



Evaluation Scheme & Syllabi
Of
Master of Laws
(LL.M.)
Constitutional & Administrative Laws
(w.e.f. Academic session 2022-23)

Faculty of Law
INVERTIS UNIVERSITY BAREILLY

COURSE STRUCTURE
LL.M.(CONSTITUTIONAL AND ADMINISTRATIVE LAW)

YEAR 1

SEMESTER I

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LLM 101	Indian constitutional law- New Challenges	70	30	100	3+2+0	5
2	LLM 102	Law & Social Transformation	70	30	100	3+2+0	5
3	LLM 103	Jurisprudence	70	30	100	3+2+0	5
4	LLM 104	Legal Education & Research Methodology	70	30	100	3+2+0	5

SEMESTER II

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LMA 201	Centre-state relations and constitutional governance	70	30	100	3+2+0	5
2	LMA 202	Fundamental rights and directive principals	70	30	100	3+2+0	5
3	LMA 203	Administrative Law I	70	30	100	3+2+0	5

YEAR 1, SEMESTER I

PAPER I

LLM 101: INDIAN CONSTITUTIONAL LAW -NEW CHALLENGES	
Teaching Scheme Lectures: 4 Hr/Week Tutorial:1hr/Week	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks
Credit: 5	End Semester Exam: 70 marks

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 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 while they are allowed to choose an area of law for specialization. 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.

Syllabus

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 States under Article 356 and 365.
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.7. Tribal Areas, Scheduled Areas.

2. "State" Need for widening the definition in the wake of liberalization.

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 strike. 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 Commercialization of education and its impact

- 6.1.2.1. 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 and 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.

a. Nexus of politics with criminals and the business.

b. Election.

c. Election commission: status.

d. Electoral Reforms.

e. Coalition government. •stability, durability, corrupt practice.

f. 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, change's and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values

PAPER II

LLM 102: LAW & SOCIAL TRANSFORMATION IN INDIA	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Objective of the Course

This course is designed to offer the teacher and the taught with

- a. Awareness of Indian approach 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 as played and has to play in contemporary Indian society.

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

1. Law and social change
 - a. Law as an instrument of social change .
 - b. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institution in India.
2. Religion and the law
 - a. Religion as a divisive factor
 - b. Secularism as a solution to the problem
 - c. Reform of the law secular lines: problems
 - d. Freedom of religion and non discrimination on the basis of religion.
 - e. Religious minorities and law
3. Language and the law
 - a. Language as a divisive factor: formation of linguistic states
 - b. Constitutional guarantees to linguistic minorities
 - c. Language policy and the constitutions: official language: multi language system
 - d. Non discrimination on the ground of language
- 4 Community and the law
 - a. Caste as a divisive factor
 - b. Non-discrimination on the ground of caste
 - c. Acceptance of caste as a factor to undo past injustices
 - d. Protective discrimination. schedule caste, tribes and backward classe
 - e. Reservation; statutory commissions, statutory provisions
5. Regionalism and the law .
 - a. Regionalism as a divisive Factor
 - b. Concept of India as one unit.
 - c. Right of movement. residence and business, impermissibility of state or regional barriers
 - d. Admission to educational institutions, preference to residents of a state.
6. Women and law
 - a. Crimes against women
 - b. Gender injustice and its various forms
 - c. Women's commission

- d. Empowerment of women; constitutional and other provision
- 7. Children and the law
 - a. Child labour
 - b. Sexual exploitation
 - c. Adoption and related problems
 - d. Children and education
- 8. Modernisation and the law
 - a. Modernisation as a value, constitutional perspectives reflected in the fundamental duties
 - b. Modernisation of social institutions through law
 - c. Reform of family law
 - d. Agrarian reform—industrialisation of agriculture
 - e. Industrial reform; free enterprise V. State regulation, industrialisation V Environment protection
 - f. Criminal law, plea bargaining, compounding and payment of compensation to victim
 - g. Reform of court processes
- 9. Alternative approaches to law
 - a. The jurisprudence of sarvodaya Gandhi ji. Vinoba Bhave. Jayprakash narayan
 - b. Socialist thought on law and justice; an enquiry through constitutional debates on the right to property
 - c. Indian Marxist critique of law and justice
 - d. Naxalite movement; causes and cure

Select Bibliography

1. Galanter Marc, law and society in modern India, 1997. Oxford.
2. Lingat Robert, The classical law of India, 1998, Oxford
3. Baxi Upendra, the crisis of the Indian legal system. 1982. Vikash.
4. Seervai H.M. constitutional law of India, 1 996. Prentice.
5. Gunasekhare Savitri, children law and justice, 1997, Sage.
6. Derret Duncan, the state religion and the law and India, 1999, Oxford.
7. Desta Sunil and Kiran, law and menace of child labour. 2000. Armol Publications.

