and sub delegation of legislative function.	<b>1</b>	<b>2,3 &amp;4</b>
<b>5.5.</b>	Administrative directions and its enforceability.	<b>3</b>	<b>1,2,3 &amp;4</b>

<p><b>Teaching and Learning Approach</b></p>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning.</p> <p><b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group discussions and Assignments.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student, Case studies and comments, Literature review.</p>
<p><b>Assessment Types</b></p>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Tests – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminar work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime.</li> <li>7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> <li>8. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar</li> <li>9. Assignment</li> </ol> <p><b>B. End Semester Examination.</b></p>

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**The latest editions of the following books are the suggested readings**

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**MAHATMA GANDHI UNIVERSITY**  
**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PSO2-To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

PSO3-Study the specialized subjects with a globalized perspective and do a comparative study of the Indian law with other countries To assess and contribute to policy making/advocacy through fresh perspectives that arise out of the comparative study of the systems

PSO4-To acquaint, train and equip students with a comprehensive knowledge and relevance of Administrative law and Constitutional law in the present times.

PSO5-To enhance advocacy and teaching and research skills

PSO6-To enhance the ability of the students to analyze the legal problems and challenges from scholarly and objective point of view and work towards finding solutions to the problems by application of laws and regulations

PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.



**MAHATMA GANDHI UNIVERSITY**

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

<b>School Name</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M(2 Yrs)(C&amp;SS)</b>					
<b>Course Name</b>	<b>CONSTITUTIONAL PRINCIPLES:FUNDAMENTAL RIGHTS &amp;DIRECTIVE PRINCIPLES</b>					
<b>Type of Course</b>	<b>CORE</b>					
<b>Course Code</b>	LTM21C04					
<b>Names of Academic Staff &amp; Qualifications</b>	Prof. (Dr) Sheeba Pillai,BA.,LL.M.,PhD. Professor					
<b>Course Summary &amp; Justification</b>	The Course aims to provide a comprehensive knowledge on the basic postulates of the Indian Constitution with emphasis on the interrelationship between the fundamental rights and Directive Principles so as to enable them to understand the philosophical tenets of the Constitution. The Constitutional philosophy will be compared with those of other countries to enable the student to formulate an understanding of the true spirit of the Indian Constitution.					
<b>Semester</b>	1					
<b>Credits</b>	4					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Eg. Authentic learning Collaborative learning Independent learning	45	10		20	75

<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.
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### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	The students will be able to recognise and understand the spirit and philosophy behind the Indian Constitution by assessing the true nature of the basic tenets of the Indian Constitution like Democracy ,Judicial Review, Separation of Powers ,etc	R/U	1
2	To assess the concept of Constitutionalism-limited government and the limitation on Governmental power	U/E	2
3	Appreciate and understand the content and status of fundamental rights To comprehend the necessity and application of balance between individual liberty and social needs	Ap/A	1
4	To understand the importance and significance of fundamentals rights vis a vis Directive principle of State Policy with the objective of appreciating their stature under the Constitution. The students will be able to appreciate the critical interface between Fundamental Rights and Directive Principles of State Policy and apply the rationale to emerging issues and challenges	U/Ap	4
5	Enable the students to make a study and assessment of the framework installed by other countries like UK,USA and Australia to protect the fundamental rights and help to make a comparison with the Indian Constitution.	U/E/Ap	3

***\*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)***

### **COURSE CONTENT**

<b>Si no</b>	<b>Topic</b>	<b>Hours</b>	<b>CO no</b>
<b>1</b>	<b>UNIT 1- Salient Features of the Indian Constitution</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Evolution of the Constitution-	<b>3</b>	<b>1</b>
<b>1.2</b>	Democracy Judicial Review ,Separation of Powers etc-important features	<b>4</b>	<b>1&amp;2</b>
<b>1.3</b>	Preamble to the Indian Constitution-Nature and	<b>4</b>	<b>1&amp;2</b>

	Significance – importance and purpose of the preamble-interpretation of the Constitution		
<b>1.4</b>	Preamble and the Comparison of the preambles of different Constitutions.	<b>4</b>	<b>5</b>
<b>2</b>	<b>Fundamental Rights &amp; Directive Principles-A comparison</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Constitutionalism-Concept of limited Government	<b>3</b>	<b>1&amp;2</b>
<b>1.2</b>	The spirit and philosophy behind fundamental rights and directive principles of State Policy	<b>4</b>	<b>2,3&amp;4</b>
<b>1.3</b>	Balance between individual liberty and social needs.The concept of reasonable restrictions	<b>4</b>	<b>3&amp;4</b>
<b>1.4</b>	-Integration of fundamental rights into the Indian Constitution	<b>4</b>	<b>2&amp;4</b>
<b>3</b>	<b>UNIT 3-The Golden Triangle</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>3.1</b>	New approaches to equality and its parameters under the Indian Constitution	<b>4</b>	<b>2</b>
<b>3.2</b>	Nature and concept of life ,liberty under Art 21 and its evolution through Judicial interpretation	<b>4</b>	<b>2</b>
<b>3.3</b>	Nature of procedure and law compared with Due Process	<b>3</b>	<b>2</b>
<b>3.4</b>	The interrelationship between Art 14,19 and 21- the golden triangle.	<b>4</b>	<b>2&amp;3</b>
<b>4</b>	<b>UNIT 4-The interrelationship between the Fundamental Rights and Directive Principles</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>4.1</b>	Evolution through judicial interpretation	<b>4</b>	<b>2&amp;4</b>
<b>4.2</b>	Evolution through legislative endeavours	<b>4</b>	<b>2&amp;4</b>
<b>4.3</b>	Art 31C-and its significance	<b>3</b>	<b>2</b>
<b>4.4</b>	The 25 <sup>th</sup> and 42 <sup>nd</sup> Amendment-	<b>4</b>	<b>4</b>
<b>5</b>	<b>UNIT 5- Comparative Constitutions</b>	<b>15</b>	

	<b>Content for Classroom Transaction (Sub-units)</b>		
<b>5.1</b>	A comparison with USA-Basic features and the Rights framework	<b>4</b>	<b>5</b>
<b>5.2</b>	A comparison with UK-Basic features and the Rights framework	<b>4</b>	<b>5</b>
<b>5.3</b>	A comparison with Australia-Basic features and the Rights framework	<b>4</b>	<b>5</b>
<b>5.4</b>	Challenges & Significance	<b>3</b>	<b>4&amp;5</b>

<b>Teaching and Learning Approach</b>	<p>Classroom Procedure (Mode of transaction)</p> <p><b>Direct Instruction:</b> Brain storming lecture, Explicit Teaching, E-Learning <b>interactive Instruction:</b>, Active co-operative learning, Seminar, Group Assignments</p> <p><b>Authentic learning</b>, , Library work and Group discussion, Presentation by individual student ,Case studies and comments ,Literature review</p>
<b>Assessment Types</b>	<p><b>Mode of Assessment</b></p> <p><b>A .Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Test – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> </ol>

	8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching
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**B..Semester End examination**

**REFERENCES**

1. V.N. Shukla, *Constitution of India*
2. M.P. Jain, *Indian Constitutional Law*
3. H.M. Seervai, *Constitutional Law of India,*
4. Justice Sujata V ,T.K. Tope's *Constitutional Law of India* ,Manohar,Eastern Book Company,
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PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law
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PSO7- Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>
<b>Programme</b>	<b>LL.M(2Yr)(C&amp;SS)</b>

<b>Course Name</b>	<b>PARLIAMENTARY SYSTEM OF GOVERNMENT</b>					
<b>Type of Course</b>	<b>ELECTIVE</b>					
<b>Course Code</b>	LTM21E34					
<b>Names of Academic Staff &amp; Qualifications</b>	Prof. (Dr) Sheeba Pillai,BA.,LL.M.,PhD Professor					
<b>Course Summary &amp; Justification</b>	The course aims at enabling the students to understand the nuances of the Parliamentary system of Government and acquiring a better insight into the working of the system. The intricate relationship between the Legislature and the Executive has been highlighted in the course to provide an in depth and comprehensive knowledge on how the system functions in contrast to the Presidential system of Government. Also helps the students in analysing the intricate meaning of Parliamentary Sovereignty ,Parliamentary Supremacy vis a vis Constitutional Supremacy					
<b>Semester</b>	1					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Eg. Authentic learning Collaborative learning Independent learning	45	10		20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	The students will be able to draw a difference between the different forms of Government and understand the true spirit of Parliamentary Democracy under the Indian Constitution	U/A	1,3
2	The students will be able to analyse the interrelationship between the Executive and Legislature in its proper	An	1,5

	context under the Indian Constitution which will enable them to make an assessment of how this interface can change and affect the working of a system		
3	The students will also be able to analyse the distinctiveness in the relation between the different organs of Government in India by making a comparison of their functioning in other countries	An	3
4	Will be able to evaluate the necessity of Parliamentary Privileges and its transformation to suit the socio-political scenario in India as distinct from its practice under the UK Constitution.	U/A	1,3,6
5	Understanding and assessing the true spirit of Democracy through the study of the Election process and various reforms carried out. This will enable them to formulate and assess challenges and find solution for strengthening the Democracy	U/E/Ap	2,6
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

## COURSE CONTENT

Si No	TOPIC	Hours	CO No
<b>1</b>	<b>UNIT-1 Parliament-Structure &amp;Power</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Structure – Powers and functions	<b>3</b>	<b>1,2</b>
<b>1.2</b>	Parliamentary supremacy and the Constitution	<b>4</b>	<b>1,2</b>
<b>1.3</b>	Parliamentary Supremacy v. Parliamentary Sovereignty	<b>4</b>	<b>1,2</b>
<b>1.4</b>	A comparative Evaluation	<b>4</b>	<b>3</b>
<b>2</b>	<b>Executive &amp; Legislature</b>	<b>15</b>	

