

MAHATMA GANDHI UNIVERSITY

School of Indian Legal Thought

OBE Syllabus for One Year LLM

2020

FACULTY OF LAW

BRANCH - Constitutional and Administrative Law.

MAHATMA GANDHI UNIVERSITY
School of Indian Legal Thought

Syllabus for One Year LLM

FACULTY OF LAW

BRANCH - Constitutional and Administrative Law.

VISION

Vision of Mahatma Gandhi University

“Mahatma Gandhi University envisions excelling in the field of higher education and catering to the scholastic and developmental needs of the individual, through continuous creation of critical knowledge base for the society’s sustained and inclusive growth a sense of social justice”

MISSION

M1	<ul style="list-style-type: none">• To conduct and support undergraduate, postgraduate and research-level programmes of quality in different disciplines of legal studies
M2	<ul style="list-style-type: none">• To foster teaching, research and extension activities for the creation of new knowledge for the development of law and society
M3	<ul style="list-style-type: none">• To help in the creation and development of humanpower that would provide intellectual leadership to the community specifically marginalised section in the society.
M4	<ul style="list-style-type: none">• To provide skilled humanpower to the professional, industrial, administrative, hospital management and service sectors in the country so as to meet global demands and standards.

M5	<ul style="list-style-type: none"> To help promote the diverse cultural heritage of the nation and preserve the environmental sustainability, plurality and quality of life
M6	<ul style="list-style-type: none"> To cater to the holistic and comprehensive development of the region through legal interventions and academic leadership

GRADUATE ATTRIBUTES OF MAHATMA GANDHI UNIVERSITY

Graduate Attribute 1: Interdisciplinary Knowledge, Skills and Attitude

MGU graduates should be able to acquire interdisciplinary and cross disciplinary knowledge base, skills and attitudes as a consequence of the learning they engage with their programme of study. These qualities should equip students to live and work in a rapidly changing and complex globalized world.

Graduate Attribute 2: Equity, Sustainability, Diversity and Inclusiveness

MGU graduates should acquire the spirit of equity, sustainability, diversity and inclusiveness during their course of study. They should acquire all the core ethical values to enable them to act as compassionate and dignified citizens

Graduate Attribute 3: Societal Interaction/Community Service

MGU graduates should have the ability to acquire knowledge to disseminate it and actively engage with the world through community service.

Graduate Attribute 4: Net Working and Collaboration

MGU graduates should acquire skills to be able to collaborate and build academic network with educational institutions, research organizations and industrial units in India and abroad.

Graduate Attribute 5 : Lifelong Learning

MGU graduates should be lifelong learners for the pursuit of continuous knowledge upgrading for either personal or professional reasons. This should enhance social inclusion, active citizenship, personal development, self-sustainability as well as competitiveness and employability to adapt with transformability of the society.

Program Education Objectives (PEO)

PEO1	To make LL.M graduates conceptualize, critically analyze and acquire In-depth knowledge of law by imbibing in them the
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	unique ability of synthesizing knowledge towards adding value in the areas law towards an advanced legal scholarship
PEO2	To promote lateral thinking by way of enabling LL.M graduates to see at the things from different perspectives there by making them to come out with significant solutions to address the complex legal problems of the current world.
PEO3	To inculcate a spirit of enquiry, so that Law Graduates search for facts and truths by developing methodologies that supports critical analysis and decision making. Enables the students to develop new perspectives through new methodologies to improve their understanding of transformative potential of law in an unjust world.
PEO4	To ignite the passion for legal research by orienting them in the application of research methodology and instil ability to recognize cause-and-effect relationships, define problems, formulate hypotheses, test hypotheses, analyse, interpret and draw conclusions from data, establish hypotheses, predict cause-and-effect relationships; and make them learn to select and apply in complex decision making processes and develop their capacity to intervene fruitfully in the law making and law implementing processes
PEO5	To inculcate a spirit of Ethics and Social Commitment in the personal and professional life of law graduates so that they add value to the society and take a lead role to address

	the issues of the marginalised sections in the society through legal interventions
PEO6	Compare the jurisprudential aspects between various legal systems across the globe and to develop best legal practices for adaptable for the nation.

PEO to Mission Statement Mapping

MISSION STATEMENTS	PEO1	PEO2	PEO3	PEO4	PEO5	PEO6
M1	3	3	2	3	1	1
M2	1	2	2	3	3	2
M3	1	3	2	2	3	2
M4	3	1	3	2	3	2
M5	1	1	1	2	3	1
M6	3	3	2	3	1	3

Correlation: 3- High, 2-Medium, 1-Low

PROGRAM SPECIFIC OUTCOME

PROGRAM SPECIFIC OUTCOME

PO 1 To enable an understanding of the basic concepts in the area of Constitutional and Administrative Law

PO2 To foster an in depth understanding on the latest developments in the area of Constitutional and Administrative law

PO3 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

PO4. To acquaint, train and equip students with a comprehensive knowledge and relevance of Administrative law and Constitutional law in the present times.

PO5 To enhance advocacy and teaching and research skills

PO 6: 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

PO7 Develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

**School of Indian Legal Thought
Mahatma Gandhi University**

Branch : Constitutional and Administrative Law

SYLLABUS

Sl. No	Course Code	Course Title	POE	CREDIT S	CA	ESA	Marks
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1		Research method, Teaching and Legal Writing	LL.M	3	40	60	100
2		Comparative Public Laws/Systems of Governance	LL.M	3	40	60	100
3		Law and Justice in a Globalizing World	LL.M	3	40	60	100
4		Constitutional Principles, Structure & Amending Process	LL.M	3	40	60	100
5		General Principles of Administrative Law	LL.M	3	40	60	100
6		Centre-State Relations and Constitutional Governance	LL.M	3	40	60	100
Second Semester	Course Code	Course Title	POE	CREDIT	CA	ESA	Marks
1		Judicial Control of Administrative Action	LL.M	3	60	40	100
2		Administrative Liabilities and Remedies	LL.M		60	40	100
3		Parliamentary Form of Government	LL.M		60	40	100

4		Dissertation & Viva	LL.M		175	25	200

1.SILT - RESEARCH METHODOLOGY SEMESTER I

**Core
Credit-3**

Introduction and Course Objective

The course objective is to familiarize the research methods used in legal research. Research methodology includes the philosophy and practice of the entire research process and use of the legal source material. The course also includes different types of research methods and different legal research and legal writing techniques in order to equip students for further legal research. In addition, the course covers the processing and presentation techniques of primary and secondary data in socio-legal research and the development of research topics for LL.M. Masters thesis.

