



**KARNATAKA STATE LAW UNIVERSITY'S
LAW SCHOOL**

Navanagar, Hubballi– 580 025
Accredited with 'A' Grade by NAAC



**SYLLABUS DETAILS OF
2 YEAR LL. M. (CONSTITUTIONAL LAWS)**



KARNATAKA STATE LAW UNIVERSITY'S LAW SCHOOL

Accredited with 'A' Grade by NAAC

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Subject List of 2 Year LL.M Courses 2021-22 onwards

LL.M. (Constitutional Laws)

| I Semester | | II Semester | |
|--------------|---|-------------|---|
| 1.1 | Law and Social Transformation in India | 2.1 | Legal Education and Research Methodology |
| 1.2 | Indian Constitutional Law: New Challenges | 2.2 | Judicial and Legislative Process |
| 1.3 | Legal Theory | 2.3 | Legal Concepts |
| 1.4 | Spl. Paper-I: Constitutional Law: Theory and Practice | 2.4 | Spl. Paper-II: Public Utilities Law |
| III Semester | | IV Semester | |
| 3.1 | Spl. Paper-III: Union-State Financial Relations | 4.1 | Spl. Paper-VI: Law Relating to Writs and Public Service |
| 3.2 | Spl. Paper-IV: Constitutionalism, Pluralism and Federalism | 4.2 | Spl. Paper-VII: Mass Media Law |
| 3.3 | Spl. Paper-V: Law and Administration | 4.3 | Spl. Paper-VIII: Panchayat Raj Institutions |
| 3.4 | Spl. Paper-I: National Security, Public Order and Rule of Law | 4.4 | Dissertation |

Programme Outcomes of LL.M Courses

1. Knowledge of law: A post graduate in law should possess specialized and in-depth knowledge on the law subjects like Constitutional Law, Intellectual property rightslaw, business and commercial law, criminal law etc.and also be acquainted with the latest developments in the areas of specialization and should have abilities to apply the knowledge to solve problems and advise institutions and also individuals. Intellectual input is the essence of this autonomous profession.
2. Professional ethics: A post graduate should have strong underpinnings of professional ethics in order to belong to the noble profession
3. Development of professional skills: The post graduate should develop the skills of good analytical, comparative legal research; legal research paper writing; analysis of the present law and its implication in a globalized world. Use the library and modern tools, resources/software in writing legal research paper and dissertation. It is very important for a professional to be effective.
4. Knowledge of law and procedures: The post graduate should study and acquire knowledge about appropriate justice delivery system and application of law in specialized areas like Constitutional Law, Intellectual property rightslaw,Business and Commercial Law, Constitutional Law. he should also acquaint with the updated information on the area of specialisation
5. Ready to take-up profession: the post graduate should develop critical and contextual approaches across a wide variety of legal subject matter like Criminal and Security Law; Corporate and Commercial Law; Constitutional Law and also be able to form their own opinion and observation on legal aspects related to their specialized areas
6. Social responsibility: A post graduate should be an active citizen first. He should provide leadership to the society when it is at the crossroads.

The level of attainment of Programme Outcomes, Programme Specific Outcomes and Course Outcomes are measured using various indicators throughout the semester of the academic year.

The faculty records the performance of each student with the help of the specified course outcomes through a continuous evaluation process.

The faculty provides assignments to students, conducts internal tests, viva voce, projects etc. in order to assess the Programme Outcomes and Programme Specific outcomes attained by each student.

Key indicators of measuring attainment are:

End Semester University Examination

Students are required to take examinations as per the semester through which the institution measures programme outcomes based on the course attainment level fixed by the programme.

Internal Assessment

The Internal Assessment constitutes 30% weightage of the total marks (100) in each subject. The students are given assignments which are designed in alignment with Course outcomes of the respective subject and Programme Outcomes.

Result Analysis

At the end of each semester, result analysis of each course is carried out. The percentage of students falling in different categories is obtained. This is an effective indicator in order to evaluate the level of attainment of POs, PSOs and Cos.

PROGRAMME SPECIFIC OUTCOMES

Programme Name: LL.M.(Constitutional Law)

Duration: 2 years

Pattern: Semester pattern

1. Conduct sustained, independent research on a self-defined topic with limited supervision. and also to analyse the legal research papers, judgments and law of their specialized area.
2. Critically evaluate and assess complex areas of legal knowledge within a wider social, economic, political, historical, philosophical, ethical, cultural and environmental context
3. Critically assess law reform proposals and present alternatives in analytical, critical and comparative mode of study of the laws, principles, doctrine, rules and regulation related to their specialized subject
4. Present critical arguments, drawing on both doctrinal and policy-based perspectives from a wide range of sources, in both written and oral form
5. Develop special knowledge on subjects of their choice from a given set of optional subjects like, Constitutional Law, Federalism and Union State Relations,

Administrative Law, National Security, Public Order and Rule of Law, Mass Media Law, Public Authorities and Liability, etc. Apply this legal knowledge to complex problem situations and offer potential solutions within a simulated professional context

6. Define, sustain and critically reflect upon their own learning and practical/professional skills development as autonomous learners.

SYLLABUS

I SEMESTER

PAPER 1: LAW AND SOCIAL TRANSFORMATION IN INDIA [Compulsory]

Objectives:

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 endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

Course Outcomes:

After successful completion of the course, the student will be able to –

1. Comprehend the provisions in the Constitution regarding Law which impacts social transformation.
2. Assess the continuing tussle between law and morality.
3. Infer and assess that the principles of Law and Social Transformation.
4. Analyse the Indian approaches to social and economic problems in the context of law as a means of social control and change

Course content:

Unit I

Theory, History, Alternatives and the Constitution

Law and social transformation: a theoretical discussion

Historical and social discourse on law's role in social transformation

Alternatives to legal strategy: gandhism, sarvodaya, marxism and naxalism

Constitution's orientation and response to social transformation

Unit-II

Multiculturalism and Social Transformation: Religion, Language, Region and Ethnicity

Religion and law

Language and law: towards equality in language rights?

