

**TWO YEAR LEGUM MAGISTER**  
**(LL.M. Course)**

**DEPARTMENT OF CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW**

**Objective of Studying Constitutional Law & Administrative Law:**

Constitutional Law is the genus and Administrative Law is the species. The Constitutional Law set forth Principles which the Nation and its laws are regulated. It imposes important parameters within which its subjects must operate. Administrative Law is the law of regulation. It describes how administrative justice develop rules, what form those rules , what form those rules can take , how the rules can be enforced , how the rules can be challenged .Administrative agencies rather than laws passed by the legislature. It encompasses all gamut of Laws. It helps to uncomplicate the concepts and complexities that exists. Learning Constitutional Law and Administrative Law would lead to better understanding and would lead to more effective practice of the Law.

**Purpose of Studying Constitutional Law &Administrative Law:**

Constitutional Law is a set of rules which lays down the basic principles relating to how the country would be governed and sets out the roles of the Legislature, Executive and the Judiciary. The Constitution also guarantee a myriad of rights to its citizens which cannot be taken away by the Government. The Administrative Law on the other hand attempts to control the powers of the Government and its agencies. To achieve the object the Administrative law provides an effective mechanism and adequate protection. It helps to bring a balance between two conflicting forces individual rights and public interest.

**Importance of Studying Constitutional Law:**

The Constitutional Law is set of rules which lays down the basic principles relating to how the country would be governed and sets out the roles of the legislature, executive and the judiciary. The importance of Constitutional Law is underlined by the various points as follows: It is the supreme law of the country and no law can be violative or against the principles of the Constitution. It sets out as to how the laws can be made in the country. The ultimate purpose of Administrative Law is controlling exercise of governmental power. The nature and extent of such powers is relevant to determine whether any administrative actions is ultravires or there is an abuse of power. It studies the rules, procedures and principles of exercising these power.

**Need for Constitutional Law & Administrative Law:**

Constitution is the foundation document of all Laws. One must be aware of the general introduction to Constitutional Law and Administrative Law. Constitutional Law demonstrates the need to understand the ability of the subject and interpret it to apply the provisions of the Laws. It determines the organization powers duties of the Administrative authorities. It includes law

relating to the rule making power of the administrative authorities. The quasi-judicial function and power of the ordinary courts to supervise administrative authorities. It governs the executive and ensures that the executive treats the public fairly.

### **Scope of Studying Constitutional Law & Administrative Law:**

The Constitution sets out the aims and aspiration of the people of India. Jurisprudence is the basis of all fundamental concepts, doctrines of Law and implementation of its Principles. It acts as a tool for identifying the Constitutional Issues. Administrative Lawyer spends the vast majority of their practice filing legal documents dealing with Government cases.

### **Syllabus for Two year L.L.M Course**

#### **CONSTITUTIONAL LAW & ADMINISTRATIVE LAW**

#### **SEMESTER -I Common Subjects and Compulsory course**

Paper – I	Law and Social Transformation in India	60+40 PFE
Paper – II	Constitutional Law and New Challenges	60+40 PFF
Paper – III	Judicial Process	60+40 PFG
Paper – IV	Research Methodology	60+40 PFH

#### **SEMESTER- II**

**Paper – V** Dynamics of the Indian Constitution

**Paper – VI** General Principles of Administrative Law

**Paper – VII** Practical Paper

**Paper – VIII** Control of Administration: Legislative and Judicial Control

#### **SEMESTER – III**

**Paper – IX** Constitutional Governance: Centre – State Relations and Local Self Government.

**Paper – X** Comparative Constitutional Law

**Paper – XI** Law relating to Civil Servants

**SEMESTER – IV**

**Paper – XII** Right to Information – Law and policy

**Paper – XIII (Optional)**

Election Laws

Global Administrative Law

**DISSERTATION**

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# **CONSTITUTIONAL LAW & ADMINISTRATIVE LAW**

## **SEMESTER -I**

### **Paper-1**

#### **Law and Social Transformation in India**

**Objectives of the course:** This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role; the law has played and has to play in the contemporary Indian society.

The following syllabus prepared with this perspective will be spread over a period of one semester.

#### **1. Law and social change**

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

#### **2. Religion and the law**

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

#### **3. Language and the law**

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

#### **4. Community and the law**

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.

4.5. Reservation: Statutory Commissions and Statutory provisions.

## **5. Regionalism and the law**

5.1. Regionalism as a divisive factor.

5.2. Concept of India as one unit.

5.3. Right of movement, residence and business; impermissibility of state or regional barriers.

5.4. Equality in matters of employment: "Sons of the soil" slogan and its practice.

5.5. Admission to educational institutions: preference to residents of a state.

## **6. Women and the law**

6.1. Crimes against women.

6.2. Gender injustice and its various forms.

6.3. Women's Commission.

6.4. Empowerment of women: Constitutional and other legal provisions.

## **7. Children and the law**

7.1. Child labour.

7.2. Sexual exploitation.

7.3. Adoption and related problems.

7.4. Children and education.

## **8. Modernisation and the law**

8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.