Course Outcomes (CO)

On successful completion of this Course, the students will be able to:

CO1 - Present a complex socio legal issue in a coherent and engaging manner and also to create the proper ways of citation, put away evaluate and create Blue Book, ILI Format and OSCOLA etc.

CO2 - Conduct effective doctrinal as well as empirical legal research by using fundamental tools of legal research.

CO3 - Understand and create accurate research methods for a legal health care issue.

CO4 - structure a research proposal to write a dissertation and to design research process.

CO5 - Write research papers/notes and case comments.

Mapping of course outcomes with program outcomes

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	Po7
CO 1				✓	✓		
CO 2				✓	✓		
CO 3				✓	✓		
CO 4				✓	✓		
CO 5					✓		

Course Content

Module: I -	<p>Research as a social science and scientific research</p> <p>Qualities of scientific research, meaning of research – nature and utility of research - pure and applied research - value of research – problems of objectivity in research – the research process – multidisciplinary approach to research - Notion of Research and knowledge -Specific Characteristics of Research - Types of Research -Doctrinal, Non-Doctrinal -Exploratory, Descriptive, Experimental -Qualitative, Quantitative - Longitudinal-Impact -Case Study -Attitude Measurement - Projective</p>
Module: II	<p>Formulation of problem in research</p>

	<p>Research problem identification- validation of research problem - formulation of research question - hypothesis, their nature and role – concepts and their role in investigation - research design- Hypothesis difference between proposition, hypotheses and theory. Types of hypotheses. Testing of hypothesis, and Operationalisation of the Hypotheses- Objectives of Study</p>
<p>Module: III</p>	<p>Doctrinal research - data collection Doctrinal sources – primary and secondary sources –case study method – observation and interview - case books – writings – international documents – judgments of international bodies and superior courts of different countries– legislation – statutory instruments and judicial decisions</p>
<p>Module: IV</p>	<p>Non-doctrinal research</p> <p>Empirical research – census method of data collection – sMethodology - Sampling, Estimation: Types of sampling; Sampling distribution; Estimation; Confidence intervals for means; Confidence intervals for proportions.– optimum sampling – different methods for collection of data – interview,</p>

	preparation of questionnaires – classification of data
Module: V	<p>Statistical analysis of data and reporting</p> <p>Tabulation and graphical presentation of data –Use of Statistics in Social Sciences - Drawing of Inferences - Analysis/Interpretations – Jurimetrics - What is Impact? -Measuring of Impact— standard deviation – elements of probability study and its use in research – presentation of research reports – style of presentation - practical experience in collection of data and analysis of data using computer and internet.</p>

Core Readings:

1. Pauline V. Young, Scientific Social Survey and Research, Prentice Hall,(1966).
2. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London (1952).
3. H.M.Hyman, Interviewing in Social Research, University of Chicago, (1965).
4. Payne, The Art of Asking Questions, Princeton Univrsity Press (1980).
5. Erwin C. Surrency, B.Felf and J. Crea, A Guide to Legal Research, Oceanea Publications, (1966).
6. Morris L. Cohan, Legal Research in Nutshell, West Publishing Co., (1996).
7. The Blue Book: A Uniform System of Citations, Havard Law Review Association, (2000).

8. Legal Research and Methodology, ILI Publication, (2001).
9. Manheim, Sociological Research: Philosophy and Methods, Doresy Press, (1997),Chs.6-17.
10. Morris L. Cohen, How to Find the Law, University of Michigan, (1989) Chs.1,13,17&18.
11. Peter Goodrich, Reading the Law, B. Blackwell, (1986) Ch.2.
12. John A Yogis, Michalelosipeaea, Philip. W. Whitehead, Legal Writing and Research Manual, Lexis NexisButterworths, (2004).

Suggested Readings:

1. A.K. Phophalia, Modern Research Methodology, Paradise Publishers, 2010.
2. Action Research in Crime Prevention”, Report on an International Seminar on Use of Research as a Basis for Social Defency Policy and Planning, Denmark 20-23 Aug. 1973, pp. 28-37, 59-62, United Nations (1975).
3. Anwarul Yaqin, Legal Research and Writing Methods, LexisNexis Butterworths Wadhwa, Nagpur, 2008
4. Bailey, Methods of Social Research, pp. 18, 31-66 (1978)
5. Bakshi, P.M. “Legal research of Law Reform” in Legal Research and Methodology,121, 217 (1983).
6. Baxi, U., “The Travails of Stare Decesis in India in” Legal Change: Essay in Honor of Professor Julius Stone (1983, A .R. B lack S hield E dn.) Butterworths, Sydney Australia.
7. Baxi, U., Crisis of Indian Legal System, 244-288 (1982).
8. Baxi, U., Socio-Legal Research in India: A programmschrift, Occasional Monograph (1975). Department of Law, University of Delhi.
9. Baxi, U., Towards Sociology of Indian Law (1986).
10. Blue Book the Uniform System of Citation, (17th Ed. 2000).
11. C.R. Kothari, Research Methodology: Methods & Techniques, New Age International Publishers, 2006.
12. Eherllich, Ugen, Fundamental Principles of the Sociology of Law, 1-36.
13. Frederic Schauer, Thinking like a Lawyer, Harvard University Press, 2009