Language rights in education people's language as the language of courts; perspectives, problems and the needed strategies

Regionalism, law and social transformation

Ethnic pluralism, tribal development and social transformation: a focus on security, self government and social justice

Unit-III

Social Transformation by Empowerment: Empowering the Backward Classes, Women and Children

Caste, law and empowerment of the backward classes

Constitutional policy and development towards gender justice

Crimes against women and law's response thereto

Law, child welfare and social transformation

Unit IV

Modernisation and Social Transformation: Concept, Family Law, Economic Reforms

Modernisation and law

Family law, modernisation and social transformation

Economic development, law and social transformation: focus on agriculture, industry and environment

Unit V

Justice Delivery System and Participative Democracy

Reforms in the justice delivery system, modernization and law

Role of democracy, Panchayat Raj and NGOs in social transformation through law

Prescribed Books:

Bhat Ishwar P., Law and Social Transformation (Lucknow: Eastern Books Company, 2009)

Reference Books:

Friedman Wolfgang, Law in a Changing Society (Berkly: University of California Press, 1959)

Mark Galenter Ed., Law and Society in Modern India (London: Oxford University Press, 1989)

PAPER 2: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES **[Compulsory]**

Objectives:

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 students 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 which they are allowed to choose an area of law for specialization. Obviously, rubrics under this section of the paper require modification and updating from time to time.

Course Outcomes:

On successful completion of the course the student will be able to –

1. analyse the new challenges and perspectives of constitutional development.
2. acquaint with the emerging regime of new rights and remedies such as right to education, commercialization of education of its impact on society
3. understand the various rights of minorities and the constitutional safeguards available to them.
4. describe the meaning of secularism and the religious fanaticism regarding it.
5. explore the doctrine of basic structure and separation of powers

Course content:

Unit I

Federalism: creation of new states; allocation and share of resources - distribution of grants in aid; The inter-state disputes on resources; Centre's responsibility and internal disturbance within states; Directions of the center to the state under Article 356 and 365; Special status of certain states; Tribal Areas, Scheduled Areas;

Unit II

Constitution and Constitutionalism; "State": Need for widening the definition in the wake of liberalization and horizontal application of fundamental rights. Right to Equality: Privatization and Its Impact on Affirmative Action; Empowerment of women.

Unit III

Freedom of press and challenges: Freedom of speech and right to broadcast and telecast; Right to life, privacy, strikes, hartal and bandh; Emerging Regime of New Rights and Remedies: Reading Directive principles and fundamental duties into fundamental rights; Compensation jurisprudence; Right to education; Commercialization of education and its impact

Unit IV

Rights of Minorities to establish and administer educational institutions and state control

Secularism and religious fanaticism.

Unit V

Separation of Powers: Stresses and Strain: Judicial activism and judicial restraint; PIL: implementation; Judicial independence; Appointment, transfer and removal of judges; Accountability: executive and judiciary; Tribunals

Democratic process; nexus of politics with crime and business; election; status of election commission; electoral reforms; coalition government- stability, durability and corrupt practice, grass roots democracy.

Select Bibliography:

Considering the nature of the subject, no textbooks can be prescribed. Hence, the required material is to be gathered from the latest amendments of laws, case law, critical comments, studies, reports, articles and research papers.

PAPER 3: LEGAL THEORY [Compulsory]

Objectives:

LL. M. students are expected to develop a philosophical and analytical mind by making a deep study of various theories of law. It is helpful in understanding the law in its social and temporal context. It will also help students to appreciate the limitations of law.

Course Outcomes:

On successful completion of the course the student will be able to –

1. to understand the various theories and concepts which deals with the sources of law
2. analyse the meaning of law, purposes of law and the relationship between law and justice

Course content:

Unit I

Natural Law Theories: Jewish, Roman, Greek, Middle Ages, Renaissance and Reformation Period, Modern period, Indian: ancient and modern.

Unit II

Positive Law Theories: Bentham, Austin, Kelson, Hart

Unit III

Historic Theories and Anthropological Theories: Hegel, von Savigny, Puchta, Henry Maine, Gierke, Hegel. Economic Theories: Marx and Engels, Lenin, Pushukanis, Stalin, Tito, Mao, Gorbachev

Unit IV

Sociological Theories: Bentham, Ihering, Earlich, Pound, Duiguit

Unit V

Realism: American and Scandinavian

Select Bibliography:

1. Julius Stone, The Province and Function of Law, Part-II Chs.1,8 -16(2000), Universal, New Delhi.
2. W. Friedmann, Legal Theory (1960), Stevens, London.
3. Bodenheimer, Jurisprudence - the philosophy and Method of the Law (1997), Universal, Delhi.
4. R. W. M. Dias, Jurisprudence
5. John Salmon, Jurisprudence
6. H. L. A. Hart, The Concept of Law

PAPER 4: SPECIALISATION PAPER 1: CONSTITUTIONAL THEORY &PRACTICE

Objectives:

Constitution of a State is considered to be politico-legal document which reflects the major policy choices and aspirations of the people of the State. The object is to study the nature and importance of Constitution, requisites of an ideal Constitution, and constitutionalism. The concept of State and its functions is of greater importance in view of modern political thoughts. The course is intended to impart the fact that Constitution of Indian is a value based documents.

The constitutional policies and practices relating to pluralism, multiculturalism, religious and ethnic challenges and constitutional responses are the areas for study in the context constitutional ideologies and experiences of India, USA, UK & Canada.

What constitutional values and approaches influence the interpretation of Constitution of India? Whether the Constitution is interpreted as a value document has to be analyzed with the help of case laws. The incongruity amongst the theoretical provisions and the working models of the Constitution has to be studied. What are the theoretical foundations and practical difficulties created by the judicial decisions? A student of Constitutional law specialization is expected to have strong theoretical foundation as well as its reality in Society.

Course Outcome:

On successful completion of the course the student will be able to –

1. understand the meaning and nature of constitution and constitutionalism
2. analyse the philosophical thoughts of the scholars on the concept of ‘State’

3. critically analyse the challenges posed by multiculturalism and religious, linguistic & ethnic challenges
4. interpret the constitutional provisions with the help of tools of statutory interpretation.