8.2. Modernisation of social institutions through law.

8.2.1. Reform of family law

8.2.2. Agrarian reform - Industrialisation of agriculture.

8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.

8.3. Reform of court processes.

8.3.1. Criminal law: Plea bargaining, compounding and payment of compensation to victims.

8.3.2. Civil law: (ADR) Confrontation v. Consensus, mediation and conciliation- Lok Adalats.

8.3.3. Prison reforms.

8.4. Democratic decentralisation and local self-government.

## **9. Alternative approaches to law**

9.1. The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan --- Surrender of dacoits; concept of grama nyayalayas.

- 9.2. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
- 9.3. Indian Marxist critique of law and justice.
- 9.4. Naxalite movement: causes and cure.

### **Books for reference**

1. Marc Galanter (ed.), Law and Society in Modern India (1997 ) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. Upendra Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. Upendra Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhara, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
14. Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

## **Paper-2**

### **Indian Constitutional Law: The New Challenges**

#### **Objectives of the Course:**

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate student in law, who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

The following syllabus prepared with this perspective will be spread over a period of one semester.

#### **1. Federalism**

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
  - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
  - 1.7.1. Tribal Areas, Scheduled Areas

#### **2. "State": Need for widening the definition in the wake of liberalisation.**

#### **3. Right to equality: privatisation and its impact on affirmative action.**

#### **4. Empowerment of women.**

#### **5. Freedom of press and challenges of new scientific development**

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh.

#### **6. Emerging regime of new rights and remedies**

- 6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
  - 6.1.1. Compensation jurisprudence

6. 1.2. Right to education

6.1.2.1. Commercialisation of education and its impact.

6.1.2.2. Brain drain by foreign education market.

**7. Right of minorities to establish and administer educational institutions and state control.**

**8. Secularism and religious fanaticism.**

**9. Separation of powers: stresses and strain**

9.1. Judicial Activism v. Judicial Restraint.

9.2. PIL: implementation.

9.3. Judicial independence.

9.3.1. Appointment, transfer and removal of judges.

9.4. Accountability: executive and judiciary.

9.5. Tribunals

**10. Democratic process**

10.1. Nexus of politics with criminals and the business.

10.2. Election

10.3. Election Commission of India: status.

10.4. Electoral Reforms

10.5. Coalition government, 'stability, durability, corrupt practice'

10.6. Grass root democracy.

**Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.



**Paper-3**  
**Judicial Process**

**Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice. The following syllabus has been prepared with the above perspective, which will spread over a period of one semester.

**1. Nature of judicial process**

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

**2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

- 2.1. Notions of judicial review
- 2.2. Role in constitutional adjudication - various theories of judicial role.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4. Varieties of judicial and juristic activism
- 2.5. Problems of accountability and judicial law-making.

**3. Judicial Process in India**

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The "independence" of judiciary and the "political" nature of judicial process
- 3.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 3.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges

3.5. Institutional liability of courts and judicial activism - scope and limits.

#### **4. The Concepts of Justice**

- 4.1. The concept of justice or Dharma in Indian thought
- 4.2. Dharma as the foundation of legal ordering in Indian thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

#### **5. Relation between Law and Justice**

- 5.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class
- 5.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

#### **Books for reference**

1. Julius Stone, The Province and Function of Law, Part II, Chapters 8 to 16 (2000), Universal, New Delhi.
2. Benjamin Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham, The Judicial Process (1998), Oxford.
4. Julius Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth's
5. W.Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. Julius Stone, Legal System and Lawyers' Reasoning (1999), Universal, Delhi
8. Upendra Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
9. Rajeev Dhavan, The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
10. John Rawls, A Theory of Justice (2000), Universal, Delhi
11. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.

## **Paper-4**

### **Legal Education and Research Methodology**

#### **Objectives of the course:**

A post-graduate student of law should get an insight into the objectives of legal education. The student should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

The syllabus is designed to develop also skills in research and writing in a systematic manner.

