

**DEPARTMENT OF LAW**  
**(AMBEDKAR CHAIR)**

**Dr. Bhimrao Ambedkar University, Agra**

**ORDINANCE OF MASTER OF LAWS**

**(LL.M.) (Four Semesters Post Graduate Law Degree Course)**

**1. Applicability**

It will be applicable to two-years, four semesters, MASTER OF LAWS Post-Graduate Degree Programme.

**2. Definitions of Key Words**

- a) **Academic Year:** Two consecutive semesters, one odd and one even semester shall constitute one academic year.
- b) **Credit:** One credit is equivalent to one hour of teaching (lecture/tutorial) or two hours of practical work/field work per week. Every semester shall have 20 credits and each paper shall have 5 credits.
- c) **Semester Grade Point Average (SGPA):** It is a measure of academic performance in a semester.
- d) **Cumulative Grade Point Average (CGPA):** It is a measure of overall cumulative academic performance of a student.
- e) **Grade Point:** It is a numerical value allotted to marks obtained in a course.
- f) **Grade/Score Card:** The grade cards will be given to all students at the end of any semester of a program and also on improvement of grades. It will display the course details (code, title, number of credits) grade points obtained in each course, and SGPA/CGPA.
- g) **Letter Grade:** It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, C, P, F, AB, Q and NQ.
- h) **Programme:** An academic programme leading to award of a Degree with Master of Laws.
- i) **Semester:** Each semester will consist of academic work equivalent to 90 working days including examination/evaluation. The odd semester will be from July/August to December and even semester from January to May in every academic year.

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- j) **Transcript:** The Transcript issued on successful completion of all semesters of a program.

### 3. Minimum Eligibility Requirement and process of Admission

**3.1. Minimum Eligibility Requirement:** Admission to the LL.M. Degree Course of study shall be open to those candidates who have passed the Three Year LL.B. Degree Examination of this University or such Examination of any other University or Institution after Graduation under 10+2+3 pattern; or Five Year LL.B. Degree Courses under 10+2+5 pattern as is recognized by this University as equivalent for the purpose of LL.M. Degree Course and have secured not less than 50% marks in aggregate in the LL.B. Examinations.

#### 3.2. Eligibility for Foreign Students:

- (i) Foreign nationals and other candidates nominated by the Government of India or the Government of Uttar Pradesh for admission against reserved/open seats under various scholarship schemes may be admitted if they fulfil the prescribed minimum eligibility requirements, as per rules.
- (ii) Self-supporting foreign nationals recommended by the Government of India/ Embassies, the Government of Uttar Pradesh or who may directly apply for admission may be admitted against open seats on merit basis.

#### 3.3. Admission Process:

The admission of Indian Nationals shall be based on entrance test or academic merit or a combination of the two and reservation/weightage in admissions shall be as per the UP State Government rules. However, Foreign Nationals applying for admission through authorised channels shall be eligible for direct admission with a maximum capping as per University norms.

### 4. Program Duration

The post graduate degree programmes shall be spread over four semesters (02 academic years).

### 5. Fees

The applicable fee(s) charged from the students of post graduate degree programmes shall be as approved by the Finance Committee of the University or by any other competent authority.

#### FEE STRUCTURE:

- a) Tution fee      Rs. 25,000/

- b) Other fee As per university rule

## 6. Number of Seats and Course Structure

The maximum number of admissions in one academic year shall not be more than 60(sixty). However, the Vice Chancellor will have right to extend number of seats. The course structure and course outlines of the LL.M. programme will be as per the respective Regulations recommended by the respective Board of Studies and ratified by the competent authority.

### 6.1. DURATION OF COURSE:

- (i) The duration of course will be of two academic years divided in four semesters.
- (ii) The maximum period allowed to candidate for successful completion of course will be four years from the date of admission.
- (iii) The academic year shall be divided into two semesters: The 1st and 3rd extending from July to November 30th and the 2nd and 4th from December to April 30th.
- (iv) Each theory paper will be of three hours duration. The maximum marks allotted for each paper shall be 100 (75 +25).
  - a) Theory paper - 75
  - b) Project Work/Viva – Voce - 25

### 6.2. EXAMINATION:

The examination for the degree of LL.M. shall consist of four semesters i.e. two years. The rules of examination are as follows-