PAPER III

LLM 103: JURISPRUDENCE	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Concept : what is the legal Method and Its Purpose? How the same purpose can be served by any other method that may be outside the parameters of legal method? What is the advantages of legal method versus non-legal methods are?

1. What the law is and its interrelation with and cross fertilization of principles, ethics Religion and Morality
2. What is the law a system? What are the requirements of law to be a system instead an adhoc reaction to incidents-heuristic, epistemological hermeneutical and teleological How are the legal reasoning structured in deductive and inductive framework in problem solution material and method of learning the law? Locating a legal system in the global map and character of each system, such as Ecclesiastical System, Common Law System, (Anglo Saxon), Continental System, Romano-Germanic system, Constitutional and hybrid legal system
3. What are the sources of Law? Is the law discoverable phenomenon to be discovered from custom and usages? Is law an inventible idea emanating from reasoning, application of precedent or legislature discourse? Finding the ratio and obiter dicta
4. Theories of Law. National Law Theory positivist Theory, Legal Realism and Sociological theory
5. Law as an instrument of Social engineering- instrument of Social Structure.
6. Concepts.
 - a) Legal Rights
 - b) Ownership
 - c) Poscsion and
 - d) Legal Personality

Books recommended:

- 1 Farar and Dugdale- Introduction to Legal Method (Sweet and Maxwell).
- 2.Friedman- Lloyd's Introduction to Jurisprudence.-(Chapter1.7) (Sweet & Maxwell) :
3. Lloyd's- Idea of Law (Bulterworth)
4. Hart-Concept of law. Law Liberally and Morality.
5. Glanville William- Learning the law
6. Antony Allot- The Limits of the Law (Butler worth)
7. Fried man- Law in the Changing Society
8. Baxi Upendra- Crisis of Indian Legal System
- o. Materials and cases prepared by the teacher.
10. Edgar Bodenheimer-Jurisprudence. The Philosophy and Method of Law

PAPER IV

LLM 101: RESEARCH METHOD AND LEGAL WRITING	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks
Credit: 5	

Objectives of the Course

post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like the organization of seminars, publications of law journals and holding of legal aid clinics.

Law is taught in different countries. The LLM. course being intended also to produce lawyers. with better competence and expertise. it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both LL..B. level and LL.M. as many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem, 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.

Syllabus:

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 evaluate-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 literature and (Material)
 - 10.2.1. Legal material
 - 10.2.1(a) Primary Legal Material
 - 10.2.1(b) Secondary Legal Material
 - 10.2.2 Non Legal Material
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. ty pes 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 tabulated data

1.5. Analysis of Data.

SEMESTER II

PAPER III

LMA 201: CENTER-STATE RELATIONSHIP AND CONSTITUTIONAL GOVERNANCE	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

- I. Federal Features of the Indian Constitution
- II. Legislative Relations between Centre and States
- III. Administrative Relations and Cooperative Federalism
- IV. Common Civil Service and Impact on Autonomy of States
- V. Financial Relations - Dependence of States on Centre
- VI. Emergency and Division of Powers
- VII. Judiciary and Division of Powers
- VIII. Article 356 and the Role of Governor

Recommended Books:

- 1.K.C.Wheare, Federal Government.
- 2.Jain M.P Outlines of Indian Legal History.
- 3.M.V Pylee, Constitutional History of India
- 4.Rama Jois M, Legal and Constitutional History of India. 5.Stetalvad M.C, , Constitutional History of India
- 6.Keith A.B. , Constitutional History of India
- 7.H.M. Seervai, Constitutional Law of India –Vol.I &II
- 8.G.C.V Subbarao, Legislative powers in Indian Constitutional Law. 9.V.D. Sebastian, Indian Federalism: the Legislative Conflict.
- 10.L.M Singhvi, Union-State Relations in India 11.K.Subba Rao, The Indian Federation.
- 12.K.P. Krishna Shetty, The Law of Union-state Relations and Indian Federalism. 13.Ashok Chandra, Federalism in India.