	<b>Content for Classroom Transaction (Sub-units)</b>		
<b>2.1</b>	President in the Parliamentary system-status and power	<b>4</b>	<b>1,2</b>
<b>2.2</b>	Power and Status of Governor	<b>4</b>	<b>1,2</b>
<b>2.3</b>	Discretionary powers of the Governor	<b>4</b>	<b>1,2</b>
<b>2.4</b>	Issues & Challenges	<b>3</b>	<b>2</b>
<b>3</b>	<b>Prime Minister &amp; Council of Ministers</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>3.1</b>	Constitutional Provisions	<b>4</b>	<b>1,2</b>
<b>3.2</b>	Conventions	<b>3</b>	<b>1,2</b>
<b>3.3</b>	Collective Responsibility-its origin and content	<b>4</b>	<b>1,2,3</b>
<b>3.4</b>	A comparison with the UK system	<b>4</b>	<b>1,3</b>
<b>4</b>	<b>Parliamentary Privileges</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>4.1</b>	Nature and scope –Evolution	<b>4</b>	<b>1,4</b>
<b>4.2</b>	Constitutional Provisions	<b>4</b>	<b>4</b>
<b>4.3</b>	Common Law-Influence of House of Commons(UK)	<b>4</b>	<b>3</b>
<b>4.4</b>	Distinctiveness under the Indian Constitution	<b>3</b>	<b>4</b>
<b>5</b>	<b>Elections &amp; Democracy</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>5.1</b>	Democracy as a salient feature of Indian Constitution	<b>4</b>	<b>1</b>
<b>5.2</b>	Role of Electoral Process in strengthening Democracy	<b>4</b>	<b>5</b>
<b>5.3</b>	Election Commission --- Electoral Reforms and changes	<b>4</b>	<b>5</b>
<b>5.4</b>	Challenges & Issues	<b>3</b>	<b>5</b>

<b>Teaching and Learning Approach</b>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lecture, Explicit Teaching, E-learning,</p> <p><b>Interactive Instruction:</b>, Active co-operative learning, Seminar, Group Discussion and Assignments</p> <p><b>Authentic learning</b>, , Library work and Group discussion, Presentation by individual student ,Literature Review, Case studies and comments</p>
<b>Assessment Types</b>	<p><b>Mode of Assessment</b></p> <p><b>A.Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Test – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> <li>8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol> <p><b>B.Semester End examination</b></p>

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2. M.P Jain, *Constitution of India*
3. Seervai, *Constitution of India*
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**MAHATMA GANDHI UNIVERSITY**

**Name of course - LAW AND JUSTICE IN A GLOBALIZING WORLD**

<b>School Name</b>	School of Indian Legal Thought					
<b>Programme</b>	LL.M					
<b>Course Name</b>	LAW AND JUSTICE IN A GLOBALIZING WORLD					
<b>Type of Course</b>	Common Core					
<b>Course Code</b>	LTM21C05					
<b>Name of Academic Staff and Qualification</b>	Prof.(Dr.)Bismi Gopalakrishnan LL.M., Ph.D					
<b>Course Summary &amp; Justification</b>	<p>In the era of globalization, no country of this world is untouched with its effect. This course builds on the understanding of law, justice and international law gained by students at the undergraduate level and this paper intent to provide them as an advanced knowledge. This course will discuss the debates surrounding law justice and globalization , its changing meaning and the impact that it has on many fields of law.</p>					
<b>Semester</b>	2			<b>Credit</b>		4
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Authentic learning Collaborative learning Case based learning	50	5	-	20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					
<i>Others- Library, field work, seminar and assignment preparations, test, journal, discussion etc.</i>						

**COURSE OUTCOMES (CO)**





**MAHATMA GANDHI UNIVERSITY**

**Name of course - LAW AND JUSTICE IN A GLOBALIZING WORLD**

CO No.	Expected Course Outcome	Learning Domains	PSO No.
	<i>Upon completion of this course, students will be able to;</i>		
1	Analyse the different facets of concept of justice	An	1
2	Evaluate the process of globalization and its impact on law and justice	E	1
3	Construct demands for change raised by different groups to the international legal order and institutions in the light of globalization	C	4
4	Integrate the changes in the legislations during post globalization and appreciate how the same is related to the notion of justice	C	5
5	Examine the judicial approach post globalization and appreciate how the same is related to the notion of justice	E	5
6	Design policy, both legislative and judicial, as to how the trajectory of legal evolution needs to be in the globalized world keeping intact the notion of social justice advocated by our Constitution.	C	6
7	To indicate the need of globalization, its political economy, and its impact on administration of law and justice	E	7

*\*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)*

**COURSE CONTENT**

	Hrs	CO.No.
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**MAHATMA GANDHI UNIVERSITY**

**Name of course - LAW AND JUSTICE IN A GLOBALIZING WORLD**

<b>UNIT 1 – UNDERSTANDING LAW AND JUSTICE: DIFFERENT THEORIES</b>		19 Hrs	
1.1	Relationship with law and justice-justness of law and legal justice Natural Justice - Utilitarianism	3	1
1.2	Concept of Justice as Fairness	5	1
1.3	Amartya Sen’s Capabilities Approach	5	1
1.4	Social Justice –Distributive Justice	3	7
1.5	Law, Morality And Justice	3	7
<b>UNIT 2 - LAW AND JUSTICE IN A GLOBAL WORLD</b>		16 Hrs	
2.1	Meaning of Globalization; Global World	1	2
2.2	Understanding Political Economy of Globalization	2	2
2.3	Changing Role of State, International Market and Law	3	3
2.4	Impact of Globalization on India’s Social, Political and Economic Development - Federalism and Democratic Law Making.	3	4
2.5	Impact of Globalization on Judicial Process and Administration of Justice	3	5
2.6	Liberty and Society	2	6
2.7	Operationalization of liberty in a democratic society	2	6
<b>UNIT 3- HUMAN RIGHTS, BASIC NEEDS &amp; SUSTAINABLE DEVELOPMENT IN A GLOBAL WORLD</b>		15 Hrs	
3.1	The impact of globalisation on nation states and their sovereignty- Treaty making power in India	2	2



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**Name of course - LAW AND JUSTICE IN A GLOBALIZING WORLD**

3.2	The concept of Basic Human Needs: Food, Shelter, Clothing, Health, Sanitation etc.	2	2
3.3	Basic Needs and the concept of Human Rights - Concept of Humanitarian Intervention	3	2
3.4	Principle of Responsibility to Protect (R2P)	2	4
3.5	Human Rights and Environment	3	4
3.6	Sustainable Development Goals (SDG)	3	4
<b>UNIT 4 – RECEPTION OF LAW</b>		10 Hrs	
4.1	Notions and reasons for Reception	5	7
4.2	Role of participation in making global law, Local Demand, Local Politics	3	7
4.3	Indigenous Law and Global Law: Problems in Reception	2	7
<b>UNIT 5 – EQUALITY: CHILDREN, WOMEN AND GENDER BIAS</b>		15Hrs	
5.1	Concept of patriarchy and Indian Legal System -Engendering Law	3	1,6
5.2	<b>Feminist Legal Theory -</b>	3	1,5
5.3	Child protection and Child Rights	2	1,5
5.4	Desexualizing laws against sexual offences - LGBT struggle in India	2	5
5.5	Affirmative action for disadvantaged sections of society in the global world	5	

<b>Teaching and Learning Approach</b>	<b>Classroom Procedure (Mode of transaction)</b> Authentic learning, case-based learning, collaborative learning, seminar, group activities- discussion – role play- flip class
<b>Assessment Types</b>	<b>Mode of Assessment</b> 1. Continuous Internal Assessment (CIA) 2. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar



## MAHATMA GANDHI UNIVERSITY

**Name of course - LAW AND JUSTICE IN A GLOBALIZING WORLD**

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|  | 3. Assignments<br>A. Semester End examination |
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2. ANTHONY MCGREW, DAVID HELD (EDS.), GOVERNING GLOBALIZATION: POWER, AUTHORITY AND GLOBAL GOVERNANCE (Polity Press 2002).
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### **Name of course - LAW AND JUSTICE IN A GLOBALIZING WORLD**

6. CHRISTOPHER CAUDWELL, THE CONCEPT OF FREEDOM (1977), PP. 51-75
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Approval Date	
Version	1.0
Approval by	
Implementation Date	

	<b>MAHATMA GANDHI UNIVERSITY</b> <hr style="border-top: 1px dashed black;"/> <b>SCHOOL OF INDIAN LEGAL THOUGHT</b>
<b>NAME OF PROGRAMME</b>	<b>LL.M.(2YEARS)(C&amp;SS) (CONSTITUTIONAL AND ADMINISTRATIVE LAW)</b>
<b>NAME OF COURSE</b>	<b>COMPARATIVE PUBLIC LAW</b>
<b>NAME OF ACADEMIC STAFF &amp; QUALIFICATION</b>	<b>DR. JASMINE ALEX B. Sc., LL. M., Ph. D.</b>
<b>COURSE SUMMARY</b>	A study on the fundamental principles public law is necessary with a detailed exposition of the changing concepts of law, rights, administration of justice and state. This course highlights the need for understanding the difference between public law and private law, and the evolving practices in India on a comparison with the law and practice in other countries.

<b>Type of Course</b>	(Compulsory)Core- 4 Credits					
<b>Course Code</b>	LTM21C06					
<b>Semester</b>	<b>1</b>			<b>Credit</b>		<b>4</b>
<b>Total Student Learning Time (SLT)</b>	<b>Learning Approach</b>	<b>Lecture</b>	<b>Tutorial</b>	<b>Practical</b>	<b>Others</b>	<b>Total Learning Hours</b>
	A mixed approach of Authentic learning, Collaborative learning, & Choice based learning	40	10	-	25	75

<b>Pre-requisite</b>	In-depth knowledge and jurisprudential understanding on the concept of law, state and government is a pre-requisite. This is expected to be gathered on completion of a Bachelor's Degree in Law.
<i>Others- Library, clinical practice, seminar and assignment preparations, Article writing, literature review, test, literature review, discussion etc.</i>	

### COURSE OUTCOMES (CO)

<b>CO No.</b>	<b>Expected Course Outcome</b> ----- <b>Upon completion of the Course, the student will be able to:</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Analyse the concept of public law	An	1,4
2	Analyse the historical development of public law	An	1,4
3	Elucidate theoretically the influence of social transformation, development and judicial process in the changing concept of public law	Ap	3, 9
4	Critically examine the nature and content of the elements of public law	A	4,5
5	Appreciate the present system of public law and the changing concepts	Ap	6.9
6	Evaluate the development of the public law content in criminal law	E	4,5,9
7	Suggest model legal framework based on the principles of legality, moral well-being of the society, developments/transformations in society to distribute justice	C	3,6,7, 9
8	Build a perspective on better system of administration of justice in public law domain	C	3,6,7,9
* <b>LEARNING DOMAINS &amp; CORRESPONDING PSOs: Remember (R-1), Understand (U-2), Apply (A-3), Analyse (An-4), Evaluate (E-5), Create (C-6), Skill (S-7), Interest (I-8) and Appreciation (Ap-9)</b>			