14. Friedman and Macaulay, Law and the Behavioral Sciences, pp. 308 -315, 372 - 399(1969)
15. George, Gadbois J r, (ii) “ Indian Supreme Court Judges: A Portrait”, 3 Law and Society Review, 317-335 (1963).
16. George, Gadbois J r, (iv) The Supreme Court of India: A Preliminary Report of an Empirical Study” 4 Jr. of Constitutional and Parliamentary Studies, 53-54 (1970).
17. George, Gadbois Jr, (i) “Participation in Supreme Court Decision Making” 24 JILI p. 1 (1982).
18. Gerald D .Berreman, “ Ethnography: Method and Product” in V .K. Srivastava, Methodology and Fieldwork (Edit) 2004 Oxford.
19. Gibson, Colin S., “ Legal Impact Analyses: The Ideal and the Practicable” in Legal Research and methodology, ILI, at 663.
20. Gupta and Deepa Gupta, Research Methodology, PHI, 2013
21. Jain, S.N., “ Doctrinal and Non-doctrinal Research” in Legal Research and Methodology, ILI, 167 (1983)
22. Jain, S.N., “Legal Research and Methodology” in 14 JILI 487 (1972)
23. Jones, Ernest M., “Some Current Trends in Legal Research” in 15 J our Leg. Edn. 21 (1962-63).
24. Lindsay Prior, Using Documents in Social Research, Sage Publication, 2003.
25. M.N. Borse, Handbook of Research Methodology, Modern Methods And New Techniques, Srinivas Publication,2005.
26. Manual of Style for authors, Editors and Copy Writers, University of Chicago (13th ed. 1982).
27. Mark Abrahamson, Social Research Methods pp 197-331 (1983).
28. Michael G. Maxfield and Earl Babbie, Research Methods f or Criminal Justice and Criminology, Thompson Learning, 2001.
29. Nanlin, Foundations of Social Research, pp. 15 4 (1976).
30. Pedekar, V.H. How to Write Assignments Research Paper, Dissertations and Thesis,(1982).
31. Peter Clough And Cathy, But Brown, A Students’ Guide For Research Methodology, Sage Publication, 2002.
32. Price and Bitner, Effective Legal Research, 311-380.

33. Ram Ahuja, Research Methods, pp 52-91 (2001).
34. Robert Watt, Concise Legal Research, (4th Edt.) 2001.
35. Sadhu and Singh, Research Methodology in Social Sciences, (1983).
36. Sadhu and Singh, Research Methodology in Social Sciences, pp 1-34 (1983).
37. Stone, J., Social Dimensions of Law and Justice, 91-93.
38. Ullaman, W., The Medieval Idea of Law, 1-6 (1946).
39. Winston Jackson, Research Methods: Rules for Survey Design and Analysis, P HI,1988

2. SILT - COMPARATIVE PUBLIC LAW

(Semester – 1)

Core

(Credits 3)

Course Objective:

Public Law was first defined by Romans as res publica which meant Public Good. Public Law regulates the relationship between individual and the State. The three Constitutions identified for the comparative study (Constitution of United States of America, 1787, the Constitution of India, 1950, and the Constitution of South Africa, 1996) have differences as well as similarities in various aspects.

The aim of the course is to develop an in-depth understanding of Constitutions of the United States of America, India and South Africa in theory and practice. A comparative study of the fundamental constitutional doctrines of various legal systems will help the student to appreciate the strength and weakness of a particular legal system.

Course Outcome:

After completing this paper the students will be able to:

CO 1 - Understand the evolution of basic doctrines and its transformation into the foundations of the given Constitutions.

CO 2 - Understand about various forms of state and forms of government in theory and in practice.

CO 3 - Understand theoretically the methodology of comparing various legal systems in order to appreciate the strength and weakness of that system from its socio-economic and political background.

CO 4 - Evaluate the role of judiciary in interpreting and upholding constitutional rights.

CO 5 - Analyse the role of public law in the era of globalisation.

Mapping of Learning Outcomes with program outcomes

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2		✓					
CO 3			✓				
CO 4					✓		
CO 5						✓	

Course Content:

Module 1	Origin and development; Nature and Scope of Public Law- Distinction between Public Law and Private Law- Relevance, Significance and Types of Constitutions- § Comparative Study of Constitutions: Advantages & Problems in comparison
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Module II	Constitutions of the United States, India and South Africa: An Overview- Constitutionalism – Essential Features-Doctrine of Separation of Powers – Application in US, India and South Africa- Rule of Law – Application in US, India and South Africa
Module III	Federalism- Models of Federalism- Application in US, India and South Africa-Constitutional Amendments in US, India and South Africa- Theory of Basic Structure- Origin and Development- Modes of Constitutional Review – Judicial Review – Limitations
Module IV	Constitutional Rights and Duties- Remedies for the violation of Constitutional Rights- Role of Judiciary in upholding Constitutional Rights- Growth and Development of Social Action Litigations
Module V	Implementation of International Obligations-Application of international law in the municipal-Legal systems of India, USA and South Africa-Role of Constitutions in the transformation of the society- Changing Role of Public Law in the era of Globalisation

Suggested Readings:

1. D. D. Basu, Comparative Federalism, (Wadhwa, 2008).
2. D. D. Basu, Comparative Constitutional Law, (Wadhwa, 2008).
3. Prof.Dr.A.Lakshminath, Comparative Law and Select Legal Systems, (Hind Law House,2011).
4. Granville Austin, The Indian Constitution: Cornerstone of a Nation, (Oxford University Press, 35th Impression, 2019).
5. Hilaire Barnett, Understanding Public Law,(Cavendish,2010).
6. Elisabeth Zoller, Introduction to Public Law: A Comparative Study, (MartinusNijhoff,2008).
7. Christopher Forsyth, et. al., Effective Judicial Review: A History of Indian Experience, (Oxford University Press, 2010).
8. Granville Austin, Working A Democratic Constitution: Cornerstone of a Nation, (Oxford University Press, 14thImpression, 2019).
9. David Strauss, The Living Constitution (Oxford University Press, 2010).
10. Dr.Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004).
11. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
12. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006).
13. M.V. Pylee, Constitution of the World (Universal, 2006).
14. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
15. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010).
16. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A Study of the BasicStructure Doctrine (Oxford University Press, 2009).

