



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

YEAR 2

SEMESTER III

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS L+T+P	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LMA 301	Police and security administration	70	30	100	3+2+0	3
2	LMA 302	Local self government and federal governance	70	30	100	3+2+0	3
3	LMA 303	Administrative Law II	70	30	100	2+2+0	2

SEMESTER IV

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS L+T+P	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LLM 401	Judicial Process	70	30	100	3+2+0	5
2	LLM 451	Dissertation	70	30	100		
3	LLM 452	Viva-voce	70	30	100		

SEMESTER III

PAPER I

LMA 301:POLICE AND SECURITY ADMINISTRATION	
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

Course Objectives

1. To know about the main aim of National Security, Public Orders and Rule of Law.
2. To understand the Exceptional Legislation related to Preventive Detention and their uses in India
3. To Know about Martial Law and the provision related to it.
4. To understand the provision related to Access to Courts and Emergency given in Indian Constitution.

Detailed syllabus

Unit-1

National Security, Public Orders and Rule of Law

Emergency Detention in England -Civil Liberties

2 . Subjective satisfaction or objective assessment? 3 . Pre Independence law.

Unit-2

Exceptional Legislation

COFEPOSA and other legislation to curb economic offenders

the draconian law and NHRC

Special courts and tribunals

Due process and special legislation

Unit-3

Martial Law

Provisions in English Law

Provisions in the Constitution

Unit-4

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

Recommended Books:

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)

5 . M.S.Parmar, (1992), Problems of Police Administration,Reliance Publishing House, New Delhi

PAPER II

LMA 302:LOCAL SELF GOVERNMENT AND FEDERAL 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

Unit-I. Local Self-Government Federalism in India and Local Self Government

- Evolution of Local Self Government in India
- Gram Swaraj: the Gandhian concept
- Concept of Sarvodaya

Unit –II. Local Self-Government and Constitutional Amendment 73rd and 74th Constitutional amendments;

- Subject matters of 11th and 12th Schedule of the Constitution of India
- The Balvant Rai Mehta committee report
- The Sarkariya Commission report

Unit-3 Rural local self government Importance of Rural local self government

- Rural local self government :Origination
- Powers and functions of Rural local self government
- Women's reservation in Panchayat and its effects

Unit-4 Urban local self government Urban local self government: Meaning and significant

- organization of Urban local self government
- Urban local self government : powers and function
- Finance and Local self Govt

Recommended Books:

- 1.Friedman, The State and the Rule of Law in a Mixed Economy
- 2.Neville L. Brown and J.F. Garner, French Administrative Law
- 3.Dicey, Introduction to the Law of the Constitution,
- 4.Ivor Jennings, Law and the Constitution
- 5.Schwartz & Wade, Legal Control of Government
- 6.Davis, Discretionary Justice
- 7.Jain & Jain, Principles of Administrative Law
- 8.De Smith, Judicial Review of Administrative Action (1995)
- 9.Indian Law Institute, Government Regulation of Private
- 10.Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi

PAPER III

LLM 203: ADMINISTRATIVE LAW II	
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

1. Administrative Tribunals (Administrative Adjudications)
 - a. Need for Administrative Law Tribunals
 - b. High Courts Superintendence over Administrative Tribunal
2. Commission of Enquiry
3. Ombudsman
4. Domestic Enquiry
5. Governmental Liability:
 - a. Liability in Torts
 - b. Liability in Contract
6. Finality of Administrative Adjudication

Recommended Readings:

As in Administrative Law I

SEMESTER IV

PAPER I

LLM 401: JUDICIAL PROCESS	
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

Objectives of the course

A Lawyer, whether academic or professional is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on judicial process is essential in the LLM. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

The following syllabus prepared with the above perspective will spread over a period of one Semester:.

1. Nature of Judicial Process.

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

2. Special Dimensions of judicial process in Constitution Adjudications.

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

3 Judicial Process in India.

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

4. The Concepts of Justice

- 4.1 The concept of justice or Dharma in Indian thought

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

5. Relation between Law and Justice.

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

6. Interpretation- Construction and Interpretation-kinds of interpretation-Interpretation .Dilemmas- Special Rules of interpretation-Some important considerations as Interpretation Duties, Power and practice of Courts in interpretation Intension of Legislature The Golden rule of interpretation The Heydon Rule of interpretation -Internal and External aids to Interpretation.

Select bibliography:

- 1. Julius stone. The province and Function of Law, Part 11. Chs.1-8-16(2000), Universal. New Delhi.
- 2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.
- 3. Henry J. Abraham. The Judicial Process (1998). Oxford.
- 4. J. stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth's
- 5. W. Friedmann. Legal Theory (1960), Stevens, London
- 6. Bodenheimer. Jurisprudence - the Philosophy and Method of Law Growth (1997). Universal, Delhi.
- 7. J. Stone. Legal System and Lawyers Reasonings (1999), Universal Delhi
- 8. U. Baxi. The Indian Supreme Court and politics (1980), Eastern. Lucknow.
- 9. Rajeev Dhavan. The Supreme Court of India-A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi. Bombay.
- 10. John Raw Is. a Theory of Justice (2000), Universal. Delhi
- 11. Edward ll. Levi. An Introduction to legal Reasoning (1970), University of Chicago
- 12. M.N. Rao & Amit Danda-N.S. Bindra Interpretation of Statues, (10" Ed) Lexis Nexis-Butterworth.

PAPER II
LLM 451: DISSERTATION

Every student has to select a topic for research duly approved by the Head of the department and take up the research work during the course of the 4th semester. The topic must be chosen at the end of the 3rd semester and the approval would be communicated at the beginning of the 4th semester. The research must be carried out under the Supervision of a teacher, who has been experienced and qualified to be a Professor/Associate Professor/ Assistant Professor.

The topic so chosen must not have been the topic of dissertation by any other student of that institute during the last 5 Years. The topic chosen must have utility and of Current value. However, if the teacher has a doctoral degree the limit of experienced may be waived.

The dissertation must be of at least of 100 pages typed on one side of the Paper with one and half space and 1 1/2" margin. Methodology prescribed must be strictly followed in regard to citation, Bibliography, chapter index etc. It must be the original work of the Candidate. The dissertation must be submitted at least 15 days before the Commencement of the final semester (IV Semester) examination. The dissertation shall be evaluated for a maximum of 200 marks by two examiners (one external and the other internal) and the average marks would be taken, further, there would be viva-voce examination by a committee consisting of one external examiner and one internal examiner, which would contain 100 marks.

A Candidate should get 50% of the total marks i.e. 100 out of 200 marks assigned to this paper in order to obtain a pass in this paper. A Candidate who fails in this paper has to resubmit dissertation after attending to all the queries raised or mistakes pointed out by the examiners or submit a fresh dissertation on a new topic assigned if the dissertation is found to be very poor, as the case may be. In case, the dissertation found to be a copy of the dissertation submitted by any student earlier either to this University or any other University, The candidate would be debarred from getting LL.M., degree.