#### **1. Objectives of Legal Education**

#### **2. Lecture Method of Teaching - Merits and demerits**

#### **3. The Problem Method**

#### **4. Discussion method and its suitability at postgraduate level teaching**

#### **5. The Seminar Method of teaching**

#### **6. Examination system and problems in evaluation - external and internal assessment.**

#### **7. Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers**

#### **8. Clinical legal education - legal aid, legal literacy, legal survey and law reform**

#### **9. Research Methods**

- 9.1. Socio Legal Research
- 9.2. Doctrinal and Non-Doctrinal
- 9.3. Relevance of empirical research
- 9.4. Induction and Deduction

#### **10. Identification of Problem of research**

- 10.1. What is a research problem?
- 10.2. Survey of available literature and bibliographical research.
  - 10.2.1. Legislative materials including subordinate legislation, notification and policy statements
  - 10.2.2. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not

been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

10.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

10.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

## **11. Preparation of the Research Design**

11.1. Formulation of the Research problem

11.2. Devising tools and techniques for collection of data: Methodology

11.2.1. Methods for the collection of statutory and case materials and juristic literature

11.2.2. Use of historical and comparative research materials

11.2.3. Use of observation studies

11.2.4. Use of questionnaires/interview

11.2.5. Use of case studies

11.2.6. Sampling procedures - design of sample, types of sampling to be adopted.

11.2.7. Use of scaling techniques

11.2.8. Jurimetrics

11.3. Computerized Research - A study of legal research programmes such as Lexis and West law coding

11.4. Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of the data tabulated.

11.5. Analysis of data.

## **Books for reference**

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. MadhavaMenon, (ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Goode and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London.
7. H.M.Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.

11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology

## **SEMESTER-II**

### **PAPER-V: DYNAMICS OF THE INDIAN CONSTITUTION**

#### **Module-1**

Philosophy of the Indian Constitution – Preamble – Basic Structure Doctrine – Constitutionalism - Three Organs of the Government - Fundamental Rights, Directive Principles of State Policy and the Fundamental Duties - Concept and Evolution - Fundamental Rights and its Relation with Natural Rights- Enforcement and Justiciability of Fundamental Rights – Limitations, Suspendability and Amendability of Fundamental Rights – Remedies against Violation/ Threat of Violation of Fundamental Rights.

#### **Module- 2**

Forms of Fundamental Rights - Definition of “State” - Need to enlarge the definition of State- Fundamental Rights and Judicial Review - Waiver of Fundamental Rights- Doctrine of Eclipse, Doctrine of Severability- Right to Equality: Reasonable Classification, Wednesbury’s Principle, Legitimate expectation, Doctrine of proportionality, Right to Equality - Protective discrimination - Equality of Opportunity in public employment: Mandal Commission Case.

#### **Module – 3**

Right to Speech and Expression and Reasonable restrictions – Press Freedom – Media and Law : Constitutional and Legal Framework - Different facets of Right to Life and Personal Liberty: Changing dimensions of Right to Privacy, Pre and post Maneka Gandhi case - Freedom of Religion and Secularism – Saving of Certain Laws and Ninth Schedule - Right to Constitutional Remedies – Martial Law and effects of indemnity granted - Emerging regime of New Rights and Remedies under the garb of fundamental rights

#### **Module - 4**

Significance of Directive Principles of State Policy – Concept of Social, Economic and Political Justice - Development, Importance and their Unenforceability- Inter-relationship between Fundamental Rights and Directive Principles – Role of Judiciary in Implementation of Directives - Use of DPSP and International Instruments in Interpreting fundamental rights.

#### **Module – 5**

Object and Importance of Fundamental Duties – Enforcement - Amendments to Fundamental Rights, Directive Principles of State Policy and Fundamental Duties.

#### **Recommended Books:**

1. H.M. Seervai, Constitutional Law of India – Vol. I &II
2. V.N.Shukla , Constitution of India
3. J.N. Pandey., Constitution of India

3. Subhash C Jain, The Constitution of India
4. D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E
5. M. Hidayatullah (Ed.), Constitution of India.
6. M.P.Jain, Indian Constitutional Law.
7. SubbaRao G C, V Indian constitutional law
8. Saharay H K, Constitution of India
9. Pylee M.V, Our constitution government & politics
10. Tope T K, Constitutional law of India
11. Ramachandran, V.G., Law of Writs.

## **PAPER VI: GENERAL PRINCIPLES OF ADMINISTRATIVE LAW**

### **Module 1:**

Fundamentals of Administrative law - Nature, meaning, scope and evolution in various systems of governance from ancient to modern – Constitutional dimensions of administrative law – Relationship between constitutional and administrative law.

### **Module 2:**

Doctrine of Separation of Powers – Comparative study – England, USA, France and India from Rigidity to Flexibility – Constitutional status of separation of powers in India – Judicial Opinion – Principles of Checks and Balances - Latimer House Principles.

### **Module 3:**

Rule of Law – Changing dimensions – Regulation of Administrative process – Principles of “The rule of law” and Economic Liberalism – Democracy and rule of law.

### **Module 4:**

Administrative Discretion – Structuring and Limitation – Impact of Technological Development – Administrative discretion in general administrative orders – Administrative discretion and personal liberties – Administrative Discretion and Land Acquisition – Administrative Discretion and Personnel Management – Administrative Discretion and Licensing.