3. SILT - JUSTICE IN A GLOBALISED WORLD

(Semester – 1)

Core – 3

(Credits 3)

Introduction and Course Objective

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 globalization, justice, its changing meaning and the impact that it has on many fields of law. It will provide an understanding of how law and legal institutions have to change in order to maintain pace with the global rules. The shrinking policy space at the national level is also be discussed. The course will end with the demand for possible change in international law and global institutions heard from different quarters

Course Outcomes

After the successful completion of the course, the students will be able to:

CO1.	Analyse the concept of Globalization and Its Impacts.
CO2.	Understand the process of globalization and its impact on international as well as municipal law.
CO3.	Analyse the concept and emerging issues of Law and Justice in a globalizing world

CO4. Evaluate the effect of globalization on law and justice nationally and internationally.

CO5. Analyse and suggest the reform in international law and working modalities of international institutions

Mapping of Learning Outcomes with program outcomes

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2	✓						
CO 3					✓		
CO 4				✓			
CO 5							✓

COURSE CONTENT

MODULE I	<p>GLOBALIZATION: MEANING, REACH AND FORM</p> <p>Concept of state- different phases of growth- The concept of globalization – historical perspective- phases of colonialism- contemporary globalization- features, reach -specific</p>
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	<p>emphasis on legal changes in the areas of environmental justice, labour, finance and trade, emergence of transnational law.</p>
MODULE II	<p>LAW AND GLOBALIZATION</p> <p>The impact of globalisation on nation states and their sovereignty- Treaty making power in India-legal changes in India and globalisation- Indian judicial process and globalization - Impact of Federalism and Democratic Law Making. Impact of globalization on Human Rights, Economic, social and cultural rights, human rights and human development, Trade Law Globalization and Free Market Impact on welfare state - Natural Resources Environment Displacement for Development Problem of Unemployment.</p>
MODULE III	<p>INTERNATIONAL INSTITUTIONS AND GLOBALIZATION</p> <p>Growing role of international institutions; globalization and the free market- democratic deficit in international institutions; international financial institutions, ILO, WTO; Environmental organizations, Global</p>

	Administrative law, erosion of sovereignty- International Rule of Law
MODULE IV	GLOBALIZATION AND UNIVERSAL VALUES Concept of Global Justice, Cosmopolitanism Globalization and Social Justice/ Global Distributive Justice. Poverty and global justice, climate justice, economic justice labour justice, fair trade and marginalized group, justice delivery and globalization; Global constitutionalism
MODULE V	ENSURING JUSTICE IN A GLOBALIZED WORLD. Access to justice- legal literacy, legal aid, lokadalats, role of law commission, public opinion -lobbying subject committees and select committees

REFERENCES

1. ANDHYARJUINA T.R. JUDICIAL ACTIVISM AND CONSTITUTIONAL DEMOCRACY (Tripathi 1992)
2. ANTHONY MCGREW, DAVID HELD (EDS.), GOVERNING GLOBALIZATION: POWER, AUTHORITY AND GLOBAL GOVERNANCE (Polity Press 2002).
3. CARDOZO THE NATURE OF JUDICIAL PROCESS (Yale University Press 1995)

4. FRIEDMAN- LAW IN A CHANGING SOCIETY (2nd Ed UIVERSAL BOOK TRADERS 1996)
5. ISHWARA BHATT-LAW AND SOCIAL TRANSFORMATION (EBC, 2012)
6. JAYAKUMAR N.K. JUDICIAL PROCESS IN INDIA (APH Publishing Corporation 1997).
7. JULIUS STONE SOCIAL DIMENSIONS OF LAW AND JUSTICE (Universal Law Publishing Company 1999)
8. LAKSHMI NATH, PRECEDENT IN INDIAN LEGAL SYSTEM EBC (3rd ed, Lexis Nexis, 2009).

RUPERT CROSS PRECEDENT IN ENGLISH LAW (4th ed Oxford 199

4. SILT-CONSTITUTIONAL PRINCIPLES, STRUCTURE& AMENDING PROCESS

(SEMESTER-1)

CORE

(CREDITS-3)

COURSE OBJECTIVES

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 students will also be able to get an in depth assessment of how the Constitution was transformed and reinvented through constitutional amendments. 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.

COURSE OUTCOMES

CO1-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.

CO2-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

CO3-Analyse and understand the formal and informal ways of amending the Constitution with emphasis on both the power and procedure of Constitutional Amendments. Also analyse the difference in other countries.

CO4-Understand and analyse the Basic structure theory and its evolution under the Indian constitution.

CO5-Will be able to evaluate the true spirit of the Indian Constitution by engaging in a comparative study with other selected Constitutions.