Course content:

Unit I:

Nature & importance of constitution, Evolution of constitutional values, Requisites of Ideal constitution; Concept of Constitutionalism-its development & role in the Legal system; Nature & limitations of constituent & amending power; Basic structure theory, Transformative Constitutionalism, Constitutional Morality.

Unit II:

State-concept; Social contract theories; theories of Karl Marx, Bosanquet & T.H.Green ; Saptanga theory of state in Ancient India; Obligation of ruler; Modern Indian political thoughts of Raja Ram Mohan Roy, Gandhi, Nehru & Ambedkar about functions of state. Model of Indian constitution

Unit III:

Constitutional policies & practices relating to pluralism; Concept of Multiculturalism, Religious, Linguistic & ethnic challenges & constitutional responses; Secularism, Language rights, Protection of ethnic minorities (V & VI Schedules under the Indian constitution), Relation between society, state & Individual. The study is with reference to the constitutional ideologies & experiences of INDIA, U.S.A., U.K., & CANADA

Unit IV:

Role of Internal & External Aids in the Interpretation of constitution, Preamble; Headings, Marginal Notes, Non Abrogation & Non Derogation provisions, Inclusive & Exclusive definitions, Use of Drafts, Constituent Assembly debated, Legislative History, International Law, Text Books, Commentaries, & dictionaries. Original intention theory, Values & approaches that influence constitutional Interpretation; Interpreting the Constitution as a value document: purposive interpretation, Living organism; Approach, reading down & reading up & reading in.

Unit V:

Interrelationship of fundamental rights, interpreting the constitution as legal document, Presumption of constitutionality, Literal interpretation & its limitations; Interpretation of federal scheme: Doctrine of Inconsistency, Doctrine of Pith & substance & colourable legislation, Doctrine of occupied field: Doctrine of Eclipse & severability, Harmonious construction-Avoiding the fallacies of Hyper-Integration & Disintegration, Ejus Dem generis.,

Select Bibliography:

1. Karl Lowenstein. Political power & Governmental process.

2. Gettel, Readings in Political Science
3. K.C.Where, Modern Constitutions
4. H.J.Laski, The state in theory & Practice (chapter-1)
5. B.A. Masodkar, society state & Law.
6. R.M.Mc Ivan, The Modern state
7. Nomos, Constitutionalism
8. P.V. Kane, History of Djarmashastra. Vol III
9. Rama Jois, Constitutional & Legal History, Vol I & II
10. Carl J Friedrich, Constitutional Government & Politics
11. Appadorai, Modern Indian political thought
12. M Hidayatulla- Fifth & Sixth Schedule to the constitution
13. H.M.Seervai, Constitutional Law of India, Vol I
14. Lawrence Tribe & Michel Douf- On Reading the constitution,
15. Ely, J.H. Democracy & Distrust
16. Rotunda & Nowak, Treatise on American Constitution Vol IV
17. P.K.Tripati, Spotlights on constitutional Interpretation
18. Peter W.Hogg, Constitutional law of Canada.
19. Joseph E. Magnet, Constitutional Law of Canada; cases & materials, Vol II
20. M.P Jain, Constitutional Law of India.
21. Hidayatulla (ed) Constitutional Law of India Vol-I (relevant chapters)
22. G.P.Singh, Interpretation of statutes
23. Vepa P sarathi, Interpretation of statutes.
24. Laurence H.Tribe, American constitutional Law.

SECOND SEMESTER

PAPER 5: LEGAL EDUCATION AND RESEARCH METHODOLOGY [Compulsory]

Objectives:

A post-graduate student of law should get an insight into the objectives of legal education. The student should be introduced to the legal regime governing legal education so that they can contribute better when involved in activities of centres of legal education. Further, the student should be thoroughly introduced to the idea and methods of legal research to better equip them to effectively discharge their responsibilities in the capacity of both academicians and professionals. this course is designed to equip the students with the requirements of legal education and legal research in contemporary society.

Course Outcome:

On successful completion of the course the student will be able to –

1. apply the best methods of research including the historical and comparative methods which include Case Study to the given situation.

2. critically evaluate the research methodology and their utility in academic legal research.
3. write a research report conveying the findings of the Legal Research in a cogent form

Course content:

Unit I : Introduction to Legal Education

Legal Education; history of Legal education; National Education Policy; objectives of Legal education, Bar Council of India Rules of Legal education, present problems of Legal education and future perspectives; curriculum making and reform; designing teaching methods to suit the curriculum requirements; diversity in teaching methods and their merits and demerits; legal aid, legal literacy and law reform.

Unit-II: Idea of Legal Research, Methodology and ensuring good quality research

Legal research: introduction; legal research methodology, purposes and foot steps; thinking process in legal research: diverse models; objectivity, value neutrality, originality and ethics in legal research; choosing, designing and building the research theme; formulation and testing of hypothesis; rules against plagiarism, introduction to kinds of research.

Unit-III: Doctrinal Legal Research

Doctrinal Legal Research as a means of synthesizing facts, thoughts and legal principles; analytical legal for expanding the legal world; historical legal research: implications and applications; philosophical research in law: the possibilities; comparative method of legal research: nature, process and potentiality.

Unit-IV: Non- Doctrinal Methods of Legal Research

Empirical Legal Research: nature, features and expanding Horizons; tools of data collection in empirical legal research: observation, interview case study, ethnography, questionnaire, survey, qualitative legal research; sampling method: varieties and uses; qualitative legal research

Unit-V: Integrated Methods of Legal Research and Research Reporting:

Multi -method legal research: nature, features, procedure and potentiality; policy research in law, action research in law, methodology of feminist legal research, legal writing based on Research report writing, writing articles, case comments and notes.

Prescribed books:

Bhat Ishwara P., Idea and methods of legal Research (Oxford: Oxford University Press, 2019)

References:

1. Whitney F.L., The Elements of Research (rev. edn., Prentice Hall, 1948)

2. Goode William J. and Hatt Paul K., Methods in Social Research, McGraw-Hill Book Company, London
3. Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)
4. Justice A.S. Anand, “Legal education in India- Past, Present and Future” in Lokendra Malik and Manish Arora ed., Legal Education in India: Essays in honour of Professor Ranbir Singh (New Delhi: Universal Law Publishing Co. 2014) pp.11-20.
5. Justice A.R. Lakshmanan, “Legal Education- Role of Bar” in Lokendra Malik and Manish Arora ed., Legal Education in India: Essays in honour of Professor Ranbir Singh (New Delhi: Universal Law Publishing Co. 2014) pp.35-48.