### COURSE CONTENT



<b>MODUL E</b>	<b>CONTET</b>	<b>HRS(L+T+S )</b>	<b>CO NO.</b>
<b>Module I(15 Hours)</b>	i. Concept of Public Law- Development ii. Difference between Public Law and Private Law- Changing Concepts iii. Scope of Public Law- Concept of sovereign- Theories-Relation between sovereign and individual- concept of authority and duty- rights-concept of accountability	5  5  5	<b>,2, 4,5,6,7,8</b>
<b>Module II(15 Hours)</b>	i. Nature of , Constitutional Law-Administrative Law- ii. Human Rights- iii. Public International Law- iv. Criminal Law	4 4 3 4	<b>,2,3,4,5,6,7,8</b>
<b>Module III(15 Hours)</b>	i. Constitution - Concept Nature, Goals ii. Constitutionalism - Essential features of Constitutionalism iii. Types of governments- comparison	5  5  5	<b>2,3,5,6,7, 8</b>

<b>Module IV( 15 Hours)</b>	i.Rule of Law- Modern Approach to Rule of Law  ii.Separation of Powers  iii.Fundamental Rights  iv.Independence of Judiciary, Comparative Perspective- Tribunals-Judicial process and expansion of the scope of public law-modern trends	3  3  5  4	<b>5,6,7,8</b>
<b>Module V(15 Hours)</b>	i.Federalism under the Indian Constitution- Parliamentary and Presidential Forms of Government  ii.Judicial Review- Concept and Origin - Limitations on Judicial Review  iii.Amendment of Constitution- . Theory of Basic Structure: Origin and Development	5  5  5	<b>,3,6,7,8</b>

<b>Teaching and Learning Approach</b>	<b>Classroom Procedure (Mode of transaction)</b> <b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning, <b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group Assignments <b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student/ Group representative, Case studies and comments, Literature Review
<b>Assessment Types</b>	<b>Mode of Assessment</b> <b>A. Continuous Internal Assessment (CIA)</b> <ol style="list-style-type: none"> <li>1. Internal Test – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> <li>8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol> <b>B. End Semester Examination</b>

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**MAHATMA GANDHI UNIVERSITY**

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PSO2-To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

PSO3-Study the specialized subjects with a globalized perspective and do a comparative study of the Indian law with other countries To assess and contribute to policy making/advocacy through fresh perspectives that arise out of the comparative study of the systems

PSO4-To acquaint, train and equip students with a comprehensive knowledge and relevance of Administrative law and Constitutional law in the present times.

PSO5- To enhance advocacy and teaching and research skills

PSO6-To enhance the ability of the students to analyze the legal problems and challenges from scholarly and objective point of view and work towards finding solutions to the problems by application of laws and regulations

PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.



**MAHATMA GANDHI UNIVERSITY**

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M (2Yr)(C&amp;SS)</b>					
<b>Course Name</b>	<b>CENTRE-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE</b>					
<b>Type of Course</b>	CORE					
<b>Course Code</b>	LTM21C 07					
<b>Names of Academic Staff &amp; Qualifications</b>	Prof. Dr Sheeba Pillai,BA.,LL.M.,PhD. Professor					
<b>Course Summary &amp; Justification</b>	The course is designed with an objective to provide the students with a comprehensive knowledge about the functioning of federalism under the Indian Constitution. They will also have a thorough knowledge and understanding about the nature and functioning of federalism practiced under other Constitutions across the world and enable a comparative study of the various systems					
<b>Semester</b>	<b>Second</b>					
<b>Credits</b>	4					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Eg. Authentic learning Collaborative learning Independent learning	45	10		20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

**COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Will have an in depth knowledge of the federalism in its peculiar nature as how it evolved and exists under the Indian Constitution	R/U	1&4
2	Analyse the reason for the difference in the power balance between the Centre and State and how it has influenced the federalism under the Constitution	An/A	1&5
3	They will be able to analyse the difference in the Indian federal system with those of other countries and in particular –USA, Australia and Canada	An/E	3
4	Students should be able to demonstrate an understanding of distribution of the various functions between the Centre and the State and the changes during the times of Emergency; the impact that it has on the federal structure	U/Ap	1
5	Enable the students to make an assessment and analyse changes in the federal structure under the Indian Constitution from the time of Independence till date and the reasons behind it so as to have a better understanding of how and why changes happen and how it affects the organizational structure under the State	U/E/Ap	2&6
*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)			

### **COURSE CONTENT**

<b>Si no</b>	<b>Topic</b>	<b>Hours</b>	<b>CO no</b>
<b>1</b>	<b>UNIT-1- Federalism under the Indian Constitution</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Principle and essential features-distinctive federalism	<b>4</b>	<b>1</b>
<b>1.2</b>	The evolution of Federal Government in India	<b>2</b>	<b>1&amp;2</b>
<b>1.3</b>	The characteristic features of Indian Federalism	<b>4</b>	<b>1</b>
<b>1.4</b>	A comparison with models of Federal Governments in USA, Australia and Canada	<b>5</b>	<b>1,2 &amp;3</b>
<b>2</b>	<b>UNIT-2-Legislative relations between Centre &amp; State</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>20</b>	



2.1	Distribution of legislative powers-three lists	4	1
2.2	Power of parliament-power of State legislatures-Supremacy of parliament in legislative matters	5	1&2
2.3	Residuary powers of legislation	4	1
2.4	Comparison with other federal countries	6	1&3
3	<b>UNIT-3-Administrative Relations between Centre &amp; State</b> <b>Content for Classroom Transaction (Sub-units)</b>	15	
3.1	Distribution of administrative powers between Centre and States	4	1
3.2	Inter-state water disputes	3	1
3.3	Declaration of State Emergency and changes in power structure	4	1&4
3.4	Governor- appointment-removal -power and status-discretionary powers-position under the Indian Constitution	4	1
4	<b>UNIT-4- Financial relations between Centre &amp; State</b> <b>Content for Classroom Transaction (Sub-units)</b>	10	
4.1	Fiscal federalism distribution of fiscal powers	2	1
4.2	Scheme of allocation of taxing power- distribution of tax revenues	2	1&2
4.3	Finance Commission- Planning Commission- National Development Council- Plan grants	3	1
4.4	101 st Amendment to the Constitution-GST Council-	3	1&5
5	<b>UNIT-5- Changing structure of federalism</b> <b>Content for Classroom Transaction (Sub-units)</b>	15	
5.1	Need for change	3	1&5
5.2	Essence of Co-operative Federalism- concept, meaning and evolution under the Indian Constitution	4	1
5.3	Comparison with other countries- Need for reforms in the Centre- state relations	6	3
5.4	A brief overview of the Sarkaria Commission report.	2	1

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<p><b>Teaching and Learning Approach</b></p>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lecture, Explicit Teaching, E-learning</p> <p><b>Interactive Instruction:</b>, Active co-operative learning, Seminar, Group Assignments</p> <p><b>Authentic learning</b> -Library work and Group discussion, Presentation by individual student , Case studies and comments ,Literature review</p>
<p><b>Assessment Types</b></p>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Test – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> <li>8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol> <p><b>B. Semester End examination</b></p>

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**MAHATMA GANDHI UNIVERSITY**  
**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PSO2-To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

PSO3-Study the specialized subjects with a globalized perspective and do a comparative study of the Indian law with other countries To assess and contribute to policy making/advocacy through fresh perspectives that arise out of the comparative study of the systems

PSO4-To acquaint, train and equip students with a comprehensive knowledge and relevance of Administrative law and Constitutional law in the present times.

PSO5- To enhance advocacy and teaching and research skills

PSO6-To enhance the ability of the students to analyze the legal problems and challenges from scholarly and objective point of view and work towards finding solutions to the problems by application of laws and regulations

PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Judicial Control Over Administrative Actions - Principles</b>					
<b>Type of Course</b>	SUBJECT CORE					
<b>Course Code</b>	LTM 21C 08					
<b>Names of Academic Staff &amp; Qualifications</b>	Dr. A.P. Rajeesh, B.Sc, LL.M., Ph.D, Associate Professor, School of Indian Legal Thought.					
<b>Course Summary &amp; Justification</b>	In the today world of increasing administrative actions, control over abuse of power is highly important. Though there are different types of controls, the most effective and important type of control mechanism is control exercised through judiciary. Judicial control is basically exercised through judicial review. Judicial review is basically based on the theory of ultra vires. The scope limitations and extent of judicial review is the basic content of the course.					
<b>Semester</b>	2					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Mixed approach of Authentic learning Collaborative learning and Independent learning	40	10		25	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome On successful completion of the course the following will be the expected outcome.</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Detailed understanding of origin and history of judicial review, scope, limitations and its practical application in India.	R/U	1, 2,4,5&6
2	Proper understanding of extent of judicial review and how it is different from appeal and such other control mechanisms and its practical application in writ proceedings.	U/E/A	5,6&7

3	Through understanding of the doctrine of ultra – vires and the practical application of jurisdictional error and error within jurisdiction and the practical applications of the doctrine in legal field especially in India.	U/Ap/A	2,4, 5&7
4	To provide a thorough knowledge about the law fact distinction and the extent of judicial review over disputed question of facts.	U/A/An	1,2, 3,4&5
5	Proper understanding of limitations of judicial review when decisions are taken by experts or expert bodies.	U/A/An	2,4&6
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si no	Topic	Hours	CO no
<b>1</b>	<b>UNIT-1-Judicial Review of Administrative Action – History and Importance.</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Judicial review meaning and scope	<b>6</b>	<b>1&amp;2</b>
<b>1.2</b>	Origin and development of judicial review	<b>5</b>	<b>1,2 &amp;3</b>
<b>1.3</b>	Importance of judicial review	<b>4</b>	<b>1,2 &amp;3</b>
<b>2</b>	<b>UNIT-2- Principles of Judicial Review.</b>	<b>15</b>	
<b>2.1</b>	Judicial review of Constitutional amendments.	<b>2</b>	<b>3&amp;4</b>
<b>2.2</b>	Judicial Review of Legislations	<b>5</b>	<b>1,2,3 &amp;4</b>
<b>2.3</b>	Judicial review of administrative action	<b>2</b>	<b>1,2,3 &amp;5</b>
<b>2.4</b>	Distinction between review and appeal	<b>6</b>	<b>1,2,3 ,4&amp; 5</b>
<b>3</b>	<b>UNIT-3- Contents of Judicial Review</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>20</b>	