- A. An examination will be held at the end of each semester as mentioned above. The examination in papers prescribed for the 1st and 3rd semesters will be held in December and the examination in papers for 2nd and 4th semesters will be held in May along with the practical examination.
- B. The names of the Paper setters/Examiners will be recommended by the Head of the Department for the approval of the Vice-Chancellor.
- C. Each paper of the each semester shall be of 100 marks and dissertation shall be of 200 marks. The distribution of marks of dissertation are as follows:

- a. Written work on the topic of dissertation 150 marks

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b. Viva-Voce 50 marks

- D. Every Paper of semester will be evaluated for 75 marks for remaining 25 marks internal assessment will be made at the departmental level. Candidates for the 1st and 2nd semester examination for the degree of LL.M. shall be examined in the compulsory papers which are as follows:

#### SEMESTER I

PAPER I	LAW AND SOCIAL TRANSFORMATION IN INDIA
PAPER II	INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES
PAPER III	JURISPRUDENCE-I
PAPER IV	HUMAN RIGHTS AND INTERNATIONAL ORDER

#### SEMESTER II

PAPER I	JUDICIAL PROCESS
PAPER II	LEGAL EDUCATION AND RESEARCH METHODOLOGY
PAPER III	JURISPRUDENCE-II
PAPER IV	HUMAN RIGHTS LAW IN INDIA

#### SEMESTER III

The student has to opt any one optional group. Group opted in the semester IIIrd will be continued in semester IVth. Once opted, change of group will not be allowed. Supervisor of dissertation will be allotted to student of IIIrd semester by HOD/ Incharge of the department. Dissertation will be submitted before the end of IVth semester. The student will start writing a dissertation on topic of his choice with prior permission of his/her supervisor.

#### GROUP (A)-CONSTITUTIONAL AND ADMINISTRATIVE LAW

PAPER I	CONSTITUTIONALISM AND CONSTITUTIONAL DEVELOPMENT IN INDIA AND ENGLAND
PAPER II	COMPARATIVE AND CO-OPERATIVE FEDERALISM
PAPER III	CIVIL AND POLITICAL RIGHTS: COMPARATIVE STUDY OF SELECTED CONSTITUTIONS (INDIA, USA AND UK)
PAPER IV	LOCAL SELF GOVERNMENT LAW

#### GROUP (B)-CRIMINAL LAW AND CRIMINAL JUSTICE SYSTEM

PAPER I	CRIMINOLOGY AND CRIMINAL JUSTICE SYSTEM
PAPER II	COMPARATIVE CRIMINAL LAW: U.K., U.S.A. AND INDIAN PRACTICES
PAPER	DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN

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III	RIGHTS
PAPER IV	JUVENILE DELINQUENCY

### **GROUP (C)-ENVIRONMENT AND LEGAL ORDER**

PAPER I	ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY
PAPER II	CLIMATE CHANGE AND LAW
PAPER III	ENVIRONMENT AND INTERNATIONAL LEGAL ORDER
PAPER IV	ENVIRONMENTAL LEGISLATION

### **SEMESTER IV**

#### **GROUP (A) CONSTITUTIONAL AND ADMINISTRATIVE LAW**

PAPER I	ADMINISTRATIVE LAW-I
PAPER II	ADMINISTRATIVE LAW-II
PAPER III	DISSERTATION

#### **GROUP (B) CRIMINAL LAW AND CRIMINAL JUSTICE SYSTEM**

PAPER I	PENOLOGY AND SENTENCING PATTERN
PAPER II	HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM
PAPER III	DISSERTATION

#### **GROUP (C) ENVIRONMENT AND LEGAL ORDER**


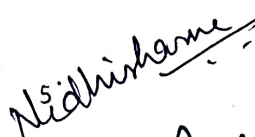
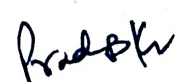

PAPER I	BIODIVERSITY AND LEGAL ORDER
PAPER II	ENFORCEMENT OF ENVIRONMENTAL LAWS
PAPER III	DISSERTATION

- **Dissertation**

- Be allotted at the begin of the semester and required to be submitted at the end of semester.
- The candidate shall be required to secure at least 50% marks in the Dissertation to pass the Examination.

- **Viva Voce Examination:**

- The Viva Voce Examination shall be conducted by a Board of Examiners.