### **Module 5:**

Administrative Process: Regulation to De-regulation and Control to Decontrol — Constitutional Standards – Natural Justice and duty to act fairly – Bias and Personal Interest – Fair Hearing - Procedural fairness - Doctrine of Legitimate Expectation and its constitutional limitations and dimensions – Administrative Direction – Identification – Nature of enforceability.

### **Module 6:**

Judicial Review – Origin and its democratic legitimacy – Judicial review of legislations – Judicial review of administrative actions – Limits on Judicial review (Doctrine of Political questions, Judicially manageable standards and Policy matters) – Constitutional framework for Judicial Review of administrative actions in India (Power and jurisdiction of Supreme Court, High Court and subordinate courts) - Limits of Judicial Review – Locus Standi and PIL - Laches and Res Judicata – Doctrine of exhaustion of alternative remedies – Doctrine of Standing and Doctrine of Ripeness. Judicial Activism: Golak Nath case – Fundamental Rights case – Emergency and Habeas Corpus case – Judicial activism in the realm of public and private law.



### **Recommended Books:**

1. Donald C. Rowat, The Ombudsman (1966)
2. The Friedman, The State and the Rule of Law in a Mixed Economy
3. Divey, Introduction to the Law of the Constitution
4. Davis, Discretionary Justice
5. Jain & Jain, Principles of Administrative Law (1986)
6. Tripathi De Smith, Judicial Review of Administrative Action (1995)
7. M.P. Jain, Cases and Materials on Administrative Law (1996)
8. Jain & Jain, Principles of Administrative Law
9. Tripathi De Smith, Judicial Review of Administrative Action
10. M.P. Jain, Cases and Materials on Administrative Law
11. I.P. Massey, Administrative Law
12. Bagwati Prasad Banerjee, Write Remedies (1999)

## **PAPER VII:**

### **Practicals and Research Papers**

<b>Component</b>	<b>Exercise</b>	<b>Marks</b>
1.	Doctrinal Research Paper	25
2.	Non-Doctrinal Research Paper	25
3.	Clinical Work	25
4.	Law Teaching	25

#### **Doctrinal Research:**

Each student should choose a topic on their own with the assistance of the faculty and peer groups. The researchable topic chosen by the concerned student will be assigned after scrutinizing the research question(s) and objectives of the study. After assigning the topics, the students' should do further research on their topic by collecting materials from the library. A specified time period of 5-7 days or more can be set apart for carrying out this assignment in the library. The students' should write a literature review and find out the research gaps by using the materials collected and in relation to the topic chosen. The faculty member(s) should evaluate the Doctrinal Research Report of the student on following basis:

- 1. Introduction**
  - (a) Statement of the Problem/Need for the study**
  - (b) Review of Literature**
- 2. Aim and Objectives of the Study**
- 3. Scope and Limitations**
- 4. Research Questions**
- 5. Methodology**
- 6. Analysis/Narration part**
- 7. Conclusion/Findings/Summarization**
- 8. Suggestions (if any)**

#### **Non-Doctrinal Research:**

Each student should choose a topic on their own with the assistance of the faculty member(s) and peer groups. The researchable topic chosen by the concerned student will be assigned after scrutinizing the research question(s)/hypothesis and the variables involved in it. After assigning the topics, the students are asked to step out of the class room and library to gather data using data

techniques, such as questionnaire/interview/jurimetrics method of study. The empirical study of a legal problem may well connect with social, economic, moral or political dimension. The field data collected by employing a sampling method or focusing on a particular component may provide a real picture for the legal problems in terms of social, economic, political or combination of one or more such dimensions. The faculty member(s) should evaluate the outcome of the study based on the variables and hypothesis testing using simple statistical tools and computer programming, such as MS-Excel. The Non-Doctrinal Research Report should contain the same components as like Doctrinal Research Report but Hypothesis is mandatory in addition to Research Questions.

### **Clinical Work:**

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged to work with the legal aid clinic and also gather data using the data collection techniques to know the socio-legal problems pertaining to the nearby villages or urban problems of the district, where the law school/college is situated. The students' can involve in legal awareness programme about the rights and duties of the citizens', protection of environment and wildlife, women empowerment, and other relevant issues of that particular time period. The potentiality of a student or group of students' can be assessed by the faculty member(s) through the submission of the report which contains the initiative and actual work carried out by a student or group of students'. The above methods are not conclusive and it may vary depending upon the change in academic curriculum.

### **Law Teaching:**

A topic is assigned to the student in advance either on their wish or discretion of the faculty member. The student is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students. They can select any of the methods of teaching. The LL.M. students are evaluated based on their teaching skills, knowledge about the concerned subject(s), lucidity and clarity of thought both internally and externally.