<b>3.1</b>	Judicial review and discretion of courts	<b>5</b>	<b>1&amp;5</b>
<b>3.2</b>	Grounds of review.	<b>4</b>	<b>1,2,3 &amp;4</b>
<b>3.3</b>	Limitations of judicial review.	<b>6</b>	<b>1&amp;5</b>
<b>3.4</b>	Doctrine of ultra vires.	<b>5</b>	<b>1,2,3 &amp;5</b>
<b>4</b>	<b>UNIT-4-Scope of Judicial Review. Content for Classroom Transaction (Sub-units)</b>	<b>10</b>	
<b>4.1</b>	Theory of Jurisdictional Error	<b>3</b>	<b>3 &amp;4</b>
<b>4.2</b>	Theory of error within jurisdiction and extent of judicial review.	<b>2</b>	<b>2,3 &amp;4</b>
<b>4.3</b>	Rule in Anisminic case and its further developments.	<b>3</b>	<b>3&amp;4</b>
<b>4.4</b>	Law, fact distinction and its importance in Judicial review.	<b>2</b>	<b>1,3 &amp;4</b>
<b>5</b>	<b>UNIT-5-Disputed Facts and Extent of Judicial Review</b>	<b>15</b>	
<b>5.1</b>	Relevance of issue of fact and law	<b>3</b>	<b>1&amp;5</b>
<b>5.2</b>	Principle of no evidence and substantial evidence rule	<b>5</b>	<b>1,2 &amp;5</b>
<b>5.3</b>	Theory of error of law apparent in the face of record and scope of judicial review	<b>5</b>	<b>1,3 &amp;5</b>
<b>5.4</b>	Experience and expertise of administrators and non-reviewability	<b>2</b>	<b>1&amp;5</b>



<p><b>Teaching and Learning Approach</b></p>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning.</p> <p><b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group discussions and Assignments.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student, Case studies and comments, Literature review.</p>
<p><b>Assessment Types</b></p>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Tests – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminar work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime.</li> <li>7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> <li>8. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar</li> <li>9. Assignment</li> </ol> <p><b>B. End Semester Examination.</b></p>

## REFERENCES

The latest editions of the following books are the suggested readings

David Stott, and Alexandra Felix, *Principles of Administrative Law*, Cavendish Publishing Co, London (1997).

David Foulkes, *Administrative Law*, 8 th edn, Butterworths, London (1995).

Louis Jaffe, *Judicial Control of Administrative action*, Little Brown and Co. Boston (1965).

D.J. Galligan, *Due Process and Fair Procedures: A Study of Administrative Procedures*, Clarendon Press, Oxford (1996).

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I.P.Massey, *Administrative Law*, 7 th edn, Eastern Book Co., Lucknow (2008).

S.P. Sathe, *Administrative Law*, 5 th edn, N.M. Tripathi, Bombay (1991).

Jain and Jain, *Principles of Administrative Law*, 7th edn, LexisNexis, Gurgaon (2017).

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S H Bailey, Bailey, Jones & Mowbray, *Cases, Materials and Commentary on Administrative Law*, 4th edn, Sweet & Maxwell, London(2005)

Juergen Schwarze *European Administrative Law*, Sweet & Maxwell, London(2006)

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Richard Gordon (Ed), *Judicial Review in the New Millennium: Papers from Sweet & Maxwell's 2002 Judicial Review Conference*, Sweet & Maxwell, London (2003)

Philip Engelman, *Commercial Judicial Review*, Sweet & Maxwell, London (2000)

Neville L. Brown, John S. Bell, *French Administrative Law*, 5th edn, Oxford University Press, Oxford (1998)

Richard Moules, *Actions Against Public Officials: Legitimate Expectations, Misstatements and Misconduct*, Sweet & Maxwell, London(2009)

Clive Lewis, *Judicial Remedies in Public Law*, 5th edn, Sweet and Maxwell, London (2014)

Right Hon Lord Woolf; Sir Jeffrey Jowell, QC; Professor Andrew Le Sueur; Ivan Hare; Catherine Donnelly, *De Smith's Judicial Review*, 7th edn, Sweet & Maxwell, London(2013)

Jeremy Woolf, Zamir and Woolf: *The Declaratory Judgment*, 4th edn, Sweet & Maxwell, London(2011)

Paul Craig, *Administrative Law*, 7th edn, Sweet & Maxwell, London (2012) Andrew

Le Sueur, *Public Law*, Sweet & Maxwell, London(2010)

Juergen Schwarze, *European Administrative Law*, Sweet & Maxwell, London (2006)

William Wade, Christopher Forsyth, *Administrative Law*, 10 th edn, Oxford University Press, Oxford (2009)

Timothy Endicott, *Administrative Law*, 2 nd edn, Oxford University Press, Oxford (2011) Peter

Cane, *Administrative Law*, Fifth Edition, Oxford University Press, Oxford (2011)

Peter Cane, *Cases and Materials for Principles of Administrative Law*, 2 nd edn, Oxford University Press, Oxford (2013)

Peter Leyland, Gordon Anthony, *Textbook on Administrative Law*, Seventh Edition, Oxford University Press, Oxford (2012)

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**MAHATMA GANDHI UNIVERSITY**  
**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

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PSO7- Develop written and oral communication skills consistent with the conventions of the

legal discipline and the high expectations of academic integrity.

<b>School Name</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M(2Yr)(C&amp;SS)</b>					
<b>Course Name</b>	<b>SEMINAR COURSE</b>					
<b>Type of Course</b>	<b>ELECTIVE</b>					
<b>Course Code</b>	LTM 21E35					
<b>Names of Academic Staff &amp; Qualifications</b>	Prof. (Dr) Sheeba Pillai,BA,LL.M.,PhD Professor Dr Rajeesh A.P,BSc,LL.M.,PhD					
<b>Course Summary &amp; Justification</b>	The course aims at enabling the students to develop their writing and presentation skills by carrying out research and presenting research papers on contemporary legal issues and case laws in the areas of Administrative and Constitutional Law. Students develop presentation skills that will be essential during their entire professional careers. These skills will improve as students respond to critical feedback, and seek to make valuable information on areas of Constitutional and administrative law understandable to faculty and peers.					
<b>Semester</b>	<b>SECOND</b>					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Eg. Authentic learning Collaborative learning Independent learning	3	2		70	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Intended to develop students' presentation skills	S	5,7

2	Encourage them to think critically about contemporary legal issues	U,A,An,E	3,4,6
3	Enable the students to collect data to keep up with the latest developments in the area of the topic chosen by them	U,A	2,5
4	Ensures a critical study of latest case laws in the area of constitutional and administrative law which will enable the students to formulate a body of jurisprudence	An,E,C	2,5,6
5	Ensure the development of debating and analytical skills from critical feedback on the papers they will write and present.	S,Ap	5,7
6	Review the development of the literature and juristic contributions in Constitutional and Administrative law	E	4,6
7	Build a perspective on better system of administration of justice	C	3,4,6
*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)			

### COURSE CONTENT

MODULE	CONTET	HRS(L+T+S)	CO NO.
<b>Module I(15 Hours)</b>	<ul style="list-style-type: none"> <li><b>i. Introduction to Seminar-objectives-requisites</b></li> <li><b>ii. Academic writing-Key elements</b></li> <li><b>iii. Literature-Review, Stages and steps-systematic</b></li> </ul>	<b>15 hours of lectures</b>	<b>1,2,4,5,6,7</b>

	<p>review, critical review-Writing literature review</p> <p>iv. Preparation of Technical papers -Synopsis for Research work/projects</p> <p>v. Publishing-current trends-need for lifelong learning</p> <p>vi. Book Review</p>		
<b>Module II(15 Hours)</b>	<b>Seminar on Dissertation Topics and Literature review</b>	<b>15</b>	<b>1,2,3,4,5,6,7</b>
<b>Module III(15 Hours)</b>	<b>Seminar on decided cases</b>	<b>15</b>	<b>1,2,3,5,6,7</b>
<b>Module IV( 15 Hours)</b>	<b>Seminar on recent socio-legal issues</b>	<b>15</b>	<b>1,,2,3,4,5,6,7</b>
<b>Module V(15</b>	<p>i. Seminar on selected topics</p> <p>ii. Presentation of</p>		<b>1,2,3,4,5,6,7</b>

Hours)	Seminar Diary		
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Teaching and Learning Approach	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Inter-active Instruction:</b> Active co-operative learning for Seminars, and written submissions, Group Assignments etc.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student/ Group representative, Case studies and comments, Literature Review</p>
Assessment Types	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b> (Any of the following may be chosen at the option of the course teacher.)</p> <ol style="list-style-type: none"> <li>1. Collection of Materials and Literature Review – Every student has to undertake the same in connection with the area selected for the dissertation work in the programme</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the programme and conduct a seminar</li> <li>3. Seminar Presentation on current issues – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>5. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>6. Proficiency in English language, skill of communication, ability for legal reasoning and skill of lawyering- This can be assessed during seminar presentation</li> <li>7. Online presentations-students may be asked to prepare online seminar presentations (audios and YouTube videos) so as to enable them to be trained in flipped class room mode of presentations</li> </ol> <p><b>B. Submission of Seminar Diary at the end of the semester</b></p>



## REFERENCES

- Mike McConville, Wing Hong Chui(Ed.), *Research Methods for Law* , (2<sup>nd</sup> edn., Edinburgh University Press, 2017)
- Glanville Williams, *Learning the Law* (14th edition by ATH Smith, 2010)
- Allan Hutchinson, *Is Eating People Wrong? Great Legal Cases and How They Shaped the World* (Cambridge University Press, 2010)
- Tony Honoré, *About Law: An Introduction* (Oxford University Press, 1996)
- Ian McLeod, *Legal Method* (9th edition, Palgrave Macmillan, 2013)
- Karl N. Llewellyn, *The Bramble Bush: On Our Law and Its Study* (Oxford University Press, 1960)
- Peter Clinch, *Using a Law Library: A Student's Guide to Legal Research Skills* (2nd Edition, 2001)
- Jonathan Herring, *Criminal Law* (8th edition, Palgrave Macmillan, 2013)
- Jonathan Herring, *Great Debates in Criminal Law* (2nd edition, Palgrave Macmillan, 2012)
- Nicola Padfield, *Criminal Law* (9th edition, Oxford University Press, 2014)
- Constitution of India
- Relevant statutes
- Copies of original texts of decided cases from online resources or print law reports
  
- Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (University Casebook Series, Foundation Press,2010)

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legal discipline and the high expectations of academic integrity.