- b) The Board shall consist of three members; at least one of them shall be an external member.
- c) The Viva-Voce Examination shall carry 50 marks.
- d) The candidate shall be required to obtain a minimum of 25 marks to pass the Viva Voce Examination.

**Note:** In addition of above a student on completion of the 4th semester will be required to submit a dissertation on a topic related to Law. The topic for the dissertation will be assigned to the student by the supervisor at the beginning of the 3rd semester. Each subject project work/assignment will be for 15 marks and 10 marks will be for viva-voce.

### 7. Attendance Requirement

Students with less than 75% attendance shall not be eligible to appear in the End Semester Examination. However, in exceptional cases, the Vice chancellor may grant a relaxation in the minimum attendance requirement as per rules.

### 8. Grading, Promotion and Reappearing Rules

#### 8.1. Grading

- a. A student obtaining grades 'P' to 'O' (numeric grade 5 or higher) in any course shall be considered PASS in that course.
- b. For non-credit courses 'Satisfactory' (grades 'P' to 'O') or 'Unsatisfactory' (Grade 'F' or 'Ab') shall be indicated instead of the letter grade and these will not be counted for the computation of SGPA/CGPA.

**TABLE-1**

Letter Grade	Description	Marks Range	Grade Points
O	Outstanding	91-100	10
A+	Excellent	81-90	9
A	Very Good	71-80	8
B+	Good	61-70	7
B	Above Average	51-60	6
C	Average	41-50	5

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E	EFNS (Eligible for Next Semester)	36-40	4
AB	Absent	Absent	0
Q	Qualified		
NQ	Not Qualified		

## 8.2. Computation of SGPA and CGPA

The Semester Grade Point Average (SGPA) and Cumulative Grade Point Average (CGPA) shall be computed as follows:

For Semester jth $SGPA (S_j) = \frac{\sum(C_i \times G_i)}{\sum C_i}$	Here it is: $C_i$ = number of credits of the ith course in jth semester. $G_i$ = grade point scored by the student in the ith course in jth semester
$CGPA = \frac{\sum(C_j \times S_j)}{\sum C_j}$	Here it is: $S_j$ = SGPA of the jth semester. $C_j$ = total number of credits in the jth semester.

- a) CGPA will be converted into percentage marks as per the following formula:

$$\text{Equivalent Percentage} = CGPA \times 9.5$$

- b) Students will be awarded divisions as per the table given below--

**Table-2**

First Division	CGPA less than or equal to 6.50 and less than or equal to 10.00
Second Division	CGPA of 5.00 or more but less than 6.50

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### 8.3. Promotion and Reappearing

8.3.1. A student will always be promoted from the current odd semester to the next even semester, irrespective of the result of the current odd semester.

8.3.2. Promotion from the current even semester to the next odd semester i.e. from the current first year of post graduation to the next second year will be given under the following conditions:-

- The student should have passed at least 50% of the required credits papers (including theory and practical, major research project) of the current first year (both semesters combined).
- There will be no minimum CGPA for promotion.

8.3.3. The student is declared to be failed if

- i. The student did not appear in semester examination or he/she was not granted permission to appear in the examination.
- ii. The student had been detained by the University and subsequently has been permitted to take re-admission
- iii. The student has own desire to abandon the performance of the semester and wishes to repeat.

#### Note:

- a) A student shall be promoted from first year (Semester II) to second year (Semester III) if he/she has passed in at least fifty percent courses in Semester I and Semester II combined.
- b) Cases of use of unfair means in the examinations shall be dealt with as per the rules and regulations of the University
- c) Challenge evaluation shall be permitted as per university rules.

8.4. **Grade Card:** A grade card shall be issued to each student at the end of every semester.

8.5. **Transcript:** A Transcript shall be issued to a student on successful completion of the programme on request as per rules.

### 8.6. Withholding of Grade Card/Transcript

The Grade Card/Transcript of a student shall be withheld if he/she has not paid his/her dues, or if there is a case of disciplinary action pending against him/her.