## **PAPER VIII: CONTROL OF ADMINISTRATION – LEGISLATIVE & JUDICIAL**

### **Module 1:**

**Delegated Legislation:** Delegability of legislative power – Judicial review on the question of delegability – Doctrine of Police power – Doctrine of eminent power – Taxing power.

### **Module 2:**

**Transparency and Accountability** – Lok Pal and Lok Ayukta – Right to Information – Vigilance Commission – Comptroller and Auditor-General of India – Commissions of Inquiry – Administrative Tribunals

### **Module 3:**

**Writ remedies** - Mandamus, Certiorari, Quo Warranto, Prohibition and Habeas Corpus.  
**Constitutional Framework for Judicial Review of Administrative Actions in India** – Power and Jurisdiction of the Supreme Court – Power and Jurisdiction of High Courts – Subordinate Courts and Judicial Review of Administrative Actions – Administrative Tribunals.

### **Module 4:**

**Administrative Control** - Ombudsman – Commissions of Inquiry – Vigilance Commissions – Central Bureau of Investigation.

### **Module 5:**

**Liability** – Tortious liability – Contractual liability – Emerging liability – Crown Privileges – Doctrine of Estoppel – Liability of Public Corporations – Personal accountability and compensatory jurisprudence vis-à-vis right to life.

### **Module 6:**

**Government Privilege, Official Secrecy and Access to Information** – Official Secrets Act, 1923 – The Commission of Inquiry Act, 1952 - Right to Information Act 2005 – Nature and extent of Doctrine of Proportionality and *Wednesbury* Principle – Concept of privilege against disclosure – Executive Privilege.

### **Module 7:**

**Role of Public Corporations**

### **Reference:**

1. S.P. Sathe, Administrative Law
2. De Smith, Judicial Review of Administrative Action
3. I.P. Massey, Administrative Law

4. Bhagwati Prasad Banerjee, Writ Remedies
5. M.P. Jain, The Evolving Indian Administrative Law
6. M.P. Jain, Cases and Materials on Administrative Law

## **SEMESTER - III**

### **PAPER – IX**

## **CONSTITUTIONAL GOVERNANCE: CENTRE - STATE RELATIONS AND LOCAL SELF GOVERNMENT**

### **Module – 1: Nature of Indian Polity**

Conceptual position of Federalism – Nature of the Indian Constitution – Co – Operative Federalism – Historical evolution of the federal features in India – Different forms of Governments – Unitary, Federal and Confederation - Relationship between centre, state and local self-government – Nature of Indian Federalism – Dominant features of the Union over the States – Judicial Perspective over the Indian Federalism.

### **Module – 2: Distribution of Powers**

Distribution of Legislative Powers, Administrative Powers and Fiscal Powers – Scheme of Legislative relations, Administrative relations and the Financial relations - Judicial approach and the present position – Doctrines – VII Schedule - Centre State Administrative Coordination – Adjudication of Disputes relating to waters - Tax sharing under the Constitution, Inter Government Tax Immunities – Funds - Borrowing Powers, Latest Amendments.

### **Module – 3: Constitutional and Non/ Extra Constitutional Bodies**

All India Services, Union Public Service Commission, Finance Commission, Planning Commission/ NITI AYOJ, Inter State Council, Zonal Councils, National Development Council and Reports of the Various Commissions.

### **Module – 4: Local Self Government and Federal Governance**

Historical Perspective, Evolution, Gandhian Concept, Committee Reports, Constitutional Status, 73<sup>rd</sup> Amendment and 74<sup>th</sup> Amendment, 11<sup>th</sup> and 12<sup>th</sup> Schedule – Legislative Powers, Quasi Legislative Powers, Financial Powers, Judicial and Quasi-Judicial Powers – Election to Local Bodies – Conduct of meetings – Functioning of Urban and Rural Local Self Governance.

### **Module – 5: Emergency Provisions**

National, State and Financial Emergency – Declaration of Emergencies - 1962, 1971 and 1975 Emergencies – Access to Courts and Emergency – Article 359: ups and downs of Judicial Review, 44<sup>th</sup> Amendment Act, 1978, 59<sup>th</sup> Amendment Act, 1988.

### **Recommended Books:**

- 1) H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
- 2) Ashok Chandra, Federalism in India, (1965)

- 3) V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980).
- 4) Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983).
- 5) G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982).
- 6) Richard M. Pious, The American Presidency, 293-331, Ch. 9 (1979).
- 7) Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
- 8) K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
- 9) Report of the Eighth Finance Commission. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
- 10) Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
- 11) Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections and 11, pp. IS- 168
- 12) L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
- 13) Report of the Centre-State Relations Inquiry Committee Ch.5 (1971)
- 14). D.T. Lakadwala, Union-State Financial Relations (1967) .
- 15) M.P. Jain, Indian constitutional Law (1994), Wadhwa.
- 16) K. Subba Rao, The Indian Federation (1969)
- 17) K.C. Wheare, Federal Government (1963)
18. Annual Survey of India Reports.
19. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)