PAPER 6: JUDICIAL AND LEGISLATIVE PROCESS [Compulsory]

Objectives:

A lawyer whether academic or professional is expected to be competent to analyze 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 section of the 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 section of the paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the alternate aim of any legal process or system is to pursue justice a systematic study of the concept of justices and its various theoretical foundations is required. This section of the paper therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

Course Outcome:

On successful completion of the course the student will be able to –

1. explain the concept and development theory of justice.
2. describe the concept of judicial process and its significance in social ordering.
3. express the tools and technique of judicial creativity.
4. describe the relation between law and justice and role of judicial process in the attaining the objectives of justice.
5. understand the process of law making.

Course content:

Unit I

Nature of Judicial Process: Judicial process as an instrument of social ordering; judicial process and creativity in the law- common law model- legal reasoning and growth of law- change and stability; stare decisis; the Tools and techniques of judicial creativity and

precedent; identifying ratio decidendi and obiter dicta; Legal development and creativity through legal reasoning under statutory and codified systems.

Unit-II

Special Dimensions of Judicial process in the constitutional Adjudications: notions of Judicial review; role in constitutional adjudication- various theories of judicial role; Tools and techniques in the policy making and creativity in the constitutional adjudication; variance of judicial and juristic activism.

Unit-III

Problems of accountability and judicial law making. Judicial process in India: Indian debate on the role of judges and on the notion of Judicial review; the “independence “ of judiciary and the "political" nature of judicial process; judicial activism and creativity of the supreme court; the tools and a techniques of creativity; institutional liability of course and judicial activism- scope and limits. structural challenges.

Unit-IV

Legislation as a source of law: it's relation with other sources of law; Supreme legislation: law making by Indian Parliament, interaction between law and public opinion; drafting of Bills; presentation and discussion in a Legislature Houses, subordinate legislation; types of subordinate legislation. major roles of interpretation of statutes: literal are plain meaning rule; golden rule; purposive approach: mischief rule; compromise approach.

Unit V: Legislative Drafting

Nature of Legislative drafting; diseases of language to be dealt and taken care of; its history in India and England; components or parts of legislation and their purposes; role of legislation in social welfare and transformation; role of draftsman; the skills, traits and abilities he should process; legislative draftman's position, duties and responsibilities: relation with the government legislative division, public and the society at large; impact of constitutional values and provisions on legislative drafting; impact of the General Clauses Act upon legislative drafting; impact of principles of statutory interpretation upon legislative drafting; steps in a legislative drafting: pre- draft preparation; drafting, deliberation with others; post draft refinement; drafting of delegated legislation- limits and cautions; drafting exercise

Select Bibliography:

1. W. Friedman, Law in a Changing Society
2. Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16 (2000), Universal, New Delhi.
3. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
4. Henry J.Abraham , The Judicial Process (1998), Oxford.
5. J.Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
6. W.Friedmann, Legal Theory (1960), Stevens, London

7. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
8. C. K. Allen, Law in the Making
9. C. K. Allen, Law and Orders (2nd edn.)
10. Sir Henry Maine, Ancient Law
11. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
12. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
13. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
14. John Rawls, A Theory of Justice (2000), Universal, Delhi
15. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
16. F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33
17. P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501
18. J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285
19. T.K. Vishwanathan (Ed.) G. Rajagopal's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)
20. B.R. Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)
21. Helen Xanthaki, Thorton's Legislative Drafting (5th ed)
22. G.C. Thorton, Legislative Drafting (Butterworths, 1996)
23. Constantin and Helen Xanthaki, (ed) Drafting Legislation (Ashgate, 2008).
24. Reed Dickerson, Legislative Drafting
25. Reed Dickerson, Interpretation of Statutes
26. G.P. Singh, Statutory Interpretation (14th ed., 2018).

PAPER 7: LEGAL CONCEPTS [Compulsory]

Objectives:

Students at LL. M. level are required to conduct a detailed critical and analytical study of various dimensions of legal concepts, which are the basic tools in the hands of law fraternity to appreciate varied branches of discipline in law. Legal concepts are to be understood as the bridges of comprehension of law in its application in the process of administration of justice. The process of administration of justice would remain incomplete without the comprehension and use of legal concepts. The teacher is required to give instructions to the students by citing examples of decided cases of various legal systems, with special reference to Indian Cases, in which legal concepts have been used by the judges in rendering justice. The unitised syllabus for this course is as follows.

Course Outcome:

On successful completion of the course the student will be able to –

1. to understand the various concepts like right, possession, ownership etc.
2. analyse the meaning of person and property from philosophical perspective
3. critically analyse and research complex problems relating to law and make reasoned and appropriate choices amongst alternatives.

Course content:**Unit I:**

Rights: Conception; Definition; characteristics; types; Rights in the wider sense of the term; Jural relationship of Right-Duty, Liberty-No-right, Power-Liability and Immunity-Disability; critique on jural relations; temporal dimensions.

Unit II:

Persons: Concept of personality, status of unborn persons, dead and lower animals; natural and legal persons; corporations: sole, aggregate, limited etc; registered friendly associations. Multinational Corporations and Juristic Personality; Transnational Juristic Personality; Theories of personality.

Unit III

Property: Meaning; Types; Movable and Immovable property; Corporeal and Incorporeal Property; Emergence and expanding regime of Incorporeal property: Patents; Copyrights; Designs; Trademarks, Geographical Indications; Integrated Circuits; Protection of Plant Varieties; Confidential Information.

Unit IV

Possession: Idea of Possession; Possession in Roman Law; Possession in English Law; Possession in Indian Law; Theories of Possession; Judicial Interpretation of Possession in Indian and British Courts. Adverse possession.

Unit V

Ownership: The Idea of Ownership; Analysis of Ownership; Function of Ownership in Social Engineering; Ownership and Allocation of burdens and Benefits; Ownership and Liberty; Ownership and Power; Ownership in India: Tiller of the Land as Owner: Sons of the Soil Theory.