SchoolName	School of Indian Legal Thought					
Programme	<b>LL.M (2Yr)(C&amp;SS)</b>					
Course Name	<b>AMENDING PROCESS AND JUDICIAL REVIEW</b>					
Type of Course	<b>CORE</b>					
Course Code	LTM21C09					
Names of Academic Staff & Qualifications	Prof. (Dr) Sheeba Pillai,BA,LL.M.,PhD. Professor					
Course Summary & Justification	The course is designed with an objective to provide the students with a comprehensive knowledge about the amending process and its nature ,scope and significance under the Indian Constitution. The students will get an in depth assessment of how the Constitution was transformed and reinvented through constitutional amendments Comparison with the models of other countries like United States and Australia is to enhance their wisdom on why different procedures for Amendment is adopted by different countries. The power of the Parliament to amend the Constitution and the Judiciary's power to review is also discussed so that students have a clear understanding of the extent to which the Constitution can be amended .					
SEMESTER	<b>THIRD</b>					
CREDITS	<b>4</b>					
Total Student Learning Time (SLT)	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours

	Eg. Authentic learning Collaborative learning Independent learning	45	10		20	75
Pre-requisite	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

### COURSE OUTCOMES (CO)

CO No.	Expected Course Outcome	Learning Domains	PSO No.
1	Understand the need, importance of Amendment provision under the Constitution. Analyse and understand the formal and informal ways of amending the Constitution with emphasis on both the power and procedure of Constitutional Amendments. Also make a comparison with other countries	R/U/Ap	1&3
2	Students must Analyse and understand the different procedure adopted for amendment of the Constitution and its significance in the context of the type of Constitution with emphasis on India and a comparison with other countries	An/A	1&3
3	Student must be able to assess the extent of power of the Parliament to amend the Constitution .Difference between the Constituent power and legislative powers with the help of Judicial pronouncements.	An/E	1
4	Enable students to understand the extent of reviewability of a constitutional amendment .Significance of the basic structure theory and the various yardsticks evolved by the Judiciary to identify the Basic structure/features of the Indian Constitution	U/An/Ap	4
5	Enable the students to make an assessment and analyse the importance of the 9 <sup>th</sup> schedule and the extent of Judicial review	U/E/Ap	4&6
*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)			

### COURSE CONTENT

<b>Si no</b>	<b>Topic</b>	<b>Hours</b>	<b>Co no</b>
<b>1</b>	<b>UNIT-1-Singnificance and importance of the amendment provision</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Formal and Informal methods	<b>3</b>	<b>1&amp;2</b>
<b>1.2</b>	Types of Constitution-Rigid & Flexible	<b>3</b>	<b>1&amp;2</b>
<b>1.3</b>	Amending Process-Significance of Amendment provision under the Indian Constitution -whether it is necessary ?	<b>4</b>	<b>1</b>
<b>1.4</b>	Comparison with other countries/Constitutions	<b>5</b>	<b>2</b>
<b>2</b>	<b>UNIT-2-Constitutional provisions and its scope</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>2.1</b>	Constituent power and Legislative Power	<b>4</b>	<b>1</b>
<b>2.2</b>	-Power and procedures for amending the Constitution	<b>3</b>	<b>1</b>
<b>2.3</b>	Art 368 -Changes brought about in the provision.	<b>2</b>	<b>1</b>
<b>2.4</b>	A comparison with other Constitutions –the procedures adopted by them and the significance	<b>6</b>	<b>2</b>
<b>3</b>	<b>UNIT-3-Parliaments power to amend the Constitution</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>3.1</b>	Parliament’s power to amend the Constitution	<b>3</b>	<b>3</b>
<b>3.2</b>	Judicial review of Constitutional amendments	<b>5</b>	<b>4</b>
<b>3.3</b>	Scope of amendability- Fundamental rights and Constitutional amendment	<b>3</b>	<b>4</b>
<b>3.4</b>	Keshavananda Bharathi v State of Kerala	<b>4</b>	<b>4</b>
<b>4</b>	<b>UNIT-4-Basic Structure theory</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>4.1</b>	Parameters for identifying basic Structure	<b>4</b>	<b>3&amp;4</b>
<b>4.2</b>	Are Fundamental Right a part of basic structure	<b>3</b>	<b>1</b>

4.3	Case by case analysis	5	4
4.4	Latest amendments and basic Structure	3	1&4
5	<b>UNIT-5-The 9<sup>th</sup> Schedule and Judicial review</b> <b>Content for Classroom Transaction (Sub-units)</b>	15	
5.1	Origin and significance of 9 <sup>th</sup> Schedule	4	1
5.2	9 <sup>th</sup> schedule and Judiciary	4	4
5.3	9 <sup>th</sup> schedule and basic structure	4	4
5.4	9 <sup>th</sup> schedule –present status	3	2

Teaching and Learning Approach	<p>Classroom Procedure (Mode of transaction)</p> <p><b>Direct Instruction:</b> Brain storming lecture, Explicit Teaching, E-Learning <b>interactive Instruction:</b>, Active co-operative learning, Seminar, Group Assignments</p> <p><b>Authentic learning</b>, , Library work and Group discussion, Presentation by individual student ,Case studies and comments ,Literature review</p>
Assessment Types	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Test – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> <li>8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol>

	<b>B. Semester End examination</b>
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**REFERENCES**

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3. M.P. Jain, *Indian Constitutional Law*
4. H.M. Seervai, *Constitutional Law of India*
5. Virandra Kumar, Basic Structure of Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 *Journal of Indian Law Institute* ,New Delhi 365(2007)
6. Michel Topper, Logic of Justification of Judicial Review, *International Journal of Constitutional Law*, 1<sup>st</sup> Jan 2003
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11. Dr.Subhash C Kashyap, *Framing of Indian Constitution*
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13. Lane, P H, *A digest of Australian Constitutional cases*
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15. Seidman, Louis M | Stone, Geoffrey R | Sunstein, Cass R, *Constitutional law*
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17. S. P. Sathe, Judicial Review in India-Limits and Policy, [Judicial Review in India: Limits and Policy \(core.ac.uk\)](http://www.core.ac.uk)
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**MAHATMA GANDHI UNIVERSITY**  
**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PSO2-To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

PSO3-Study the specialized subjects with a globalized perspective and do a comparative study of the Indian law with other countries To assess and contribute to policy making/advocacy through fresh perspectives that arise out of the comparative study of the systems

PSO4-To acquaint, train and equip students with a comprehensive knowledge and relevance of Administrative law and Constitutional law in the present times.

PSO5- To enhance advocacy and teaching and research skills

PSO6-To enhance the ability of the students to analyze the legal problems and challenges from scholarly and objective point of view and work towards finding solutions to the problems by application of laws and regulations

PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Judicial Control Over Administrative Actions – Procedure.</b>					
<b>Type of Course</b>	SUBJECT CORE					
<b>Course Code</b>	LTM 21 C10					
<b>Names of Academic Staff &amp; Qualifications</b>	Dr. A.P. Rajeesh, B.Sc, LL.M., Ph.D, Associate Professor, School of Indian Legal Thought.					
<b>Course Summary &amp; Justification</b>	Control over administrative action has two aspects – substantive control and procedural control. According to some authors procedural control turns to be the most important part of control over administrative authorities. A detailed study into development of different types of controls over different categories of administrative actions is highly necessary not only in academic pursuit but also for practice before higher courts and forums.					
<b>Semester</b>	3					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Mixed approach of Authentic learning Collaborative learning and Independent learning	40	10		25	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome On successful completion of the course the following will be the expected outcome.</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Detailed understanding of development of procedural protections in different countries including India.	R/U	1,2,4&5
2	Proper understanding of development of principles of natural justice and its practical application in different categories of administrative functions.	U/E/A	2,3,5,6&7
3	To properly understand the origin and development of theory of fairness in administrative action and its	U/Ap/A	2,3,5,6&7

	subsequent development in administrative law.		
4	To have a thorough understanding regarding different tests developed and applied by Indian and foreign courts to identify whether an administrative action / adjudication is vitiated by bias and the recent development in this regard.	U/A/An	1,2,6&7
5	To properly understand and identify the procedure to be followed by administrative authority where there is no violation of right but violation of a legitimate expectation.	U/A/An	2,3,4&7
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si no	Topic	Hours	CO no
<b>1</b>	<b>UNIT-1- Procedural Protection in Administrative Law. Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Importance of procedural protection	<b>4</b>	<b>1,2 &amp;3</b>
<b>1.2</b>	Meaning and extent of principles of natural justice	<b>5</b>	<b>2&amp;3</b>
<b>1.3</b>	Administrative law and principles of natural justice.	<b>6</b>	<b>1,2 &amp;3</b>
<b>2</b>	<b>UNIT-2- Bias</b>	<b>15</b>	
<b>2.1</b>	Rule against bias.	<b>5</b>	<b>2,3 &amp;4</b>
<b>2.2</b>	Tests for bias	<b>5</b>	<b>4</b>
<b>2.3</b>	Application of tests of bias courts and administration. Comparative approach	<b>5</b>	<b>3,4 &amp;5</b>
<b>3</b>	<b>UNIT-3- Pure Administrative Functions and Principles of Natural Justice. Content for Classroom Transaction (Sub-units)</b>	<b>20</b>	
<b>3.1</b>	Application of principles of natural justice in pure administrative functions	<b>5</b>	<b>1,2,3 &amp;5</b>

<b>3.2</b>	Unreasonableness and Judicial review	<b>4</b>	<b>1&amp;5</b>
<b>3.3</b>	Hearing – procedure and content,	<b>6</b>	<b>4&amp;5</b>
<b>3.4</b>	Ridge v Baldwin and further developments, speaking orders and principle of fairness.	<b>5</b>	<b>2,3 &amp;5</b>

