

FIRST SEMESTER

Compulsory Paper: INDIAN CONSTITUTIONAL LAW

Unit I

1. **Indian Federalism:** Conceptual position of Federalism. Nature of the Indian Constitution. Cooperative Federalism. Relationship of trust and faith between center and state. Challenges before the Indian Federalism.

Unit II

2. **Distribution of Legislative Powers:** The Scheme of the distribution of legislative powers in India the judicial approach and the present position. Recommendation of Sarkaria Commission & Venkatachaliah Commission.

Unit -III

3. **The Judiciary:** The Supreme Court of India. Jurisdiction and Powers. Its role as guardian of the Constitution.
4. **Right to Equality:** Scope of the right to Equality. New approach of Article 14. Equality of opportunity in matters of public employment and in admission to educational institutions.

Unit - IV

5. **Freedom of Speech and Expression:** The area of freedom and its limitation. Freedom of Press and challenges of new scientific development.
6. **Emerging regime of new Fundamental Rights:** The changing dimension of right to life and Personal Liberty. Reading Directive Principles and Fundamental Duties into Fundamental rights.

Unit -V

7. **Right to Freedom of Religion:** The scope of the freedom and the State Control. Secularism and religious fanaticism.
8. **Working of the Constitution:** Achievements and failures. Areas of concern and challenges before the Constitution. The perception of National Commission to Review the Working of the Constitution.

Optional Group I: Constitutional Law

Paper I: Constitutionalism and Constitutional Development in India and England.

Unit -I

1. What is a Constitution? Constitution, Constitutional Law and Constitutionalism. Concept of Limited Government and limitations on government power. Conventions of constitutionalism- Law and conventions. Historical evaluation of constitutional government in India and England.

Unit -II

2. Rule of Law. Concept and new horizons; Separation of powers. Concept and its applicability in India and England.

Unit - III

3. Sovereignty of British Parliament, Powers and Functions Privileges of the Parliament and Courts- Indian and British position.

Unit - IV

4. The King of England. Prerogatives of the Crown. Position of the Kind in England. Cabinet System of government in India and England.

Unit -V

5. The Judicial system in England. Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India. Prerogative writs.

Paper II: COMPARATIVE AND COOPERATIVE FEDERALISM.

Unit -I

1. Concept of Federalism. Requisite conditions of federalism Patterns of federal government of U.S.A. and Australia. Federal Control v. State autonomy.

Unit -II

2. Indian Federal Constitution and its present shape.

Unit -III

3. The changing dimension of modern federal Constitutions New trends in federalism. National supremacy. Cooperative Federalism.
4. The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. and Australia. The specific legislative powers: Defence & External affairs.

Unit -IV

5. Emergency provisions. Effect of Emergency on the federal structure. Judicial approach. Indian and American experiences.

Unit -V

6. Judicial Review for federal Umpiring. Scope of judicial review in the federal Constitutions. The approach of Indian & American Supreme Court.
7. Scope of Constituent power. Amending process and process in action. Judicial response. The direction of the Indian constituent power.

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Paper III: CIVIL AND POLITICAL RIGHTS: Comparative Study of Select Constitution (India, United States of America and United Kingdom)

Unit -I

1. Constitutional basis for protection of Individual rights. Balance between individual liberty and social needs. To whom and against whom Rights are available. Suspension of Rights.

Unit -II

2. Right to Equality. General principles. Protective discrimination with special references to emerging judicial response to the problems of group inequalities. Comparative study of the decisions of the Indian and American courts.
3. Freedom of Speech and Expression: Special attention will be paid to the liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.

Unit -III

4. Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by law” and the American expressions “liberty” and ‘due process’. Radical changes in judicial thinking in this area.

Unit IV

5. Freedom of Religion Judicial interpretation of the freedom under the Constitution of India and of the United States.
6. Amendment of Rights: Adaptability of the Constitutional law to the changing needs of the society. Power and Procedure for amendments of these rights under the American and Indian constitution.