Select Bibliography:

1. R W M Dias, Jurisprudence
2. Salmond on Jurisprudence (ed P J Fitzgerald)
3. G W Paton, A Text-book of Jurisprudence
4. W Friedmann, Law in a Changing Society
5. W N Hohfeld, Fundamental Legal Conceptions As Applied in Judicial Reasoning (ed W W Cook)
6. A Kocourek, Jural Relations
7. J Stone, Legal System and Lawyers' Reasonings
8. M Radin, 'A Restatement of Hohfeld' (1938) 51 Harvard Law Review 1141
9. A L Goodhart, Essays in Jurisprudence and the Common Law
10. F Hallis, Corporate Personality

11. J W Bingham, 'The Nature and Importance of Legal Possession' (1915) 13 Michigan Law Review 534
12. H Bond, 'Possession in Roman Law' (1890) 6 LQR 259
13. D R Harris, 'The Concept of Possession in English Law' in Oxford Essays in Jurisprudence (ed A G Guest) ch 4
14. L C Becker, Property Rights: Philosophical Foundations
15. A A Berle & G C Means, The Modern Corporation and Private Property
16. A M Honore, 'Ownership' in Oxford Essays in Jurisprudence (ed A G Guest)
17. J M Lightwood, A Treatise on Possession of Land
18. J W C Turner, 'Some Reflections on Ownership in English Law' (1941) 19 Canadian Bar Review 342

PAPER 8: SPECIALISATION PAPER 2. PUBLIC UTILITIES LAW

Objectives:

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-à-vis their employees, consumers and others. The following syllabus prepared with this perspective will be spread over a period of one semester.

Course Outcome:

On successful completion of the course the student will be able to –

1. analyse the role of public utilities which are government monopolies.
2. explore the utility of public enterprises which are services rather than commercial enterprises.
3. examine the role of Government Policy in regard to such utilities in general and to each utility in particular.
4. evaluate the growth and evolution of the public utilities.
5. examine the powers, functions and liabilities of the public utilities vis-à-vis their relation with employees, consumers and others.

Course content:

Unit I

Public Utilities: Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc. Growth and evolution of public utilities and their legislation.

Unit II

Why Government Monopoly? Government and Parliamentary Control; Constitutional division of power to legislate. Utilities Legislation – Patterns; Administrative Authorities - Structure of the Administrative Authorities; Subordinate legislation.

Unit III

Public Utilities and Fair Rearing; Quasi-Judicial Decision - Administrative Discretion; Public Utilities and Consumer Protection; Exclusion from M.R.T.P. Act; Rights of consumers protected by the Consumer Protection Act; Rights Arising from law of Contract and law of Torts.

Unit IV

Public Utilities And their Employees; Application of Articles 16 and 311; Application of Industrial law- right to strike; Public Utilities and Fundamental Rights; The right to equality: the airhostess case; are Public utilities "State" for the purpose of Article 12 of the Constitution? Extension of the concept of State.

Unit V

Liabilities and special privileges of public utilities; In contract; In tort; In criminal law

Select Bibliography:

1. P.M. Bakshi, Television and the Law, (1986)
2. Vasant Kelkar, "Business of Postal Service" 33 I.J.P.A. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country like India" 32 I.J.P.A. 77 (1986)
4. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.P.A. 171-180 (1985)
5. Arvind K. Sharna "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.P.A. p. 99-113.
6. S.P. Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law, (1986)
8. Jagdish U, Handbook of electricity Laws, (1978)
9. Bhaumik, The Indian Railways Act, (1981)
10. Law Commission of India, 38th Report : Indian Post Office Act, 1898, (1968)
11. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law I & II, Administrative Law, Consumers Protection Law and Labour law).

THIRD SEMESTER

PAPER 9: SPECIALISATION PAPER 3: UNION-STATE FINANCIAL RELATIONS

Objectives:

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be made conscious of various aspects of federal principle, and their working in the Indian context with a view to ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

Course Outcome:

On successful completion of the course the student will be able to –

1. examine the nature of Indian Constitution which adopts federal government where the subject matters are divided between the center and state.
2. examine the unique features of Indian Constitution, which departs from the model of classical federalism
3. evaluate the constitutional provisions which are in practice, distorted to make the states totally subservient to the Centre.
4. evaluate the distribution of fiscal power which is the nerve centre of the federal system. examine the various aspects of federal principle and their working in the Indian context.

Course content:

Unit I

Federalism – Essentials; Models of Federal Government - U.S.A., Australia, Canada; Difference, Between Federation and confederation; Evolution of federal government in India; Distribution of Legislative Power/Administrative Power: Indian Constitution; Centre-State relations; Factors responsible for subordination of States; Administrative relations.

Unit II

Distribution of Fiscal Power: Scheme of Allocation of taxing power; Extent of Union power of taxation; Residuary power - inclusion of fiscal power; Restrictions of Fiscal Power; Fundamental Rights: Inter-Government tax immunities; Difference between tax and fee.

Unit III

Distribution of Tax Revenues: Tax-Sharing under the Constitution; Finance Commission - Specific purpose grants (Article 282); Borrowing Power of the State; Borrowing by the Government of India; Borrowing by the States.

Unit IV

Inter-State Trade and Commerce: Freedom of Inter-State trade and commerce; Restrictions on legislative power of the Union and States with regard to trade and commerce; Planning and Financial Relations: Planning Commission; National Development Council; Plan grants;

Unit V

Co-operative Federalism: Full faith and credit; Inter-State Council; Zonal Councils; Inter-State disputes; Federal Government in India: Model of Jammu and Kashmir; Sarkaria Commission Report; What Reforms are Necessary?

Select Bibliography

1. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
2. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
3. Ashok Chandra, Federalism in India, (1965)
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6,7 and 8 (1980).
5. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
6. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
7. Richard M. Pious, The American Presidency, 293-331, Ch. 9 (1979)
8. Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
9. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
10. Report of the Eighth Finance Commission.
11. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
12. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
13. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections and 11, pp. IS- 168
14. L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
15. Government of Tamilnadu, Report of the Centre-State Relations Inquiry Committee Ch.5 (1971)
16. D.T. Lakadwala, Union-State Financial Relations (1967)
17. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
18. K. Subba Rao, The Indian Federation (1969)
19. K.C. Wheare, Federal Government (1963)
20. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II)

PAPER 10: SPECIALISATION PAPER 4: CONSTITUTIONALISM, PLURALISM AND FEDERALISM

Objectives:

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by sub nations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional governments and federal structures. The following syllabus prepared with this perspective will be spread over a period of one semester.