<b>4</b>	<b>UNIT-4-Noncompliance with Principles of Natural Justice. Content for Classroom Transaction (Sub-units)</b>	<b>10</b>	
<b>4.1</b>	Extent of application of principles of Natural Justice	<b>3</b>	<b>1, 2&amp;5</b>
<b>4.2</b>	Effect of non-compliance with principles of natural justice.	<b>4</b>	<b>1,2,3 &amp;5</b>
<b>4.3</b>	Exemptions to natural justice.	<b>3</b>	<b>5</b>
<b>5</b>	<b>UNIT-5-Theory of Legitimate Expectation.</b>	<b>15</b>	
<b>5.1</b>	Legitimate expectation- meaning and content	<b>5</b>	<b>1,2,3 &amp;5</b>
<b>5.2</b>	Situations where legitimate expectation is applicable	<b>4</b>	<b>4&amp;5</b>
<b>5.3</b>	Change in policy and legitimate expectation	<b>2</b>	<b>4&amp;5</b>
<b>5.4</b>	Change in law and legitimate expectation.	<b>2</b>	<b>4&amp;5</b>
<b>5.5.</b>	Comparative approach to legitimate expectation in different countries.	<b>2</b>	<b>1,2,3 ,4&amp; 5</b>

<p><b>Teaching and Learning Approach</b></p>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning.</p> <p><b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group discussions and Assignments.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student, Case studies and comments, Literature review.</p>
<p><b>Assessment Types</b></p>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Tests – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminar work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime.</li> <li>7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> <li>8. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar</li> <li>9. Assignment</li> </ol>

	<b>B. End Semester Examination.</b>
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## REFERENCES

**The latest editions of the following books are the suggested readings**

Louis Jaffe, *Judicial Control of Administrative action*, Little Brown and Co. Boston (1965).

Schwartz, *Administrative Law: A Case Book*, ASPEN Law & Business, New York (2010).

Markose A.T. *Judicial Control of Administrative Action in India: A Study in Methods*, Madras Law Journal Office, Madras (1956).

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Right Hon Lord Woolf; Sir Jeffrey Jowell, QC; Professor Andrew Le Sueur; Ivan Hare; Catherine

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Jeremy Woolf, *Zamir and Woolf: The Declaratory Judgment*,4th edn,Sweet & Maxwell, London(2011)

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**MAHATMA GANDHI UNIVERSITY**  
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<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Administrative Discretion and Control over Discretion.</b>					
<b>Type of Course</b>	SUBJECT ELECTIVE					
<b>Course Code</b>	LTM 21 E36					
<b>Names of Academic Staff &amp; Qualifications</b>	Dr. A.P. Rajeesh, B.Sc, LL.M., Ph.D, Associate Professor, School of Indian Legal Thought.					
<b>Course Summary &amp; Justification</b>	In the modern system of governance the administrative authorities are vested with enormous discretionary powers. It is a fact that the administrative authority can't function without having discretionary powers. at the same time whenever there is discretionary power there is every chance for misuse of power. Thus proper control over discretion is the need of the day. The course looks into various methods of conferring of discretion, different types of control over discretionary power and effectiveness of such control mechanisms.					
<b>Semester</b>	3					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Mixed approach of Authentic learning Collaborative learning and Independent learning	40	10		25	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome On successful completion of the course the following will be the expected outcome.</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Proper understanding of meaning of discretionary power and different methods of conferring of discretion.	R/U	2,3,5&6
2	Analyzing the permissible extent of discretionary power	U/E/A	1,2&5
3	To have a though understanding of administrative discretion in the light of Indian Constitution.	U/Ap/A	1,2,4&7

	authorities and thus to improve the skill o advocacy of lawyers.		
4	To develop a critical approach to different types of controls over administrative discretion and to have an understanding regarding the effectiveness of control mechanisms.	U/Ap/A	4,5&6
5	To understand the modern developments in administrative discretion and its impacts on basic constitutional principles	U/A/An	1,2,6&7
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si no	Topic	Hours	CO no
<b>1</b>	<b>UNIT-1-Meaning and Nature of Administrative Discretionary power</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Meaning of administrative discretionary power	<b>5</b>	<b>1&amp;2</b>
<b>1.2</b>	Nature of administrative discretionary power	<b>5</b>	<b>1,2,3 &amp;5</b>
<b>1.3</b>	Need and significance of administrative discretion	<b>5</b>	<b>1&amp;2</b>
<b>2</b>	<b>UNIT-2- Conferring of Discretionary Power</b>	<b>20</b>	
<b>2.1</b>	Methods of conferring of discretionary power.	<b>6</b>	<b>2,3, 4</b>
<b>2.2</b>	Surrender of discretionary power and its consequences	<b>4</b>	<b>1,2 &amp;5</b>
<b>2.3</b>	Abdication and dictation of discretionary power	<b>5</b>	<b>3,4, &amp;5</b>
<b>2.4</b>	Control over discretion.	<b>5</b>	<b>1,3,4 &amp;5</b>
<b>3</b>	<b>UNIT-3- Discretion and Legality</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>3.1</b>	Legality of conferring of discretion	<b>4</b>	<b>1,3,4</b>

			<b>&amp;5</b>
<b>3.2</b>	Discretionary power and theory of ultra vires	<b>4</b>	<b>1,3 &amp;4</b>
<b>3.3</b>	Constitutional objections to discretion	<b>4</b>	<b>1&amp;5</b>
<b>3.4</b>	Discretion and judicial review.	<b>3</b>	<b>1&amp;2</b>
<b>4</b>	<b>UNIT-4-Discretionary Power and Judicial Review Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>4.1</b>	Grounds of attacking discretionary decision	<b>6</b>	<b>1, 2&amp;5</b>
<b>4.2</b>	Restrictions on discretion – reasonableness – mixed motives, good faith etc.	<b>3</b>	<b>4&amp;5</b>
<b>4.3</b>	Subjective language and permissible extent of judicial intervention.	<b>3</b>	<b>3&amp;5</b>
<b>4.4</b>	Theory of reasonableness and statutory discretion	<b>3</b>	<b>3,4 &amp;5</b>
<b>5</b>	<b>UNIT-5-Control over Discretionary Power</b>	<b>10</b>	
<b>5.1</b>	Restriction on discretion by contract	<b>3</b>	<b>3&amp;5</b>
<b>5.2</b>	Over rigid policies and extent of discretion.	<b>2</b>	<b>3&amp;4</b>
<b>5.3</b>	Discretion and institutional controls.	<b>3</b>	<b>3,4 &amp;5</b>
<b>5.4</b>	Limiting, confining and structuring discretion, legal policies judicial approaches	<b>2</b>	<b>4&amp;5</b>

<p><b>Teaching and Learning Approach</b></p>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning.</p> <p><b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group discussions and Assignments.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student, Case studies and comments, Literature review.</p>
<p><b>Assessment Types</b></p>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Tests – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminar work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime.</li> <li>7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> <li>8. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar</li> <li>9. Assignment</li> </ol> <p><b>B. End Semester Examination.</b></p>

**REFERENCES**

The latest editions of the following books are the suggested readings

K C Davis, Discretionary Justice: A Preliminary Inquiry, Louisiana University Press, Baton Rouge (1969)

K C Davis, and R J Pierce,Administrative Law Treatise, 3 rd edn, Little Brown and Co., Boston (1994).

Wade & Forsyth,Administrative Law, 10 th edn, Oxford University Press, Oxford (2009)

Paul Craig, Administrative Law, 7th edn,Sweet & Maxwell, London (2012)

David Stott, and Alexandra Felix, Principles of Administrative Law, Cavendish Publishing Co, London (1997).

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PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M(2Yr)(C&amp;SS)</b>					
<b>Course Name</b>	<b>INDIAN CONSTITUTIONAL LAW:THE NEW CHALLENGES</b>					
<b>Type of Course</b>	<b>ELECTIVE</b>					
<b>Course Code</b>	LTM 21 E 37					
<b>Names of Academic Staff &amp; Qualifications</b>	Prof. (Dr) Sheeba Pillai,BA.,LL.M.,PhD. Professor					
<b>Course Summary &amp; Justification</b>	The course is designed with an objective to provide the students with a comprehensive knowledge about the changes in the social political economic scenario in India that have had material impact on the Constitution .These changes have put forth several challenges which need to be understood, analysed so as to find adequate solutions and strengthen the Constitution to withstand the challenges not only now but also in the future.					
<b>Semester</b>	3					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Eg. Authentic learning Collaborative learning Independent learning	45	10		20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Acquaint the students with changes that have taken place within the Constitution and outside the Constitution which have had material impact on the	R/U	2

	Constitution and raised several concerns		
2	Enable the students to assess the situations and events that created these challenges which have had its repercussions on the constitutional structure and principles	An/A	6
3	Enable the students to understand the challenges put forth by Globalisation, Liberalization and Privatisation and its impact on the Constitutional Principles	An/E	4&6
4	Enable the student to analyse the impact that the changes in the social economic and political scenario has had on the Indian Constitution and the challenges on the rights of the people.	U/Ap	2&6
5	Enable the students to make an in depth assessment as to how these challenges can be countered and their appropriate solutions.	U/E/Ap	5&6
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si No	TOPIC	Hours	CO no
<b>1</b>	<b>UNIT 1-Globalisation –Privatisation ,Liberalisation Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	GPL and its impact-Shrinking role of the State	<b>4</b>	<b>1,2,3</b>
<b>1.2</b>	Increasing participation of private actors-essential functions – -outsourcing of government functions to other entities	<b>4</b>	<b>1,2</b>
<b>1.3</b>	Changing dimensions of the State-from Welfare State to Neutral State	<b>4</b>	<b>1,2,3</b>
<b>1.4</b>	Need for Widening the Definition of State in the changing and challenging environment	<b>3</b>	<b>1,2</b>
<b>2</b>	<b>UNIT 2-Separation of Powers Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>2.1</b>	Dilution of the Principle	<b>4</b>	<b>1,2</b>
<b>2.2</b>	Parliamentary Sovereignty vis a vis Constitutional	<b>4</b>	<b>1,2</b>



	supremacy		
2.3	India in comparison with other countries	4	1
2.4	Challenges and issues	3	1,5
3	<b>UNIT 3-Changing Dimensions of Federalism Content for Classroom Transaction (Sub-units)</b>	15	
3.1	Need for change?-Challenges	3	5
3.2	New approaches to Centre State equations	4	2,3
3.3	Global Constitutionalism-	4	3,4
3.4	Globalisation of Constitutional law	4	3,4
4	<b>Emerging Regime of New Rights and Remedies Content for Classroom Transaction (Sub-units)</b>	15	
4.1	Analysing the emergence of new rights and remedies and challenges	4	2,4
4.2	Right to Privacy	4	4
4.3	Right to information	4	4
4.4	Privatisation and its impact on Affirmative Action	3	3,4
5	<b>Reservation Policy in India Content for Classroom Transaction (Sub-units)</b>	15	
5.1	Reservation and Constitutional Provisions-Issues	4	1,3
5.2	Amendments and its impact	3	1,3
5.3	Changing parameters of Reservation policy	4	5
5.4	Judiciary and reservation parameters	4	3,4