Mapping of course outcomes with programme outcomes

	PO1	PO2	PO3	PO4	PO5	PO6	PO7
CO1	X						
CO2		X					
CO3			X				
CO4					X		X
CO5			X				X

COURSE CONTENT

MODULE 1	Evolution of the Constitution-Salient Features of the Indian Constitution— Democracy etc- Judicial Review ,Separation of Powers Preamble to the Indian Constitution-Nature and Significance – importance and purpose of the preamble –Preamble and the interpretation of the Constitution-Comparison of the preambles of different constitutions.
MODULE 2	The spirit and philosophy behind fundamental rights and directive principles

	of State Policy.-Its significance Evolution of the interrelationship between the two.-from disharmony to harmony-Art 31C-25 th and 42 nd Amendment-Role of Indian Judiciary
MODULE 3	Types of Constitution-Rigid & Flexible- Formal and Informal methods-Amending Process-Amendment of the Indian Constitution- comparison with other countries.
MODULE 4	Parliament's power to amend the Constitution-Judicial review of Constitutional amendments-Theory of Basic Structure-Keshavananda Bharathi v.State of Kerala-9 th Schedule & Judicial review
MODULE 5	Comparative Constitutions- U.K, USA, Australia-comparison of basic features of the Indian Constitution with that of UK,US and Australia-

Latest editions of the following books are the suggested readings

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,
5. D.D.Basu, *Comparative Constitutional Law*
6. Jan M Smits (ed),Edward Elgar *Encyclopedia of Comparative Law*
7. Reimann, Mathuas and Zimmermann, Reinard, *The Oxford Handbook of Comparative Law*

8. Mark Tushnet, *The Possibilities of Comparative Constitutional Law* (1999) 108 *Yale.L.J.* 1225
9. Ran Hirschl, *The Rise of Comparative Constitutional Law: Thoughts on Substance and Methods*, *Indian Journal of Constitutional Law*, (2008)
10. Mahendra P. Singh, *Comparative Constitutional Law*
11. Venkata Subbaro, G C, *Indian constitutional law*
12. Anand, C L ,Seth, H N, *Constitutional law and history of Government of India*
13. Seervai, H M, *Constitutional law of India: a critical commentary*
14. Bakshi P.M, *Constitution of India*
15. Wheare, K C, *Modern constitutions*
16. Dicey, A, *Introduction to the study of the law of the constitution*
17. Jois, M Rama, *Legal and constitutional history of India*
18. Yardley, D C M, *Introduction to British Constitutional Law*
19. Lane, PH, *An introduction to the Australian constitution*
20. Lane, P H, *A digest of Australian constitutional cases*
21. Basu, Durga Das, *Human Rights in Constitutional law*
22. Nowak, John E , Rotunda, Ronald , *Treatise on Constitutional Law: Preamble: the Spirit and backbone of the Constitution*
23. Griffith, J A G , Ryle, Michael, *Parliament: Functions, Practice and Procedure*
24. Kedia, Onkar , Panday, Manoj , *Essentials of the Indian Constitution*
25. Mason & Beaney – *American Constitutional Law*

5. SILT-GENERAL PRINCIPLES OF ADMINISTRATIVE LAW

(SEMESTER-1)

CORE

(CREDITS-3)

COURSE OBJECTIVES

The course is designed with an objective to provide the students with a thorough understanding about the general principles of administrative law. The historical development of administrative law, different factors which influenced development of administrative law in different countries including India and acquainting the students the relevance of administrative law in the present day system of governance are the main objectives of the course.

COURSE OUTCOMES

On successful completion of the course, the students will have

CO1- general understanding of historical development and present position of administrative law in different countries including India.

CO2- knowledge in different principles which led to the development of administrative law in different countries including India.

CO3- ability to analyse and understand the link between constitutional law and administrative law.

CO4- clear understanding of different functions discharged by administrative authorities the nature of such functions and procedures to be followed.

CO5- ability to understand different control mechanism in exercise of the powers by the administrative authorities.

Mapping of course outcomes with programme outcomes

	PO1	PO2	PO3	PO4	PO5	PO6	PO7
CO1	X	X		X	X	X	X
CO2		X			X	X	X
CO3	X			X	X	X	X
CO4				X	X	X	X
CO5	X				X	X	X

COURSE CONTENT

MODULE 1	Administrative Law - nature, origin and development, administrative authorities, impact of welfare State on administrative law, importance of administrative law in the modern State, public sector undertakings - role of public sector undertakings in achieving Constitutional goals, privatisation-resultant consequences on administrative law.
MODULE 2	Separation of power - relevance of separation of power, Constitutional aspects of separation of power, theory of separation of power in other countries, impacts of separation of power doctrine on administrative law.
MODULE 3	Rule of law - Dicean concept of rule of law, constitutional aspects of rule of law - Report of Committee on Minister's Power, Franks Committee Reports, Tribunals and Inquiries Act, contributions of rule of law, impact of rule of law on administrative law. Rule of law and Constitutional law, <i>droit administratif and counsel d'etat</i> . Contributions of rule of law on administrative law, modern concept of rule of law.
MODULE 4	Classifications of functions of administrative authorities - rationale and need of classification of administrative functions, delegated legislation - nature, scope and importance, different controls over

	delegated legislation - substantive and procedural, delegation and sub delegation. Adjudicatory function- nature, scope and reasons for the growth of administrative adjudication. Administrative function - pure administrative functions and administrative discretionary functions, Administrative Directions - Nature, Enforceability and different types
MODULE 5	Control over administrative authorities - control by superior authorities - parliamentary control - merits and demerits of control by superior authorities and parliamentary control

Latest editions of the following books are the suggested readings

1. David Stott & Alexandra Felix, *Principles of Administrative Law*, Cavendish Publishing, London
2. Neil Hawke, *Introduction to Administrative law*, Lawman Pvt. Ltd. New Delhi
3. H.M. Seervai, *Constitutional Law of India*, N.M. Tripathi Pvt. Ltd., Bombay
4. V.M. Shukla, *Legal Remedies as available under various Enactments in India*, Eastern Book Co. Lucknow
5. David Foulkes, *Administrative Law*, Butterworths London.
6. Peter Leyland, Terry Wood & Janetta Harden, *Text Book on Administrative Law*, Blackstone Press, London
7. Sathe, *Administrative Law*, N.M. Tripathi, Bombay
8. I.P.Massey, *Administrative Law*, Eastern Book Co., Lucknow
9. B.L.Jones, *Garner's Administrative Law*, Butterworths London.
10. Durga Das Basu, *Administrative Law*, Kamal Law House, Calcutta
11. M.P.Jain &S.N. Jain, *Principles of Administrative law*, Lexis Nexis

6. SILT-CENTRE-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

(SEMESTER-1)
CORE
(CREDITS-3)

COURSE OBJECTIVES

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

COURSE OUTCOMES

CO1- Will have an in depth knowledge of the federalism in its peculiar nature as how it evolved and exists under the Indian Constitution.