Course Outcomes:

On successful completion of the course the student will be able to –

1. analyse the functioning of the government and its guiding principles to understand the concept of Constitutionalism
2. examine the functioning of Constitutionalism which does not merely imply majoritarian rule but has to be a consensual rule.
3. evaluate the nature and meaning of pluralism and federalism.
4. describe the various models of pluralism and forms of constitutional governments and federal structures.
5. explore the concept of plural society and various rules of accommodation and mutual recognition

Course content:

Unit I

Constitutionalism; Authoritarianism – Dictatorship; Democracy – Communism; Limited Government - concept - Limitations on government power; What is a Constitution? Development of a democratic government in England - Historical evolution of constitutional government; Conventions of constitutionalism - law and conventions; Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India; Separation of powers: Montesquieu; Rule of Law: Concept and new horizons; Marxist concept of constitutionalism; Dictatorship of the proletariat.; Communist State from Stalin to Gorbachov; Fundamental Rights: Human rights; Judicial Review: European Court of Human Rights; Human Rights: International conventions; Limits & doctrine of domestic jurisdiction in international law.

Unit II

Federalism: What is a federal government? Difference, between confederation and federation; Conditions requisite for federalism; Patterns of federal government - U.S.A., Australia, Canada, India; Judicial review - for federal umpiring; New trends in federalism: Co-operative federalism; India - Central Control v. State Autonomy; Political factors influencing federalism; Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam; Dynamic of federalism.

Unit III

Pluralism: What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism; Individual rights - right to dissent; Freedom of speech and expression; Freedom of the press; Freedom of association; Rights to separateness; Freedom of religion; Rights of the religious and linguistic minorities; Compensatory discrimination for backward classes; Women - rights to equality and right to special protection; Scheduled Tribes, Distinct Identity - protection against exploitation - NSLS - Exclusion from Hindu Law.

Unit IV

Uniform Civil Code; Non-State Law Systems(NSLS) and State Law Systems - Problem of a Uniform Code v personal laws: vertical federalism; Equality in Plural Society: Right to equality and reasonable classification; Prohibition of discrimination on ground of religion, caste, sex, language; Abolition of untouchability; Secularism - constitutional principles; Tribal Groups and Equality.

Unit V

Pluralism and International Concerns: International Declaration of Human Rights; Conventions against genocide; Protection of religious, ethnic and linguistic minorities; State Intervention for protection of human rights; Right of self-determination.

Select Bibliography:

1. Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar, "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
3. Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299 (1986)
4. M.A. Fazal, "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
5. M.P. Jain, Indian Constitutional Law (1994), Wadhwa
6. Jagat Narain, "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985).
7. Rhett Ludwikowski, "Judicial Review in the Socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)
8. S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay.

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

PAPER 11: SPECIALISATION PAPER 5: LAW AND ADMINISTRATION

Objectives:

The complex responsibilities by the State have necessitated devolution of authority on numerous State functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs. The aggregate of such functionaries is an essential component of modern administration. There is a need of understanding the nature and scope of powers and functions of administration.

This course will deal with the nature, scope and functions of administrative authorities, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. One of the perennial problems of the civilized society is to control the exercise of public power. In the course of time a formidable body of law has come into existence for the purpose of exercising control over administration. Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour. A course on law and administration must, therefore, lay emphasis on understanding the structure and modus operandi of administration.

This course further deals with the role played by courts in disciplining the administration. The focus is on their role in protecting the rights of individuals against abuse of administrative power. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course Outcomes:

On successful completion of the course the student will be able to –

1. identify range of current issues currently influencing developments of Indian Administrative Law.
2. demonstrate the ability to contribute to the scholarly discussion surrounding current developments in administrative law.
3. expand their knowledge of administrative law principles and develop their ability to apply them in a variety of practical and theoretical contexts.
4. discuss the the principles and theory of administrative law in the landmark judgments.

Course content:

Unit I

Administration Process, Nature and Scope: Rule of Separation of Powers; Control of Delegated Legislation; Administrative Discretion.

Unit II

Judicial Control of administrative Action; Doctrine of Ultra vires; Discretion and Justiciability; Procedural Fairness- Principles of Natural Justice.

Unit III

Constitutional Protection of the Civil Servants; Liability of Police Authorities- Tortious Liability, Contractual Liability; Emerging Trends- Personal Accountability, Compensatory Jurisprudence.

Unit IV

Right to Information; Official Secrecy' Executive Privilege; Security of Staff and Control on Information; Promissory Estoppel.

Unit V

Control on Mal-admission- Ombudsman, Evolving Indian Models; Lokayukta and Lokpal; Commission of Enquiry; Vigilance Commission; The CBI; Inquiries by Legislative Committees; Judicial Enquiries; The Administrative Tribunal.

Select Bibliography:

1. Jain and Jain, Principles of Administrative Law.
2. S.P. Sathe, Administrative Law.
3. De Smith, Judicial Review of Administrative Action.
4. M. P. Jain, the Evolving Indian Administrative Law.

PAPER 12: SPECIALISATION PAPER 6 NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Objectives:

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers. The following syllabus prepared with this perspective will comprise 42 units of one hour duration each to be covered over a period of one semester.

Course Outcomes:

On successful completion of the course the student will be able to -

1. analyse different aspects of emergency powers and scrutinize intellectual attitude towards such powers.
2. evaluate the laws relating to preventive detention which curtails individual liberty and eclipse certain aspects of the due process.

3. examine the role of judiciary in relation to access to courts and emergency.
4. explore and understand the meaning of national security, public order and rule of law.

Course content:

Unit I

National Security, Public Order and Rule of Law; Emergency Detention in England - Civil Liberties; Subjective satisfaction or objective assessment? Pre-Independence law.