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## 9. Passing Percentage

- (i) Each papers of subjects (theory and practical all) is a credit course of 100 and the passing percentage for all these will be 36% and the total aggregate shall be 48%.
- (ii) The maximum marks obtained in courses/papers (theory and practical all) of all subjects out of 100 will be calculated by adding the marks obtained in continuous internal assessment of 25 marks and the marks obtained in the university (external) examination of 75 marks.
- (iii) To pass each course/paper of subjects (theory and practical all)...
  - (a) it will be necessary to get minimum 27 marks (36% of 75) out of maximum 75 marks in the university examination and
  - (b) minimum 36 marks out of 100 in total in internal and external examinations.
- (iv) To pass a course/paper, it is necessary to secure a minimum of 36 marks out of a maximum of 100 in the university examination.
- (v) There is no minimum passing percentage in internal assessment of any course/paper. If a student gets zero marks in the internal examination, then in that case, to pass the paper, the student must secure a minimum of 36 marks out of 75 (in main and optional papers) in the external examination. Absentee in internal assessment will also result in zero marks.
- (vi) No grace marks of any kind will be awarded.
- (vii) To obtain a (Post-Graduation) degree, it is necessary to secure a minimum CGPA of 5.0.

## 10. Back Paper

- (i) There will be no examination for back paper in internal examination. In case of re- appearing a complete semester as a back examination, internal assessment can also be done along with the university examination. However, a student cannot appear for the complete examinations of two complete semesters simultaneously.
- (ii) The facility of back paper will be available to the student only in the even (odd) semesters for the papers of even (odd) semesters.

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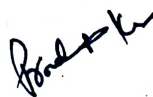
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### 11. Interpretation clause

In case of any issue of interpretation arising during the course of implementation of these ordinances or in case of any unforeseen circumstance, decision of the Vice-Chancellor shall have rights to take decision.

### 12. GENERAL:

- (a) Anything which is not been covered under the Ordinance and situation arises, in such circumstances, Vice-Chancellor shall take decision.
- (b) The Head of the Department will take necessary action against students who remain absents himself for a period of more than 15 working days without any prior permission.
- (c) The following methods will be adopted to develop candidates interpersonal skills-
  - i. Class lectures for theoretical knowledge.
  - ii. Brain storming sessions.
  - iii. Individual presentations
  - iv. Personality development sessions.
  - v. Providing assignments.
  - vi. Guest lectures by the Experts.
  - vii. Case study on current/decided cases.
  - viii. Surprise test to keep the students updated.





# SYLLABUS OF MASTER OF LAWS

## Schedule-A LL.M. SYLLABUS (2 YEARS) SEMESTER PATTERN DETAILED SYLLABUS

### SEMESTER-I

#### PAPER-I: LAW AND SOCIAL TRANSFORMATION IN INDIA

The paper consists of the following:

1. Law and social changes: Law as an instrument of social change, Evolution of law and legal institution in India.
2. Religion and the law: Religion as a divisive factor, Secularism as a solution to the problem, Freedom of religion and non-discrimination on the basis of religion, Religious-minorities and the law, Uniform Civil Code.
3. Community and the Law: Caste as a divisive factor, Non-discrimination on the ground of caste, Protective discrimination and reservation in admission to educational institution and services under state.
4. Women Law and Children Law : Genders injustice and its various forms. Crime against women, Empowerment of women-constitutional and other legal provisions. Prohibition of child labour and exploitation of children in various field, children and education.
5. Modernization and the Law: Democratic decentralization and local self-government, Fundamental Duties, reform in justice delivery system.

#### Recommended Reading materials

- Upendra Baxi-The crises of Indian Legal System'
- Duncan M. Derrett-Religion, Law and The State in India
- Savitri Goonesekere-Children, Law and Justice
- Indian Law Institute-Law and Social Changes
- Dr Saleem Akhtar-Uniform Civil Code
- V.N. Shukla-Constitution of India
- M.P. Jain- Outlines of Indian Legal History
- P. ISHWARA BHAT- LAW AND SOCIAL TRANSFORMATION

#### PAPER-II: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

The paper consists of the following:

1. Federalism: Nature of federalism in India. Legislative, administrative and financial relations between the union and the states. Article 356, 365 of the Constitution of India, Judicial independence.
2. State: Article 12 and its widening horizons.
3. Right to equality [Article 14], Right to freedom [Article 19] and Right to life and personal liberty [Article 21]: Emerging new trends and their impacts.

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4. Remedies: Article 32 and 226 and their widening horizons public interest litigation, compensatory jurisprudence and judicial activism.
  5. Directive Principal of State Policy and their relationship with fundamental rights-emergence of new right and remedies.