## **PAPER- X: COMPARATIVE CONSTITUTIONAL LAW**

### **Module-1**

Concept of Constitution – Constitutional Law – Constitutionalism – Nature, scope and Role of Constitutional Conventions – Classification of Constitutions - General Constitutional Objectives – Principles of Federalism - Forms of Government - Unitary, Federal and Confederal - Types of Democracy - Growth, Evolution, making and Growth of the Constitutions of UK, USA, France, Germany, Australia, Canada, Switzerland and India — Separation of Powers – Checks and Balances – Rule of Law – Due Process

### **Module-2**

**UK, USA, France, Germany, Australia, Canada, Switzerland and India:** Salient Features - Executive, Legislature and Judicial System – Organisation and Distribution of Executive, Legislature and Judicial powers – Structure, Powers and Functions of Executive, Legislature and Judiciary - Bill of Rights - Charter of Rights and Freedoms - Doctrine of Judicial Review

### **Module -3**

Evolution and Status of the Civil and Political Rights in UK, USA, France, Germany, Australia, Canada, Switzerland with India – Comparison.

### **Module -4**

Evolution and Status of the Economic, Social and Cultural Rights in UK, USA, France, Germany, Australia, Canada, Switzerland with India.

### **Module – 5**

Amendment Provisions and Procedure for Amendment of Constitution – Emergency provisions, War powers and Federal Governance in UK, USA, France, Germany, Australia, Canada, Switzerland with India – Comparative Perspective.

### **Books Recommended:**

1. D.D.Basu: Comparative Constitutional Law, Prentice Hall of India, New Delhi.
2. K.C.Wheare: Modern Constitutions, Oxford University Press, London.
3. A.C.Kapoor: Select World Constitutions, S.Chand & Company, New Delhi.
4. C.F.Strong: Modern Political Constitutions, ELB Society, London.
5. A. V.Dicey: An Introduction to the study of Law of the Constitution, Macmillan. Delhi.
6. O.Hood Phillips: Constitutional and Administrative Law, Sweet &Maxwell, London.
7. Herman Finer: Theory and Practice of Modern Government (2 Vol), Methuen & Co., London
8. Dorothy Pickles: French Republic, Methuen & Co. London.
9. M.Y.Pylee: Constitutions of the World. Universal Law Publishing Co .New Delhi.



10. WE.Rappord: The Government of Switzerland
11. S.Chand and Company, New Delhi.
12. S.E.Finer, Comparing Constitutions, Clarendon Press, Oxford.
13. Edward S.Corwin: Constitution and What it means today. Princeton University Press.
14. C.Herman Pritchett, The American Constitution, MC.Graw-Hill Book Company, New York.
15. P.H.Lane: Some Principles and Sources of Australian Constitutional Law, Law Book Company of Australia Ltd., Sydney.
16. W.Anstey Wynes: Legislature, Executive and Judicial Powers in Australia, The Law Book Company of Australia Ltd., Sydney.
17. TM.Cooley: The General Principles of Constitutional Law of the United States of America.
18. Laskin: Canadian Constitutional Law, Carswell Co. Ltd. Toronto.
19. F.P.Varcoe: Distribution of Legislative Powers in Canada, Carswell Co. Ltd. Toronto.

## **PAPER XI: LAW RELATING TO CIVIL SERVANTS**

### **Module 1: Civil Servants**

Constitutional Dimensions Civil Servants and Fundamental Rights: Historical and Comparative Perspective – Equity and Protective Discrimination: Principles and Practices – Service Regulations – The Constitutional Basis-Formulation of Service Rules-Doctrine of Pleasure-Limitation on the Doctrine of Pleasure- Action only by an authority not subordinate to Appointing Authority - Opportunity of Being Heard and its Exceptions.

### **Module 2: Recruitment and Promotion**

Central and State Agencies for Recruitment – (UPSC & SPSC) – Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.

### **Module 3: Conditions of Service**

Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission – Kinds of Leave and conditions of Eligibility - Social Security : Provident Fund, Superannuation and Retrial Benefits, Medicare, Maternity Benefits, Employment of Children of those dying in Harness, Compulsory Insurance- Civil and Criminal Immunities for action in Good Faith- Comparative Evaluation with Private Sector, State Government Employees and Central Government Employees- Consultation with Public Service Commission.

### **Module 4: Special Category of Services Judicial Services**

Subordinate Judiciary – Judicial Officers and Servants: Appointment and Conditions of Services – Officers and Servants of Supreme Court and High Court: Recruitment , Promotion, Conditions of Service and Disciplinary Action – All India Services, Object, Regulation Of Recruitment and Conditions of Service , Disciplinary Proceedings.