CO2- 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.

CO3- 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.

CO4- 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

CO5- 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 organization structure under the State.

Mapping of course outcomes with programme outcomes

	PO1	PO2	PO3	PO4	PO5	PO6	PO7
CO1	X						X
CO2						X	X
CO3			X	X			X
CO4						X	X
CO5	X				X		X

COURSE CONTENT

MODULE 1	Federalism under the Indian Constitution- principle and essential features-distinctive federalism. The evolution of Federal Government in India. The characteristic features of Indian Federalism- a comparison with models of Federal Governments in USA, Australia and Canada
MODULE 2	Distribution of legislative powers-three lists- Power of parliament-power of State legislatures, Supremacy of parliament in legislative matters. Residuary powers of legislation-Comparison with other federal countries
MODULE 3	Administrative relations- distribution of administrative powers between Centre and States. Declaration of State Emergency and changes in power structure. Governor- appointment-removal -power and status-discretionary powers-position under the Indian Constitution
MODULE 4	Financial relations- distribution of fiscal powers- scheme of allocation of taxing power- distribution of tax revenues. Finance Commission- Planning Commission- National Development Council- Plan grants- 101 st Amendment to the Constitution-GST Council
MODULE 5	Co-operative Federalism- concept, meaning and evolution under the Indian Constitution- features of Co-operative federalism under the Indian Constitution-

	comparison with other countries- need for reforms in the Centre- state relations- A brief overview of the Sarkaria Commission report.
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Latest editions of the following books are the suggested readings

1. Justice V.R. Krishna Iyer, *Constitutional Law of India*.
2. V.N. Shukla, *Constitution of India*
3. M.P. Jain, *Indian Constitutional Law*
4. H.M. Seervai, *Constitutional Law of India*
5. R.K. Gupta, *Centre State Relations Under the Indian Constitution*
6. Ranbir Singh and A. Lakshmi Nath, *Fiscal Federalism*
7. D.D. Basu, *Comparative Federalism*
8. K.C. Wheare, *Federal Government*
9. Granville Austin, *The Indian Constitution: Cornerstone of a Nation*
10. Mahendra P. Singh, *Comparative Constitutional Law*
11. Neal Devins and Louis Fisher, *The Democratic Constitution*
12. Dr.Subhash C Kashyap, *Framing of Indian Constitution*
13. Ian Copland and John Rickard, *Federalism-Comparative Perspective from India and Australia*
14. O.P Tiwari , *Federalism and Centre –State relations in India*
15. Jois, M Rama, *Legal and Constitutional history of India*
16. Yardley, D C M, *Introduction to British Constitutional law*
17. Lane, PH, *An introduction to the Australian Constitution*
18. Lane, P H , *A digest of Australian Constitutional cases*
19. Nowak, John E ,Rotunda, *Ronald Treatise on Constitutional law: Substance and Procedure*
20. Griffith, J A G , Ryle, Michael , *Parliament: Functions, Practice and Procedures*
21. Kedia, Onkar | Panday, Manoj, *Essentials of the Indian constitution*
22. Lahoti, RC *Preamble: the spirit and backbone of the constitution of India*
23. Seidman, Louis M | Stone, Geoffrey R | Sunstein, Cass R, *Constitutional law*

24. Jeremy Waldron, *Bicameralism and Separation of Powers*, Current Legal Problems,(2012)65(1):31-57
25. Kim Lane Scheppele , *North American Emergency: The use of emergency powers in Canada and the US*, International Journal of Constitutional law,01 April,2007
26. S.R Sen, *Centre –State Relations in India*, EPW, Vol 23,1988,pp1637-1641
27. Gillian E.Metzer, *The Constitutional legitimacy of Freestanding Federalism*, Harvard Law Review, Vol 122,No 8
28. John H. Williams and Clement Macintyre ,*Commonwealth of Australia*, Akhtar Majeed(ed),Mc Gill Queen’s University Press,2006,JSTOR
29. Karan Tyagi, *Doctrine of Separation of Powers and its relevance in time of Coalition politics*, The Indian Journal of Political science,vol 69 No 3 (July –Sept 2008)
30. Report of Sarkaria Commission on Centre State Relations
31. Constituent Assembly Debates
- 32.Pal Chandra ,*Centre –State Relations and Cooperative Federalism*

7. SILT-JUDICIAL CONTROL OF ADMINISTRATIVE ACTION

(SEMESTER-2)

CORE

CREDITS-3

COURSE OBJECTIVES

Controlling administrative action is one of the important tasks of good governance. Among different types of control mechanisms of administrative action, judicial control plays a pivotal role. The course is designed with an objective to provide the students with a detailed understanding about different levels of control exercised by the judiciary over administrative action. Detailed understanding of the historical development of judicial review, different factors of judicial review, administrative discretionary power, abuse of discretion and judicial control over administrative procedures are the main thrust of this course. A successful completion of the course will not only enable the student to understand multifarious aspects of judicial control over administrative action which could lead to research or further studies in this area but also help them in doing practice at constitutional courts where judicial review of administrative action is the most fertile area of litigation.

COURSE OUTCOMES

On successful completion of the course the students will have

CO1- general understanding of historical development and present position of judicial review in foreign countries as well as in India.

CO2- knowledge in different aspects and grounds of judicial review in India and a comparative position in other countries.

CO3- better understanding of recent trends and widening scope of judicial review.