**Recommended Reading materials:**

- H.M. Seervai- Constitutional Law of India
- V.N. Shukla-Constitution of India
- M.P. Jain- Outlines of Indian legal History
- D.D. Basu-Shorter Constitution of India

**PAPER-III: JURISPRUDENCE-I**

**The paper consists of the following:**

1. Analytical Schools of Jurisprudence: Imperative Theory of Law-Austin, Bentham, Kelsen, H.L.A. Hart, Analytical Positivism, Relationship between law and morality: Hart and Fuller controversy.
2. Historical School: Savigny's theory of Volkgeist, Henry Maine's theory of status to contract,
3. Sociological School: Roscoe Pound's theory of social engineering, Dugit's Doctrine of Social Solidarity.
4. Natural Law School: Classical Natural Law and Revival of Natural Law.
5. American Realist school and Marxist Theory of law

**Recommended Reading materials:**

- C. K. Allen Law in the Making
- Paton - A Text Book of Jurisprudence
- John Rawls- A Theory of Justice
- Dennis Lloyd- Introduction to Jurisprudence
- J. Finnis - Natural Law and Natural Rights
- Dias-Jurisprudence
- H. L. A. Hart- Concept of Law

**PAPER-IV: HUMAN RIGHTS AND INTERNATIONAL ORDER**

**The paper consists of the following:**

1. Understanding of Human Rights, History and philosophy of Human Rights, Emergence of International Human Rights Law, Emergence of Domestic Human Rights
2. Nature of Human Rights: Characteristics of Human Rights Various approaches, Human Dignity and Human Rights, Human Rights its importance for survival of various social, political and economic institutions; Democracy & Civil Society, Universalism verses Relativism
3. Internationalization of Human Rights, Transformation of 'Value' to 'Norm' or Human Rights as Normative standard, Progressive development and

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codification of Human Rights

4. Development of International Human Rights Law: Human Rights Under various conferences and covenants (UDHR, ICCPR, ICESCR). Civil and political Rights under International Human Rights Law; Economic, Social and Cultural Rights under International Human Rights Law; Other international regional and international Human rights Convention Implementation of Human Rights
5. International Human Rights Law- Some current problems and Challenges. Protection of Human Rights at Regional level (European, American, African, Asian countries)

**Recommended Reading materials**

- J.A. Andrews- Human Rights in International Law,
- Nagendra Singh- Human Rights and International Co-operation
- H. Beddard, Human Rights and Europe

**SEMESTER-II**

**PAPER-I: JUDICIAL PROCESS**

**The paper consists of the following:**

1. Meaning and nature of Judicial Process: Judicial process as an instrument of Social Ordering, Judicial process and Creativity. The tools and techniques of Judicial Creativity. Judicial Creativity and Precedent. Legal development and Creativity through legal reasoning under statutory and codified systems
2. Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of Judicial Review, 'Role' of Judiciary in Constitutional Adjudication various theories of judicial role, Tools and Techniques in Policy Making and Creativity in Constitutional Adjudication
3. Judicial process in India: Judicial Activism and Judicial Creativity of the Supreme Court, Indian debate on the Role of Judges, The Independence of judiciary and judicial process,
4. The Concepts of Justice: The concept of Justice in Indian thought. The Concept and various Theories of Justice in the Western Thought.
5. Relation between law and Justice: Equivalence Theories- Justice as nothing more than the positive law of the stronger class. Dependency Theories -For its realization, justice depends on law, but justice is not the same as law. The Independence of Justice Theories- means to end relationship of law and justice -The relationship in the context of the Indian constitutional ordering.

**Recommended Reading materials:**

- Julius Stone-The Province and Function of Law
- B. N. Cardozo- The Nature of Judicial Process
- W. Friedmann- Legal Theory
- J. Stone -Legal System



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- Rajeev Dhawan- The Supreme Court of India -A Socio Legal Critique of its Juristic Techniques
  - Upendra Baxi -The Indian Supreme Court and Politics
  - BENJAMIN N CARDOZO-THE NATURE OF THE JUDICIAL PROCESS

## **PAPER-II: LEGAL EDUCATION AND RESEARCH METHODOLOGY**

**The paper consists of the following:**

1. Objective of legal education, Legal education and Constitution of India, Lecture method of teaching, Problem method, Discussion method, Seminar method of Teaching.
2. Research Method- Meaning, Scope and Objectives of Research, Socio-legal Research, Doctrinal and Non-Doctrinal Legal Research, Different Models of Legal Research, Induction and Deduction Techniques, Current trends in Legal Research
3. Research Design- Identification of Research Problem, Survey of available Literature and Bibliographical Research, Legislative materials including Subordinate Legislation, Notification and Policy Statement, Juristic materials, Hypothesis of a research problem
4. Tools and techniques for gathering data, collection of statutory and case materials and juristic literature, use of historical and comparative research materials, use of observation studies, use of Questionnaires and interviews, use of Case studies, Jurimetrics
5. Analysis of data, Interpretation of data and Research Report Writing.