Unit -V

7. Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial supervision of Elections.

SECOND SEMESTER

Compulsory Paper I: Legal Education and Research Methodology.

Unit -I

Part-A: Legal Education. (25%)

1. Objectives of Legal Education.
2. Lecture method of teaching. Merits and Demerits.
3. Discussion method and Seminar method of Teaching.
4. Examination system and problems in evaluation.

Unit -II

Part B: Research Methodology (75%)

1. Meaning and objectives of Research. Importance of Research Kinds of Research. Criteria of good research. Problems of Researchers in India.
2. Importance of Research Methodology. Procedural guidelines regarding the Research Process.

Formulation of the Research problem. Different Steps.

Unit- III

3. Survey of the literature. Working Hypothesis. Determination of Sample Design. Collection of Data and its analysis. Test of Hypothesis.

Unit - IV

4. Different Steps in writing of Research Report. Layout of Research Writing. Preliminary. Main

Test. Conclusion and Observation.

Unit - V

5. Mechanics of writing a Research Report. Practical aspect. Physical design. Treatment of quotation. Footnotes. Documentation style. Abbreviations. Bibliography. Index etc.

Paper II: Administrative Law in India

Unit I

- (1) Importance and Scope of Administrative Law;
- (2) Rule of Law;

Unit II

- (3) Separation of Powers;

Unit III

- (4) Delegated Legislation:
 - a. Constitutionality;

b. Judicial Control;

Unit IV

c. Parliamentary Control;

Unit V

d. Procedural Control

- (5) Ombudsman in India

- (6) The Commission of Inquiry Act, 1952.

Paper III: Administrative Law in India-II

Unit I

- (1) Judicial Review of Discretionary Power;
- (2) Writ of Mandamus;

Unit II

- (3) Writ of Certiorari;
- (4) Writ of Prohibition
- (5) Writ of Quo-warranto

Unit III

- (6) Nature Justice: Bias, Opportunity of Hearing;
- (7) Administrative Tribunals;

Unit IV

- (8) Domestic Inquiries;
- (9) Administrative Finality;

Unit V

- (10) Role of Declaratory Decree as Public Law Remedy;
- (11) Role of Injunction as Public Law Remedy;

Paper IV: Comparative Administrative Law

Unit I

- (1) Merits of French Administrative Law, Remedies available under French Administrative Law;
- (2) Availability of Judicial Review in the United States-

- a. Doctrine of Primary Jurisdiction;
- b. Doctrine of Exhaustion of Administrative Remedies;
- c. Doctrine of Standing;
- d. Doctrine of Ripeness;

- (3) Government liability for torts committed by its employees in Great Britain, France and India;

Unit II

- (4) Promissory Estoppel in Great Britain and India;

Unit III

- (5) Right to Information Act, 2005.

- a. State privilege to refuse Production of documents in Courts in Great Britain and India;

Unit IV

- b. The Official Secrets Act, 1923 (Indian)
- c. The Freedom of Information Act, 2002.

Unit V

- (6) Doctrine of Legitimate Expectation in India and Great Britain.

Semester-III

Paper-I-LEGAL PHILOSOPHY

Unit -I

1. Concept of Jurisprudence, Legal Theory & Legal Philosophy.
2. Sources of Law
 - i. Custom
 - ii. Precedent
 - iii. Legislation

2.2: Implication of jurisprudential approach into Legal System of India

Unit -II

3. Schools

- (i) Natural Law School
- (ii) Analytical Positivism (Bentham, Austin, Salmond, Kelson, Hart)
- (iii) Historical School (Savigny, H.S. Maine)
- (iv) Sociological School (Rosco Pound, Duguit, Ihering, Ehrlich)
- (v) Realist School

4. Legal Rights & Duties

Unit- III

5. Ownership & Possession

Unit IV

6. Legal Personality

7. Liability

Unit V

8. Law and Morality: With Special Emphasis on Hart and Fuller Debate.
9. Theory of Punishment.

Paper II: LAW RELATING TO JURISDICTION AND SYSTEMS OF COURTS IN INDIA.