### **Module 5: Settlement of Disputes over Service Matters**

Departmental Remedies: Representation, Review, revision and Appeal: Role of Services Organisations- Remedy Before the Administrative Tribunal: Jurisdiction, Scope and Procedure – Merits and Demerits – Exclusion of Jurisdiction of Courts - Judicial Review of Service Matters- Jurisdiction of Supreme Court and High Court – Comparative Position in USA ,UK and France

### **Reference Books:**

1. Central and State Laws and Rules relating to Service Matters ILI (Justice M. Rama Jois )
2. Service under the State (1987) N.Narayanan Nair,
3. The Civil Servant under the Law and Constitution (1973)
4. K.K.Goyal, Administrative Tribunals Act (1985)
5. Seervai, Constitutional Law Of India

6. Arjun P. Aggarwal, Freedom of Association in Public Employment, 14 JILI (1972)
7. C.K. Kochukoshy, "All India Services- The role and the Future", 1972. I.J.P.A. 67.
8. Douglas Vass, "The Public Service in Modern Society", 1983. I.J.P.A. 970
9. Z.M.S. Siddiqi, "Sanction for the Breach of Contracts of Service", 1983. I.J.P.A. 359.
10. O.P. Motilal, "Compulsory Retirement", 1975. I.J.P.A. 247.
11. D.S. Chopra, "Doctrine of Pleasure – it's some implication and Limitations", 1975, I.J.P.A. 92.
12. G.C.V. Subba Rao, "The ONGC Case and New Horizons in Public Services Law" S.C.J.29.

## **SEMESTER - IV**

### **PAPER XII: RIGHT TO INFORMATION – LAW AND POLICY**

#### **Module 1 - Conceptual framework**

Freedom of Information; history, evolution and development - Parliamentary debates on Right to Information - Right to Information Movement - International efforts towards Freedom of Information in the UK., USA, and South Africa.

#### **Module 2 - Transparency, efficacy and good governance**

Corruption - Accountability to citizens - Auditing and good governance - Official Secrets Act - Public Records Act - Whistle-blowers' Protection Bill

#### **Module 3 - The Indian Constitution and the Right to Information**

Freedom of Speech and Expression; its corollary right of citizen to seek information - Judicial approach to Freedom of the Press; Right to Privacy - Right to know Vs Confidentiality - Duty to disclose and right to information - Access to Information as a human right - Balance of rights – Right to Privacy and Right to Information - Laws, Rules and Regulations preventing flow of information - Freedom of Information Act, 2002

#### **Module 4 - The Right to Information Act, 2005**

Evolution of the RTI Act, 2005 - Statutory definitions - Obligations of Public Authorities; Distinction between “Government” and “Public Authority” - Information – Meaning; Obtaining information; disposal of request; exemptions from disclosure; Third party information – Severability - Institutional arrangements for Public Information – Constitution, Powers and functions of Central and State Information Commissions - Appeal and Penalties - Filing RTI Applications – Group Work.

#### **Module - 5**

Jurisprudence on Right to Information - Working of the Central Information Commission and its orders - Working of the Tamil Nadu State Information Commissions and its orders - The RTI and the High Courts - The RTI and the Supreme Court - Corporate sector and the RTI - Private agencies, NGOs and the RTI - Relationship between Judiciary and Commissions

#### **Reference:**

Prof. (Dr) S.V. Joga Rao, “Law relating to Right to Information “ Dr. Madabushi Sridhar, “Right to Information”.

The Right to Information Act, 2005 The Constitution of India

The Official Secrets Act, 1923 The Public Records Act

The Whistleblowers' Protection Bill

Important decisions of various High Courts on the Right to Information Act – Case Law Digest, Centre for Public Policy, Yashwantrao Chavan Academy of Development Administration, Pune; YASHADA; [www.yashada.org](http://www.yashada.org)

Analysis of judgment of Central Information Commissions on RTI; [www.pria.org](http://www.pria.org) Right to Information compilation (January to April 2010); [www.isidelhi.org.in](http://www.isidelhi.org.in) Commonwealth Human Rights Initiative – [www.chri.org](http://www.chri.org)

[www.rtiindia.org](http://www.rtiindia.org)

## **XIII. OPTIONAL PAPER**

### **ELECTION LAWS (O)**

#### **Module - 1**

Elections – General Principles and Basic requirements – The office of electorate, and the candidate – Different types of representation – the system of election - General features of Election and Election laws in India – Universal adult suffrage – General Electoral roll – Special provisions for scheduled castes and scheduled tribes – system of voting – Election Commission - Parliamentary elections – House of people – Council of States – the general principles – Election to State Legislatures – the legislative assembly – the legislative council – the electoral law in India for election to parliament and legislatures.