CO4- ability to understand discretionary power and consequences of abuse of discretion.

CO5- deep analysis of procedure to be followed in administrative adjudication and administrative action

Mapping of course outcomes with programme outcomes

	PO1	PO2	PO3	PO4	PO5	PO6	PO7
CO1			X		X	X	X
CO2		X			X	X	X
CO3			X		X	X	X
CO4					X	X	X
CO5			X		X	X	X

COURSE CONTENT

MODULE 1	Judicial Review of Administrative Action- history and importance, principles of Judicial review - constitutional basis of judicial review, distinction between review and appeal, judicial review and discretion of courts, grounds of review, limitations of judicial review.
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MODULE 2	<p>Doctrine of Ultra vires- jurisdictional error and error within jurisdiction- rule in Anisminic case and modern developments. Law – facts distinction- principle of no evidence rule and substantial evidence rule, error of law apparent in the face of record, concept of reasonableness and extent of judicial review. Experience and expertise of administrators and non reviewability. Administrative directions and its enforceability, legitimate expectation and extent of judicial review, concept of proportionality and judicial review.</p>
MODULE 3	<p>Administrative discretion- nature, meaning and need of administrative discretion, significance of discretion, methods of conferring discretions, constitutional objections to conferring of discretions, discretion and legality, ultravires. Discretion and judicial review. Restrictions on discretion- limiting, confining and structuring of discretion- modern approaches to control over discretion institutional control over discretions- judicial approach.</p>
MODULE 4	<p>Judicial control over administrative action - procedure - administrative law and principles of natural justice, meaning and content of principles of natural justice, application of principles of natural justice to administrative functions, concept of fairness and principles of natural justice.</p>
MODULE 5	<p>Limbs of principles of natural justice- audi alteram partem, ingredients of hearing, reasoned decision, right against bias-types of bias, tests of bias. Effect of non compliance with principles of natural justice, situations</p>

	where natural justice is not applicable, legitimate expectation and natural justice.
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Latest editions of the following books are the suggested readings

1. *De Smith's Judicial Review*, 7th edn, Sweet & Maxwell, London (2013)
2. Markose A.T. *Judicial Control of Administrative Action in India: A Study in Methods*, Madras Law Journal Office, Madras (1956).
3. David Stott & Alexandra Felix, *Principles of Administrative Law*, Cavendish Publishing, London
4. Neil Hawke, *Introduction to Administrative law*, Lawman Pvt. Ltd. New Delhi
5. H.M. Seervai, *Constitutional Law of India*, N.M. Tripathi Pvt. Ltd., Bombay
6. V.M. Shukla, *Legal Remedies as available under various Enactments in India*, Eastern Book Co. Lucknow
7. David Foulkes, *Administrative Law*, Butterworths London.
8. Peter Leyland, Terry Wood & Janetta Harden, *Text Book on Administrative Law*, Blackstone Press, London
9. Sathe, *Administrative Law*, N.M. Tripathi, Bombay
10. I.P. Massey, *Administrative Law*, Eastern Book Co., Lucknow
11. B.L. Jones, *Garner's Administrative Law*, Butterworths London.
12. Durga Das Basu, *Administrative Law*, Kamal Law House, Calcutta

8. SILT-ADMINISTRATIVE LIABILITIES AND REMEDIES

(SEMESTER-2)

CORE

CREDITS-3

COURSE OBJECTIVES

Making administration liable for abuse of power and providing proper remedies to the aggrieved persons is the ever widening domain of administrative law. Identifying different types of remedies including private law remedies and public law remedies and scrutinising effectiveness of such remedies are the main concern of this course. Further privileges and immunities enjoyed by the State in legal proceedings are also looked into in this course. Along with this, the course looks into the weakness of the conventional remedies and analyses the significance of some nonconventional remedies like Ombudsman, Regulatory Authorities, CAG etc. to cop up with the changed concept of State. The course is designed not only to improve the awareness of students in Constitutional and Administrative law but also to mould

lawyers who could practice at higher courts where the major litigation is between State and individual.

COURSE OUTCOMES

On successful completion of the course the students will have

CO1- thorough understanding of public law and private law remedies available to an individual against abuse of power by the State.

CO2- knowledge in different aspects of writ jurisdiction of High Courts and Supreme Court including the general procedure of writ jurisdiction.

CO3- better understanding of liability of State in legal proceedings in breach of contract, tort, quasi contract etc.

CO4- better understanding of privatisation and withdrawal of state on conventional remedies especially public law remedies.

CO5- better knowledge regarding role taken by some nonconventional institutions like Ombudsman, Regulatory Authorities, CAG, Enquiry Commissions in providing remedies against administrative abuse of power.

Mapping of course outcomes with programme outcomes

	PO1	PO2	PO3	PO4	PO5	PO6	PO7
CO1			X		X	X	X
CO2	X				X	X	X
CO3			X		X	X	X
CO4			X		X	X	X
CO5		X			X	X	X

COURSE CONTENT

MODULE-1	Private law remedies- remedy of injunction and declaration, privileges of State in civil and criminal proceedings, right to information as a remedy,
MODULE-2	Public law remedies- writ jurisdictions of High courts and Supreme Court, scope and limitations, <i>locus standi</i> , public interest litigations, laches, resjudicata, exhaustion of alternative remedies, scope of administrative of directions and remedy. Special leave petition and other Constitutional remedies.
MODULE-3	Writ of mandamus- scope and limitations, grounds, nature of remedies and reliefs, writ of habeas corpus - scope and limitations, grounds, nature of remedies and reliefs - writ of certiorari and prohibition- scope and limitations, grounds, nature of remedies and relief, writ of quo warranto - scope and limitations, grounds, nature of remedies and relief.
MODULE-4	Liability of State - liability of State in tort, sovereign and non- sovereign functions, violation of statutory duties and liability of State, tortuous liability of state and discretionary functions. Damages and statutory limits - exclusion of liability of State agencies- constitutional torts, Contractual liability of State - concept of government contracts, constitutional safeguards, application of Contract Act, award of contracts and fundamental rights,

	application of statutes - how far a State is bound by statutes.
MODULE-5	Maladministration and remedies – Privatisation and changing facets of administrative law, maladministration nature and meaning, need to control maladministration. Control mechanisms, role of courts and tribunals, role of public sector and private sector ombudsman, role of enquiry commissions, role of CAG, role of regulatory authorities.