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PAPER II

LMA 202: FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPALS	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

- I. Concept of Fundamental Rights and Relation with Natural Rights
- II. Enforcement of Fundamental Rights
 - Definition of 'State' - Rights against state
 - Rights against non-state actors
 - Is there need to enlarge the definition of State?
- III. Fundamental Rights: Limitations, Suspendability and Amendability
- IV. Remedies against Violation/Threat of Violation of Fundamental Rights – Effects of Indemnity Granted under Article 34.
- V. Significance and Importance of Fundamental Duties
- VI. Significance of Directive Principles of State Policy and their Unenforceability
- VII. Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights –
- VIII. Use of DPSP and International Instruments in Interpreting FRs.
- IX. Constitutional Torts
- X. FRs and Judicial Review
 - Reasonableness Test and Strict Scrutiny Test
 - Rights Test and Essence of Rights Test

Recommended Books;

- 1.P. Ishwara Bhat Inter-relationship between Fundamental Rights
- 2.M P Jain Indian Constitutional Law
- 3.H M Seervai Constitutional Law of India
- 4.V N Shukla Constitution of India
- 5.D D Basu Shorter Constitution of India
- 6.B Sivarao Constitutional Assembly Debates
- 7.J. V R Krishna Iyer Fundamental Rights and Directive Principles 8.Paras Diwan Human Rights and the Law
- 9.P K Tripathi Some Insight into Fundamental Rights
- 10.S P Sathe Fundamental Rights and Amendment to the Constitution 11.P B Gajendragadkar Law, Liberty and Social Justice
12. David Karrys Politics of Law

PAPER III

LLM 203: ADMINISTRATIVE LAW I	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

OBJECTIVE:

In a welfare state the executive branch of the government exercises dominating authority over governmental functions. This has given rise to bulk of legal literature- statutory, administrative and judicial. The progressively expanding scope of administrative law necessitates teaching of the subject in detail at Post Graduate Level which demands in depth and quality teaching. This is feasible when the subject is dealt with in two semesters. The course is, therefore, split up in two papers, viz, Administrative Law I and Administrative Law II.

DETAILED SYLLABUS:

1. Definition, scope and nature of Administrative Law
2. Growth of Administrative Law (Relevancy of Droit Administratif)
3. Basic Constitutional Principles:
 - a. Rule of Law
 - b. Separation of Power
4. Principles of Natural Justice or Fairness:
 - a) Bias
 - b) Audi Alteram Partem
 - c) Reasoned Decisions
5. Delegated Legislation:
 - a. Importance, types and needs of Delegated Legislation
 - b. Control of Delegated Legislation
 - i) Parliamentary Control
 - ii) Procedural Control
 - iii) Judicial Control
 - c. Constitutionality of Delegated Legislation
6. Judicial Control of Administrative Action (Writs)
7. Administrative Discretion

Recommended Readings:

1. W.H.R. Wade: Administrative Law, Oxford
2. C.K.Allen: Administrative Jurisdiction, Stevenson, London
3. Cecil Carr: Concerning English Administrative Law, Oxford
4. D.D.Baasu: Comparative Administrative Law, S.C.Sarkar & Sons
5. M.C.Jain & Kagzi: The Indian Administrative Law, Metropolitan, New Delhi
6. S.A.De Smith: Judicial Review of Administrative Action, Stevenson & Sons
7. K.C.Davis: Administrative Law, West Publishing House, Minnesota
8. David Faulkes: Introduction to Administrative Law, Butterworths
9. J.F.Garner: Administrative Law, Butterworths
10. Griffith & Street: Principles of Administrative Law, Pitman & Sons
11. Jain & Jain: Principles of Administrative Law, Wadhwa & Co.
12. S.P.Sathe: Administrative Law in India, N.M.Tripathi & Ltd.