#### **Module - 2**

Then Election Commission – composition – conditions of service and protection – functions of the commission – supervisory jurisdiction of the election commission – removal or reduction for disqualification, jurisdiction of High Court over Election Commission - Notification of General Elections – Council of States – House of People – Legislative Assembly and Legislative Council – Public notice - Allocation of seats and delimitation of constituencies – Parliamentary and assembly Constituencies – “Gerry-mandering” present position – delimitation of council constituencies - The Elector – excluded classes – plural or weighted voting – who can be an elector – qualification – minor and election – the proper test, electoral rolls – preparation and revision of electoral rolls – Administrative machinery – assistant electoral registration officers – Assembly rolls – claims and objections – final publication – appeals and amendments – revision – identity cards.

#### **Module - 3**

The candidates – qualifications and disqualifications – Parliament and State Legislatures – Nomination – presentation – other requirements – scrutiny – notice of nomination – grounds for rejection – valid lists- withdrawal of candidature – effect of death - Polling and Counting – voting by post – special votes – postal ballot – right to vote – voting in parliamentary and Assembly constituencies- Ballot papers – arrangements in polling station – presiding officers and polling officers – safeguards against impersonation – counting, returning officer – jurisdiction – rejection of ballot papers – rejection of postal ballot papers – declaration of results

#### **Module - 4**

Corrupt practices – Bribery, Undue Influence, Appeals on grounds of caste etc. Publication of false statement. Hiring of vehicles, executive expenditure – Assistance of government servants – offences relating to elections – agency in elections - Election expenses – present position –

procedure – necessity for reform – election petition, High Court in the place of election. Tribunal – parties – Grounds and contents of petitions – withdrawal, abatement.

### **Module - 5**

Presidential and vice-presidential elections – procedures – conduct – questioning the Elections - Power of the people: Concept and constitutional perspectives – 73rd and 74th Amendments – salient features of T.N. Panchayat Raj Act and the T.N. State Election Commission and State Financial Commission – Municipalities Act.

### **Prescribed Readings:**

1. Sen Varma, The Law of Election
2. M. Krishnan Nair, Law of Election
3. Representation of Peoples Act, 1951
4. Dr. K.C. Sunny, Corrupt Practices in Election Law (Eastern Book Co.)
5. The T.N. Panchayat Raj Act,
  - a) Constitution of Panchayats at different levels
  - b) Conduct of Elections
  - c) Disputes regarding Elections
  - d) Provisiond relating to Menbers and President of Panchayats
  - e) Finance Commission and Powers
6. The T.N. Municipality Act provisions relating to
  - a) Constitution of Municipal Authorities
  - b) Standing Committee
  - c) Conduct of Elections
  - d) Disputes regarding Elections

## **GLOBAL ADMINISTRATIVE LAW (O)**

### **Module 1: Evolution of International Administrative law**

Global Administrative Law and International Law (Classical and Contemporary) - Administration by Formal International Organisations – Administration by Transnational Networks – Sources of Global Administrative law – Democracy and Global Administrative Law.

### **Module 2: International concepts on Administration and Administrative law**

*Droit Administratif – Conseil d'état – “Chevron” revolution – Mead Counter- revolution.*

### **Module 3: Scope of Judicial Review**

United Kingdom – United States of America – Public Interest Litigation in India and USA.

### **Module 4: Good Governance**

Administrative law principles in the transnational promotion of ‘Good Governance’ Values – Values of Global Administrative law.

### **Module 5: Globalisation**

Globalisation and the rise of global governance - Impact on Administrative Procedures - Players in global governance (Public, Private and Hybrid) – Emergence of Global Administrative Law (Bottom-Up and Top-Down approach) – Perspectives of Developing Countries.

### **Reference:**

1. Neville Brown & Garner – French Administrative Law.
2. RNK Wade – Administrative Law.
3. Bernard Schwartz – Administrative Law.
4. K.C. Davis – Administrative Law.
5. Garner – Administrative Law.
6. M.P.Jain & S.N. Jain – Principles of Administrative Law.
7. M.P.Jain – Treatise on Administrative Law.
8. S.P. Sathe – Administrative Law.
9. I.P.Massey – Administrative Law.
10. Michael Allen & Brian Thompson – Cases and Materials on Constitutional and Administrative Law.
11. Jerry L. Mashaw and et.al. Administrative Law – The American Public Law System (Cases and Materials).
12. Peter H. Schuck, Foundations of Administrative Law (1994), Oxford, New York.
13. Friedman, The State and the Rule of Law in a Mixed Economy.
14. Ivor Jennings, Law and the Constitution
15. Neil Hawke and Neill Papworth, Introduction to Administrative Law
16. D.D. Basu, Comparative Administrative Law



17. Anthony; Auby; Morison and Zwart (eds.) Values in Global Administrative Law Edited by Gordon Anthony, Edited by Jean-Bernard Auby. 2011.

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