Unit II

Preventive Detention and Indian Constitution: Article 22 of the Constitution; Preventive Detention and Safeguards; Declaration of Emergencies; 1962, 1965 and 1970 Emergencies; 1975 Emergency.

Unit III

Exceptional Legislation: COFEPOSA and other legislation to curb economic offenders; TADA: "the draconian law"-comments of NHRC; Special courts and tribunals; Due process and special legislation.

Unit IV

Civil Liberties and Emergency: Article 19; Meaning of "Security of State"; Meaning of "Public Order"; Suspension of Article 19 rights on declaration of emergency; President's Right to suspend right to move any court; Article 21 - special importance - its non-suspendability; Suspendability -44th amendment.

Unit V

Access to Courts and Emergency: Article 359: ups and downs of judicial review; Constitution (Forty-fourth), Amendment Act, 1978; Constitution (Fifty-ninth) Amendment Act, 1988. Martial Law: Provisions in English Law; Provisions in the Constitution.

Select Bibliography:

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).

FOURTH SEMESTER

PAPER 13: SPECIALISATION PAPER 7: LAW RELATING TO WRITS AND PUBLIC SERVICE

Objectives:

Rights without remedy are of no use. As the student studies fundamental rights and other rights he is supposed to know about where lies the remedy in case of violations of rights. Prerogative writ remedies which have their genesis in United Kingdom have been replicated under Article 32 and Article 226 of the Constitution of India. A student shall study the genesis of the writ remedies. The scope of writ remedies under Article 32 and Article 226 of the Constitution of India the context and reasons for the Supreme Court to adopt such a narrow construction of writ remedies under Article 32 during 1980 and adopting of liberal construction in the post 1980 period. It is significant to analyse the British unwritten Constitutional law, which is the source and inspiration for many provisions of the constitution of India including provisions relating to writ remedies but functioned differently in Indian setting and also to study the comparative analysis of prerogative writs and the present working of writ remedies under Indian and UK law.

Protection of rights of public servants against the mighty state is yet another ever-evolving area of constitutional law. While the constitutional provisions and the service rules by the Governments at the union and at the state 's level regulate the matter, the principles and doctrines like, the doctrine of pleasure having its origin in UK and finding its place in our constitution as delineated in a catena decisions by a judiciary assumes significance. The extent and degree of protection of interests of public servants under the constitutional regime needs to be studied. Further, law governing administrative tribunals and judicial interpretation of constitutional provisions pertaining to them and rules and procedure governing disciplinary actions against public servants and the extent of judicial review of the disciplinary committee's decision shall also be studied for the comprehensive understanding of the service law.

Course Outcomes:

On successful completion of the course the student will be able to -

1. analyse the distinction between the prerogative writs and judicial writs
2. compare and appreciate the Indian law on specific writs
3. describe who can apply and against whom writs may be applied, and where to apply.
4. examine the role of judiciary in relation issuing of writs.
5. explore the nature and scope of jurisdiction of administrative tribunals.

Course content:

Unit I

Importance of constitutional remedies; Evolution of writs in UK and India; Nature of writs in England; prerogative writs- meaning and distinction between prerogative writs and judicial writs. Comparative study of English law and Indian law on specific writs- Habeas Corpus, Mandamus, Certiorari, Prohibition, & Quo-Warranto.

Unit II

General principle of writ jurisdiction: who may apply for writs and against whom writ may be issued- government, local authority and other authorities. Law relating to exhaustion of local remedies. Locus standi- Exceptions, Public Interest Litigation; territorial jurisdiction, alternative remedy; delay and laches; res judicata.

Procedures-impleading of proper parties. Dismissal in limine. No dismissal of petition without speaking orders. Raising of a new plea. Relief and prayers in petition, review petition.

Unit III

Writ Jurisdiction of the supreme court under Articles 32 of the constitution of India and jurisdiction of the High Court under Art. 226 and 227; Grounds and procedure for filing specific writs-Habeas Corpus, Mandamus, Certiorari, Prohibition, & Quo-Warranto; interpretation of the expression 'for any other purposes' under Article 226.

Practice & procedure in writ petitions: pleadings, content of writ petitions Supreme Court rules- Provisions relating to writ procedure. Application for enforcement of fundamental rights; Karnataka High Court rules governing writ petitions; applicability of CPC; drafting of writ pleadings. Evidentiary matters.

Unit IV

Service regulation under the Constitution; constitutional safeguards-rights of civil servants- doctrine of pleasure and its limitations- domestic inquiry- compassionate appointments- voluntary retirement- compulsory retirement.

Unit V

Departmental remedies; representation, review and appeal under CCA Rules- Procedure for imposing penalties- remedies before the Administrative Tribunal; Its jurisdiction, scope and procedure – Administrative Tribunal Act, 1985, Articles 323 A and 323 B- Exclusion of judicial review- judicial Review of service matters- limited jurisdiction of judicial review against disciplinary proceedings.

Select Bibliography:

1. D.D. Basu- Constitutional Remedies and Writs (Kamal Law House, Kolkata, 3rdEdn., 2009)
2. Justice C.K. Takker and MC Thakker, V.G. Ramachandran's Law of Writs (EBC, Delhi, 6thedn., 2007)
3. M.R. Malick, Writs Law & practice (EBC, New Delhi, 2ndedn., 2009)
4. Justice P.S. Narayana, Law of Writs (Asia Law House, New Delhi, 2ndedn., 2009)
5. P.M. Bakshi, Public Interest Litigation (Ashoka Law House, New Delhi, 3rdedn., 2012)
6. S.A. De Smith, Judicial Review of Administrative Action (Cambridge University Press, 2009)

7. H. M. Seervai, Constitutional Law of India (Universal Law Publishing Co. Ltd., 4thedn., 20150
8. Halsbury' s Laws of England Vol II (Lexisnexis, UK, 5thedn., 2020)
9. Justice M. Rama Jois, Services under the state (Indian Law Institute, New Delhi, 2007)
10. G.B. Singh's Commentary on the CCS and CCA Rules
11. ILI- Judicial review through writ petitions
12. Sharpe, Law of Habeas Corpus
13. Chaudary& Chaturvedi- Law of Writs
14. Samaraditya pal- Law Relating to public Service- 3rdedn., Lexisnexis, 2011 re pt. 2017.