<b>Teaching and Learning Approach</b>	Classroom Procedure (Mode of transaction) <b>Direct Instruction:</b> Brain storming lecture, Explicit Teaching, E-Learning <b>interactive Instruction:</b> , Active co-operative learning, Seminar, Group Assignments <b>Authentic learning</b> , , Library work and Group discussion, Presentation by individual student ,Case studies and comments ,Literature review
<b>Assessment Types</b>	<b>Mode of Assessment</b> <b>A .Continuous Internal Assessment</b> 1. Internal Test – Descriptive and analytical type of questions and

	<p>problems are involved. MCQs may also be included.</p> <ol style="list-style-type: none"> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> <li>8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol> <p><b>B. Semester End examination</b></p>
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2. V.N. Shukla, *Constitution of India*
3. M.P. Jain, *Indian Constitutional Law*
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6. Ranbir Singh and A. Lakshmi Nath, *Fiscal Federalism*
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21. Sanjay Ruparelia, *India's new Rights Agenda, Genesis, Promises, Risks*
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23. K.C Suri, *Caste Reservations in India :Policy and Politics*
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26. S.R Sen, *Centre –State Relations in India*, *EPW*, Vol 23, 1988 , pp1637-1641
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**MAHATMA GANDHI UNIVERSITY**  
**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PSO1-To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PSO2-To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

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PSO7-Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Administrative Liabilities and Remedies</b>					
<b>Type of Course</b>	ELECTIVE					
<b>Course Code</b>	LTM 21E 38					
<b>Names of Academic Staff &amp; Qualifications</b>	Dr. A.P. Rajeesh, B.Sc, LL.M., Ph.D, Associate Professor, School of Indian Legal Thought.					
<b>Course Summary &amp; Justification</b>	Remedies against administrative abuse of power are one of the major areas in administrative law. Conventionally speaking there are public law remedies and private law remedies. The effectiveness of public law remedies and private law remedies in the modern system of governance needs in-depth study. Along with this remedies granted by some other mechanisms like ombudsman, regulatory authorities, vigilance commission etc. also need thorough consideration.					
<b>Semester</b>	3					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Mixed approach of Authentic learning Collaborative learning and Independent learning	40	10		25	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome On successful completion of the course the following will be the expected outcome.</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Developing an in-depth understanding about public law remedies especially writ system. Power of High Courts and Supreme Court in this regard	R/U	1, 2 &4
2	Proper understanding of jurisdictions of lower courts in controlling the administrative abuse of power.	U/E/A	5&7
3	Ability to thoroughly appreciate judicial approaches in	U/Ap/A	2,4&7

	both public law and private law remedies.		
4	In-depth understanding of liability of state in matters like contract, tort etc.	U/A/An	1,2&6
5	Critical understanding of various other remedies against administrative abuse of power especially in the modern context of liberalisation and privatisation	U/A/An	2,4&6
6	In – depth study of various privileges and immunities enjoyed by the state in legal proceedings.	R/U/An/Ap	2,3,4&5
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si no	Topic	Hours	CO no
<b>1</b>	<b>UNIT-1-Public Law Remedies - general Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Writ jurisdictions of High courts and Supreme Court, scope and limitations.	<b>3</b>	<b>1&amp;3</b>
<b>1.2</b>	Locus standi and public interest litigation	<b>3</b>	<b>1&amp;3</b>
<b>1.3</b>	Laches, resjudicata, exhaustion of alternative remedies	<b>3</b>	<b>1&amp;3</b>
<b>1.4</b>	Administrative directions scope, extent and remedies.	<b>4</b>	<b>1,3 &amp;5</b>
<b>1.5</b>	Special leave petition, and other Constitutional remedies including remedy under Art.227	<b>2</b>	<b>1&amp;5</b>
<b>2</b>	<b>UNIT-2- Writs</b>	<b>15</b>	
<b>2.1</b>	Writ of Mandamus- scope and limitations, grounds, nature of remedies and reliefs	<b>3</b>	<b>1,3</b>
<b>2.2</b>	Writ of Habeas Corpus- scope and limitations, grounds, nature of remedies and reliefs.	<b>3</b>	<b>1&amp;3</b>
<b>2.3</b>	Writ of Certiorari and Prohibition- scope and limitations, grounds, nature of remedies and reliefs,	<b>4</b>	<b>3&amp;5</b>
<b>2.4</b>	Writ of Quo Warranto- scope and limitations, grounds, nature of remedies and reliefs.	<b>3</b>	<b>1,3 &amp;5</b>

2.5	Recent judicial trends in writ remedies	2	1&5
3	<b>UNIT-3- Private Law Remedies.</b> <b>Content for Classroom Transaction (Sub-units)</b>	15	
3.1	Remedy of compensation, injunction and declaration	7	2&3
3.2	Privileges of State in civil and criminal proceedings.	5	2,3,4 &6
3.3	Right to information as a remedy against administrative abuse of power.	3	1&6
4	<b>UNIT-4-Liability of State</b> <b>Content for Classroom Transaction (Sub-units)</b>	18	
4.1	Liability of State in tort, sovereign and non- sovereign functions.	4	1, 3 &4
4.2	Violation of statutory duties and liability of State	2	1&2
4.3	Tortious liability of state and discretionary functions	2	1,2,3 &4
4.4	Constitutional torts and exclusion of liability of State agencies.	2	1,2,3 &4
4.5	Damages and statutory limits.	2	1,2,3 &4
4.6	Contractual liability of State- concept of government contracts.	3	2&4
4.7	Contractual rights and constitutional protections	2	2&4
4.8	Application of Contract Act in Government contracts.	1	2&4
5	<b>UNIT-5-Immunities of State</b> <b>Content for Classroom Transaction (Sub-units)</b>	7	
5.1	Immunity from operation of statute	3	2&6
5.2	Immunity from production of document and recent developments.	2	2&6
5.3	Estoppel and promissory estoppel. Recent judicial	2	1,2

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	approaches		<b>&amp;6</b>
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<b>Teaching and Learning Approach</b>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning.</p> <p><b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group discussions and Assignments.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student, Case studies and comments, Literature review.</p>
<b>Assessment Types</b>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Tests – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminar work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime.</li> <li>7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol>



	<p>8. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar</p> <p>9. Assignment</p> <p><b>B. End Semester Examination.</b></p>
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## REFERENCES

**The latest editions of the following books are the suggested readings**

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David Stott & Alexandra Felix, Principles of Administrative Law, Cavendish Publishing, London

Neil Hawke, Introduction to Administrative law, Lawman Pvt. Ltd. New Delhi

H.M. Seervai, Constitutional Law of India, N.M. Tripathi Pvt. Ltd., Bombay

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<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M</b>					
<b>Course Name</b>	<b>Maladministration and Remedies</b>					
<b>Type of Course</b>	SUBJECT CORE					
<b>Course Code</b>	LTM21 C 11					
<b>Names of Academic Staff &amp; Qualifications</b>	Dr. A.P. Rajeesh, B.Sc, LL.M., Ph.D, Associate Professor, School of Indian Legal Thought.					
<b>Course Summary &amp; Justification</b>	In the modern era of State and State power, the task of administrative law is more complex. It is not just intended to control illegalities in administrative action instead intended to control wrong as well as bad administrative actions. The quest for controlling wrong administrative actions and bad administrative actions led to the emergence of new mechanisms like Ombudsman, Vigilance Commission, Regulatory Authorities, Inquiry Commissions etc. In the modern facet of administrative law a detailed study into the non-conventional control mechanisms is highly necessary.					
<b>Semester</b>	4					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Mixed approach of Authentic learning Collaborative learning and Independent learning	40	10		25	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

#### **COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome On successful completion of the course the following will be the expected outcome.</b>	<b>Learning Domains</b>	<b>PSO No.</b>
1	Proper understanding of the limitations of conventional control mechanisms to prevent abuse of power.	R/U	1, 2,3,4, 6&7
2	Thorough understanding of meaning of	R/E/An	4,5&7

	Maladministration the need to distinguish between illegal administrative action, wrong administrative action and bad administrative action.		
3	To develop a critical analysis of development of different control mechanisms to prevent Maladministration and its effectiveness with special reference to India.	U/Ap/A	2,4,5&7
4	A thorough understanding of functioning of different Regulatory Authorities in India.	U/A/An	1,2,5&7
5	To equip the students to understand the functioning of both Public Sector and Private Sector Ombudsman in India and to equip them to get proper remedies from such forums.	U/A/An	2,4,5&6
<b>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</b>			

### COURSE CONTENT

Si no	Topic	Hours	CO no
<b>1</b>	<b>UNIT-1-Maladministration Meaning and Nature Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Maladministration – nature and meaning	<b>4</b>	<b>1&amp;2</b>
<b>1.2</b>	Need to control Maladministration	<b>6</b>	<b>1,2 &amp;3</b>
<b>1.3</b>	Complaints before higher administrative authorities and scope of remedies.	<b>5</b>	<b>2&amp;3</b>
<b>2</b>	<b>UNIT-2- Scope of Judicial Remedies Against Maladministration</b>	<b>15</b>	
<b>2.1</b>	Role of Courts in controlling Maladministration.	<b>2</b>	<b>1&amp;2</b>
<b>2.2</b>	Role of media in preventing Maladministration	<b>2</b>	<b>1,2 &amp;3</b>
<b>2.3</b>	Inquiry Commission and Commissions of Inquiry Act	<b>2</b>	<b>1,2 &amp;3</b>
<b>2.4</b>	Meaning and scope of definite matter of public importance.	<b>2</b>	<b>1,2 &amp;3</b>
<b>2.5</b>	Functioning and procedure of Inquiry Commissions	<b>3</b>	<b>1,2</b>