Unit I

1. Administration of Justice in Madras, Bombay and Calcutta up to 1726.
2. Mayor's Court, 1726.
3. Adalat System and its Re-organization.

Unit II

4. Supreme Court created under the Regulating Act, 1773.
5. High Courts created under the Indian High Courts Act, 1861.

Unit III

6. Privy Council
7. Federal Court under the Govt. of India Act, 1935.

Unit IV

8. High Court and Supreme court under the Constitution of India.
9. Sub-ordinate Civil Judicature and Criminal Judicature.

Unit V

10. Village Panchayat Courts
- 11 Revenue Courts
12. New Dispute Redressal Machinery: Lok-Adalats, Family Courts and Tribunals. e.g. CAT

Paper III: LAW RELATING TO PROCEDURE AND PROOF:

A. CIVIL:

Unit I

1. Jurisdiction of Civil Courts and Place of Suing

2. Res Sub-judice, Res Judicata and Foreign Judgment
3. Suit – Institution of, Essentials of, Parties of; Representative Suit and Special Suits e.g. against Government, Minors lunatics and indigent

Unit II

4. Pleadings – Plaint and Written Statement
5. Issue – Meaning, Framing, kinds and importance
6. Withdrawal and Compromise of Suits

Unit III

7. Effect of Death, Marriage and Insolvency of Parties
8. Trial, Judgment, Decree and its execution
9. Appeal, Reference, Review and Revision
10. Inherent Powers of Courts

Unit IV

B. Criminal:

1. General principles relating to Fair Trial
2. Classes of Criminal Courts and Powers
3. Arrest, Search and seizure
4. Investigation by Police
5. Local Jurisdiction of Courts and cognizance
6. Bail
7. Withdrawal of Criminal Case
8. Charge and Trial
9. Appeal, Reference and Revision
10. Execution, Suspension, Remission and Commutation of Sentence

Unit V

C. Proof:

1. Nature and Function of Law of Evidence
2. Relevancy of Facts and Admissibility
3. Proof and Burden of Proof

Paper IV: Law Relating to Relief

Unit I

1. Constitutional Relief: writs- Habeas, corpus, Mandamus, certiorari Prohibition and Quo - warranto.

Unit II

2. Recovery of Possession- Movable and immovable property.
3. Specific Performance of Contract

Unit III

4. Rescission of contract
5. Rectification & cancellation of Instruments

Unit IV

6. Declaration Decree
7. Preventive Relief- Injunctions

Unit V

8. Damages: Types, Remoteness and Measure of Damages
9. Bar on Relief: General Law relating to limitation

Fourth Semester

Compulsory Paper: JUDICIAL PROCESS

Unit -I

1. The concept of justice and relation between Law and Justice. the concept of 'Dharma' in Indian thought. 'Dharma' as the foundation of legal ordering. Various theories of justice in the Western thought.

Unit -II

2. The nature of Judicial Process. Judicial process as an instrument of social ordering. Judicial process and creativity in law. The tools and techniques of judicial creativity and precedents.
3. Judicial Process in India. Indian debate on the role of judges and on the notion of judicial review. New challenges before the Indian Judiciary.

Unit -III

4. Judicial independence and accountability. Attitude of confrontation with the Legislature & Executive. Appointment & transfer of judges and its effect on independence of judiciary.

Unit -IV

5. Judicial Activism, Judicial Overreach and Constitutional obligations of the court. Evolution of the concept. Reasons in defense of judicial activism. Constitution of India and judicial activism. The tools and techniques of the judicial activities: Need for care and caution.

Unit - V

6. Judicial Reasoning and Decision making in the Supreme Court of India: Nature of participation- Dissent, concurrence, unanimity and voted with majority etc.; Doctrine of *Stare Decisis* – *Ratio Decidendi* and *Obiter Dicta* of a case