PAPER 14: SPECIALISATION PAPER 8: MASS MEDIA LAW

Objectives:

Mass media such as press, radio and television, films, play a vital role in socialisation, culturalisation and modernisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as man educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media. The following syllabus prepared with this perspective will be spread over a period of one semester.

Course Outcomes:

On successful completion of the course the student will be able to -

1. understand the concept of Media, types and theories of mass media.
2. interpret the issues and analyse the principles laid down in the cases in the field of Media law.
3. evaluate the Constitutional framework impinging upon the fundamental rights to freedom of Speech and expression in India with special reference to freedom of the press and the fundamental right to privacy.
4. evaluate the latest developments in the field of media law.

Course content:

Unit I

Mass media - Types of – Press, Films, Radio, Television; Ownership patterns - Press - Private – Public; Ownership patterns - Films – Private; Ownership patterns - Radio & Television, Public; Difference between visual and non- Visual Media- impact on people's minds.

Unit II

Press - Freedom of Speech and Expression - Article 19 (1) (a): Includes Freedom of the Press; Laws of defamation, obscenity, blasphemy and sedition; the law relating to employees wages and service conditions; Price and Page Schedule Regulation; Newsprint Control Order; Advertisement - is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

Unit III

Films - How far included in freedom of speech and expression? Censorship of films – constitutionality; The Abbas Case; Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

Unit IV

Radio and Television - Government monopoly; Why Government department? Should there be an autonomous corporation? Effect of television on people; Report of the Chanda Committee; Government policy: Commercial advertisement; Internal Scrutiny of serials, etc; Judicial Review of Doordarshan decisions: Freedom to telecast.

Unit V

Constitutional Restrictions; Radio and television subject to law of defamation and obscenity; Power to legislate - Article 246 read with the Seventh Schedule; Power to impose tax - licensing and license fee.

Select Bibliography:

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa
2. H.M. Seervai, Constitutional Law of India (1991) Tripathi, Bombay
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)
4. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972)
5. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984)
6. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984)
7. Soli Sorabjee, Law of Press Censorship in India (1976)
8. Justice E.S. Venkataramiah, Freedom of Press: Some Recent Trends (1984)
9. D D. Basu, The Law of Press of India (1980)
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law I & II, Administrative Law and Public Interest litigation)

PAPER 15: SPECIALISATION PAPER 9: PANCHAYAT RAJ INSTITUTIONS

Objectives:

The role of Panchayat Raj institutions as institutions of grass roots of democracy and of the planning process is becoming more obvious today for all discerning eyes in the context of modern democracy and development exercise. The Panchayat Raj institutions are unique in the area of governance and their importance has, however, increased enormously after the Constitution (73rd Amendment) Act 1993.

There is a need of understanding the nature and scope of decentralized democracy. Whether constitutional framework and legal structure of Panchayat Raj institutions is in accordance with the Constitutional philosophy of decentralized democracy? The provisions of Panchayat Raj Act 1993 has to be studied and verified in the context of working model of the Panchayat Raj institutions.

Whether Panchayat Raj institutions have been fully endowed with power by the State legislatures is a significant point in assessing quality of local governance. In this regard Karnataka Panchayat Raj Act 1993 has to be studied to verify the devolution of powers to Panchayat Raj Institution in Karnataka.

Course Outcomes:

On successful completion of the course the student will be able to -

1. understand the introductory aspects, the historical and philosophical background for the Panchayat Raj Institutions
2. analyse the Constitutional scheme for the Panchayat Raj Institutions
3. understand about the structure, powers and functions of Panchayat Raj Institutions
4. address the issues of decentralization and grass- root planning of the Panchayat Raj Institutions
5. explore the modern dimensions of local self-government.

Course content:

Unit I

Decentralisation, Decentralised Democracy; rural local government before 1862; Evolution of local self-government before independence; Principles of Local governance & Institutions of self-governance; M.K. Gandhi's concept of village Panchayat; Panchayat Raj & the constituent Assembly; Article 40: Organisation of village Panchayat; committees Reports on Panchayat raj Institutions; Emergence of Panchayat Raj Institutions.

Unit II

Constitutional Frame work & legal structure governing PRI's; The constitution (73rd Amendment) Act, 1992; Eleventh schedule & 29 subjects therein; Constitutional provisions as normative model; Panchayats as local & other authorities, The provisions of Panchayats (Extension to the scheduled Areas) Act, 1996; Panchayat Raj jurisprudence; A review of central Acts.

Unit III

Empowerment of Panchayats- A perspective; Legislative measures for democratization of Panchayat raj Institutions; The Panchayat Raj Act 1993; Devolution of powers & functions; structural issues, Reservations, duration of Panchayat, powers, authority & responsibilities, powers to impose taxes, District planning committee (DPC)

Unit IV

Local self-government in Karnataka; Evolution of legal structure governing Panchayat Raj institutions in Karnataka; The Karnataka Panchayat Raj Act 1993; state enactments & rules supplementing Panchayat Raj institutions; Political empowerment; Gram Sabha; Constitution of Panchayats, Transfer of Powers, functions & resources to institutions of self-Governance; State finance commission; Financial devolution to Panchayats, state election commission, Efficacy of Panchayat Raj Laws for constituting legal structure & functioning of Panchayat.

Unit V

Panchayat Raj as a development Institution: Planning at grass roots Level; Functions, duties & powers of: Gram Panchayats; Taluk Panchayats; Zilla Panchayats in Karnataka; Election process: Electoral politics of Grass roots Democracy; Election petition & trial, Efficacy Panchayat Raj Laws for functioning of Panchayat; Panchayat Raj Personnel & Services.

Select Bibliography:

Relevant provisions of constitution of India

73rd constitutional Amendment Act 1992.

The provisions of Panchayats (Extension to the scheduled Areas) Act, 1996

Eleventh Schedule & 29 subjects therein - Constitution of India

The Panchayat Raj Act 1993

1. The Karnataka Panchayat Raj Act 1993
2. Economic & political weekly
3. Case law decisions-HC's and SC
4. Panchayat Raj update-Institute of social science