Latest editions of the following books are the suggested readings

1. David Stott & Alexandra Felix, *Principles of Administrative Law*, Cavendish Publishing, London
2. Neil Hawke, *Introduction to Administrative law*, Lawman Pvt. Ltd. New Delhi
3. H.M. Seervai, *Constitutional Law of India*, N.M. Tripathi Pvt. Ltd., Bombay
4. V.M. Shukla, *Legal Remedies as available under various Enactments in India*, Eastern Book Co. Lucknow
5. Winfield & Jolowicz, *Tort*, Sweet & Maxwell, London
6. W Page Keeton(Ed.), *Prosser and Keeton on Law of Torts*, West Publishing Co.
7. Paula Giliker & Silas Beckwith, *Tort*, Sweet & Maxwell Ltd., London
8. Mark Lunney and Ken Oliphant, *Tort Law*, Cavandish Publishing Co.
9. John Wright, *Tort Law and Human Rights*, Hart Publishing London
10. Salmond and Hueston, *Law of Torts*, Sweet & Maxwell Ltd. London
11. Vivine Harpwood, *Modern Tort Law*, Cavendish Publishing, London
12. Ramaswamy Iyer, *The Law of Torts*, Lexis and Nexis, New Delhi
13. David Foulkes, *Administrative Law*, Butterworths London.
14. Peter Leyland, Terry Wood & Janetta Harden, *Text Book on Administrative Law*, Blackstone Press, London
15. Sathe, *Administrative Law*, N.M. Tripathi, Bombay
16. I.P.Massey, *Administrative Law*, Eastern Book Co., Lucknow
17. B.L.Jones, *Garner's Administrative Law*, Butterworths London.
18. Durga Das Basu, *Administrative Law*, Kamal Law House, Calcutta

9.SILT-PARLIAMENTARY SYSTEM OF GOVERNMENT

(SEMESTER-2)

ELECTIVE

CREDITS-3

COURSE OBJECTIVES

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.

COURSE OUTCOMES

CO1-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

CO2- The students will be able to analyse the interrelationship between the Executive and Legislature in its proper 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

CO3- 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

CO4-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.

CO5-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

Mapping of course outcomes with programme outcomes

	PO1	PO2	PO3	PO4	PO5	PO6	PO7
CO1	X						X
CO2					X		X

CO3			X				X
CO4			X			X	X
CO5		X					X

COURSE CONTENT

MODULE-1	Parliament – Structure – Powers and functions – Parliamentary supremacy and the Constitution.Parliamentary Supremacy v. Parliamentary Sovereignty-A comparative Evaluation
MODULE-2	Role and position of the President and the Governor in the System-Discretionary Powers of the Governor. Role of the Executive in a Parliamentary system
MODULE-3	President - Parliament – The Prime Minister and the Council of Ministers – Constitutional relations and Conventions-Collective Responsibility-its origin and content –a comparison with other Parliamentary systems
MODULE-4	Parliamentary privileges – nature and scope –evolution-Constitution and common law-influence of the House of Commons-distinctiveness under the Indian Constitution- Need for codification-
MODULE-5	Election Commission – Democracy as a salient feature of Indian Constitution-Role of Electoral Process in strengthening

The latest editions of the following books are the suggested readings

1. V.N.Shukla, *Constitution of India*
2. M.P Jain, *Constitution of India*
3. Seervai, *Constitution of India*
4. Kashyap ,*Constitution of India –*
5. Suryanarayan Misra, *Constitution and Constitutionalism in India –*
6. Justice V.R.Krishna Iyer *Constitutional Miscellany .*
7. Madhav Godbole *Public Accountability and Transparency –The Imperatives of Good Governance*
8. Jeffrey Jowell and Dawn Oliver, *The Changing Constitution-*
9. Dawn Oliver, Gavin Drewry(ed.) *The Law and Parliament –*
10. Jeffrey Goldsworthy (ed.)*Interpreting Constitutions –A Comparative study*
11. Erskine May ,*Parliamentary Practice*
12. Wheare, K C, *Modern constitutions*
13. Griffith, J A G , Ryle, Michael, *Parliament: Functions, Practice and Procedure*
14. Yardley, D C M, *Introduction to British Constitutional Law*
15. Lane, PH, *An introduction to the Australian constitution*
16. THE LAW OF PARLIAMENTARY PRIVILEGES IN U.K. AND IN INDIA. By P.S. Pachauri.
- 17..Jeffrey Goldsworthy (ed.),*The Sovereignty of Parliament-History and Philosophy*
18. Presidential values in parliamentary democracy, *International Journal of Constitutional Law*, Vol 8, Issue 2, April 2010
19. Political Parties in parliamentary Democracies: Making Delegation and Accountability Worth, Wolfgang C. Muller-Wiley Online library

20. Is India becoming more democratic? Ashutosh Varshney, *The Journal of Asian Studies*, 2000

21. Jonathan Christophe Bruneau The Erosion of Parliamentary Sovereignty in the United Kingdom arising from its Membership to the European Union <https://www.researchgate.net/publication/301787506>

22. Stuart Lakin Debunking the Idea of Parliamentary Sovereignty: The Controlling Factor of Legality in the British Constitution *Oxford Journal of Legal Studies* Vol. 28, No. 4 (Winter, 2008), pp. 709-734