			&3
2.6	Judicial Approach to Inquiry Commission	2	1,2 &3
2.7	Effectiveness of Inquiry Commission as a mechanism to prevent Maladministration.	2	1,2 &3
3	<b>UNIT-3- Ombudsman</b> <b>Content for Classroom Transaction (Sub-units)</b>	15	
3.1	Origin, need for and development	3	3&4
3.2	Ombudsman in Scandinavian countries, England, Australia etc.	4	3,4 &5
3.3	Appointment and powers of ombudsman	3	3,4 &5
3.4	Reports of Ombudsman – its effectiveness and implementation.	2	3,4 &5
3.5	Development of Ombudsman in private sector – its need importance and effectiveness.	3	1,2,4 &5
4	<b>UNIT-4-UNIT-5-Indian Ombudsman</b> <b>Content for Classroom Transaction (Sub-units)</b>	10	
4.1	Lokpal and Lokayuktha move in India.	2	1,3,4 &5
4.2	Functioning of Lokpal	2	1,3,4 &5
4.3	Functioning of Lokayuthas	2	3&4
4.4	Analysis of schemes of Lokpal and Lokayuktha schemes in India.	2	2,3,4 &5
4.5	Effectiveness of Lokpal and Lokayukthas as an Ombudsman mechanism.	2	3,4 &5
5	<b>UNIT-5-Residuary Control Mechanisms to Prevent Maladministration.</b> <b>Content for Classroom Transaction (Sub-units)</b>	20	
5.1	Vigilance Commission and its role in controlling	3	1,3,4

	Maladministration.		
<b>5.2</b>	Public Accounts Committee Reports.	<b>2</b>	<b>3&amp;4</b>
<b>5.3</b>	C A G Reports	<b>3</b>	<b>3&amp;4</b>
<b>5.4</b>	Regulatory Authorities, role of Regulatory Authorities as a mechanism to control abuse of power	<b>6</b>	<b>3,4 &amp;5</b>
<b>5.5.</b>	Functioning of major Regulatory authorities in India	<b>6</b>	<b>3,4 &amp;5</b>

<p><b>Teaching and Learning Approach</b></p>	<p><b>Classroom Procedure (Mode of transaction)</b></p> <p><b>Direct Instruction:</b> Brain storming lectures, Explicit Teaching, E-learning.</p> <p><b>Inter-active Instruction:</b> Active co-operative learning, Seminars, Group discussions and Assignments.</p> <p><b>Authentic learning:</b> Library work and Group discussion, Presentation by individual student, Case studies and comments, Literature review.</p>
<p><b>Assessment Types</b></p>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Tests – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminar work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented</li> </ol>

	<p>and discussed by the learner in the class</p> <ol style="list-style-type: none"> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime.</li> <li>7. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> <li>8. Seminar Presentation – a theme is to be discussed and identified to prepare a paper and present in the seminar</li> <li>9. Assignment</li> </ol> <p><b>B. End Semester Examination.</b></p>
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Peter Cane, Cases and Materials for Principles of Administrative Law, 2 nd edn, Oxford University Press, Oxford (2013)

Peter Leyland, Gordon Anthony, Textbook on Administrative Law, Seventh Edition, Oxford University Press, Oxford (2012)

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legal discipline and the high expectations of academic integrity.

<b>SchoolName</b>	<b>School of Indian Legal Thought</b>					
<b>Programme</b>	<b>LL.M (2Yr)(C&amp;SS)</b>					
<b>Course Name</b>	<b>JUDICIAL SYSTEM UNDER THE CONSTITUTION</b>					
<b>Type of Course</b>	<b>ELECTIVE</b>					
<b>Course Code</b>	LTM21E 39					
<b>Names of Academic Staff &amp; Qualifications</b>	Prof. Dr Sheeba Pillai,BA.,LL.M.,PhD. Professor					
<b>Course Summary &amp; Justification</b>	The course aims at enabling the students to understand in depth the judicial system under the Constitution. There is a need to analyse and differentiate between the various systems like the common law system and civil law system so as to comprehend the role of judges and advocates under the system. The course will enable the students to understand the importance of the Judiciary as an organ of the Government under the Indian Constitution and issues and challenges that affect its independence and stature.					
<b>Semester</b>	4					
<b>Total Student Learning Time (SLT)</b>	Learning Approach	Lecture	Tutorial	Practical	Others	Total Learning Hours
	Eg. Authentic learning Collaborative learning Independent learning	45	10		20	75
<b>Pre-requisite</b>	Knowledge and understanding on the basic principles of Law to be gathered on the successful completion of Bachelors degree in Law.					

**COURSE OUTCOMES (CO)**

<b>CO No.</b>	<b>Expected Course Outcome</b>	<b>Learning Domains</b>	<b>PSO No.</b>
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1	The students will be able to draw a difference different judicial systems and their importance so that they can assess the role of the judges and advocates under these systems	U/A	5,3
2	Understand and evaluate the role of the Judiciary under the Indian Constitution vis a vis other organs of the Government with special emphasis on the principle of Independence of Judiciary	An	1
3	The students will also be able to analyse the importance of the law of contempt and its mechanisms to ensure proper administration of Justice	An	1,4,6
4	Comparison with other countries to enable the students to analyse and evaluate the stature and power of the Judiciary under the Indian Constitution with other countries	U/A	3
5	Enable to students to assess the need for Judicial accountability under the Indian Constitution without disturbing the Independence of Judiciary and the ways it has been assured.	U/E/Ap	1,4
<b><i>*Remember (R), Understand (U), Apply (A), Analyse (An), Evaluate (E), Create (C), Skill (S), Interest (I) and Appreciation (Ap)</i></b>			

## **COURSE CONTENT**

<b>Si No</b>	<b>TOPIC</b>	<b>Hours</b>	<b>CO No</b>
<b>1</b>	<b>UNIT 1-Doctrine of Separation of Powers</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>1.1</b>	Judicial Independence-Judiciary independent from Legislature and Executive	<b>4</b>	<b>2</b>
<b>1.2</b>	Judicial Independence-Constitutional Provisions	<b>4</b>	<b>2</b>
<b>1.3</b>	India in comparison with other countries like USA & Australia	<b>5</b>	<b>4</b>
<b>1.4</b>	Post Retirement appointment and Judicial independence	<b>2</b>	<b>2,5</b>

<b>2</b>	<b>UNIT 2- Contempt of Court</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>2.1</b>	Constitutional provision	<b>2</b>	<b>2,3</b>
<b>2.2</b>	- Contempt of Court Act 1971-Civil Contempt-Criminal Contempt-issue and challenges	<b>5</b>	<b>2,3</b>
<b>2.3</b>	Freedom of press- fair criticism-Judicial decisions	<b>4</b>	<b>2,3</b>
<b>2.4</b>	India and Comparison with other countries	<b>4</b>	<b>4</b>
<b>3</b>	<b>UNIT 3- Common law systems-Civil Law systems</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>3.1</b>	Origin and the significance of each systems	<b>4</b>	<b>1</b>
<b>3.2</b>	Role of lawyers and judges in each system	<b>4</b>	<b>1</b>
<b>3.3</b>	Challenges and issues	<b>3</b>	<b>1</b>
<b>3.4</b>	Study of systems in countries as examples-USA/Canada and Germany/France/Japan	<b>4</b>	<b>4</b>
<b>4</b>	<b>UNIT 4- Judicial Activism</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>4.1</b>	Judicial Overreach - Judicial Restraint	<b>3</b>	<b>2,3</b>
<b>4.2</b>	Judicial Overreach and dilution of principle of SOP	<b>4</b>	<b>2,3</b>
<b>4.3</b>	Public Interest Litigation	<b>4</b>	<b>2</b>
<b>4.4</b>	Case by case analysis	<b>4</b>	<b>2</b>
<b>5</b>	<b>UNIT 5- Judicial Accountability</b> <b>Content for Classroom Transaction (Sub-units)</b>	<b>15</b>	
<b>5.1</b>	Need for Judicial Accountability	<b>4</b>	<b>5</b>
<b>5.2</b>	Balance between judicial independence and Judicial Accountability	<b>4</b>	<b>2,5</b>
<b>5.3</b>	Constitutional Provisions	<b>3</b>	<b>5</b>
<b>5.4</b>	Comparison with other countries	<b>4</b>	<b>4</b>

<b>Teaching and Learning Approach</b>	<p>Classroom Procedure (Mode of transaction)</p> <p><b>Direct Instruction:</b> Brain storming lecture, Explicit Teaching, E-Learning <b>interactive Instruction:</b>, Active co-operative learning, Seminar, Group Assignments</p> <p><b>Authentic learning</b>, , Library work and Group discussion, Presentation by individual student ,Case studies and comments ,Literature review</p>
<b>Assessment Types</b>	<p><b>Mode of Assessment</b></p> <p><b>A. Continuous Internal Assessment (CIA)</b></p> <ol style="list-style-type: none"> <li>1. Internal Test – Descriptive and analytical type of questions and problems are involved. MCQs may also be included.</li> <li>2. Book review – every student to review a seminal work on any topic relevant to the course and submit a report</li> <li>3. Seminar Presentation – a recent legal development in the area is to be identified to prepare a paper and present in the seminar</li> <li>4. Assignments – Fundamental topics in the concerned area in the light of burning issues relating to the subject shall be presented and discussed by the learner in the class</li> <li>5. Case discussion(oral) and preparation of case comments (in writing)-Prominent judicial pronouncements shall be discussed to crystalize the judicial process</li> <li>6. Paper writing-Following the research methodology and instructions on writing adopting the international mode of footnoting and citations, the learner has to submit a paper with individual contributions to the legal regime</li> <li>7. Clinical training – each student may individually or in group be assigned with practical experience of dealing with actual issues involving concepts of public law and prepare a report</li> <li>8. Online presentations-students may be asked to prepare online teaching and learning materials so as to enable them to be trained in flipped class room mode of teaching</li> </ol> <p><b>B.Semester End examination</b></p>

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