**Recommended Reading materials:**

- S.K. Agarwal-Legal Education in India
- N.R. MadhavaMenon - Ahand book of Clinical Legal Education
- William P.Statsky- Legal Research and Writing
- H.M. Hyman-Interviewing in Social Research
- Dr. S.R. Mynen Legal Research Methodology
- Dr. H.N. Tiwari-Legal Research Methodology
- Payne- The art of asking question
- RATTAN SINGH-Legal Research Methodology

## **PAPER-III: JURISPRUDENCE- II**

**The paper consists of the following:**

1. Sources of Law: Custom, Legislation, Precedent
2. Legal Person: concept and theories of legal personality
3. Rights and Duties: definition, basis and characteristics, kinds of legal rights, relationship between rights and duties
4. Possession and Ownership: theories of Possession, Possession in Fact and Possession in Law, relationship between Possession and Ownership.

### 5. Concept of State and Sovereignty

#### Recommended Reading materials:

- C. K. Allen - Law in the Making
- Paton- A Text Book of Jurisprudence
- John Rawls - A Theory of Justice
- Dennis Lloyd -Introduction to Jurisprudence
- Dias - Jurisprudence
- H.L.A. Hart- Concept of Law
- Miller, D. Social Justice

### PAPER-IV: HUMAN RIGHTS LAW IN INDIA

#### The paper consists of the following:

1. Human Right: concept, scope and Historical background, Human Right and Indian Constitution
2. Human Right Act 1993: National Human Right Commission, Function and Power of Commission, Procedure to inquiry into complaint, State Human Right Commission, Human Right Courts
3. Commissions for Human Rights Protection: The National Commission for Women Act 1990, The National Commission for Minorities Act 1992, The National Commission of Backward classes Act 1993 etc.
4. Statutory laws in India for the Protection of Human Rights.
5. New challenges in protection of human rights.

#### Recommended Reading materials

- H.O. Agarwal - Human rights
- D.D. Basu - Human Rights in Constitutional Law
- S.K. Awasthi and R.P. Kataria- Law relating to protection of Human Rights
- Sehgal, B.P. Singh, ed. Human Rights in India: Problems and Perspectives
- G. S. Bajwa and D.K. Bajwa- Human Rights in India: Implementation and Violations
- Upendra Baxi- Law, Democracy and Human Right

### SEMESTER-III: GROUP (A) CONSTITUTIONAL AND ADMINISTRATIVE LAW

#### PAPER-I: CONSTITUTIONALISM AND CONSTITUTIONAL DEVELOPMENT IN INDIA AND ENGLAND

#### The paper consists of the following:

1. Concept and meaning of Constitution, Constitutional Law and Constitutionalism; concept of limited Government and limitations on governmental power; conventions of constitutionalism-law and conventions; and historical evaluation of constitutional government in India and England



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2. Rule of Law-concept and new horizons;
  3. Separation of powers-concept and its applicability in India and England.
  4. Sovereignty of British parliament; Powers, functions and privileges of the Parliament and courts-Indian and British position; and Prerogatives & position of the Crown in England, Crown Proceeding Act, 1947.
  5. Cabinet System in India and England; The Judicial System in England; and review and Constitutionalism in India, Prerogative writs.

**Recommended Reading materials:**

- M.P. Jain-Constitutional Law
- J.N. Pandey-Constitutional Law of India
- H.M. Seervai-Constitutional Law of India
- V.N. Shukla-Constitution of India
- Walter Bagehot-The English Constitution

**PAPER-II: COMPARATIVE AND CO-OPERATIVE FEDERALISM**

**The paper consists of the following:**

1. Federal government, Salient features of federalism, Difference between Confederation and Federation, Cooperative Federalism
2. Legislative Relations of Union and states, Territorial Jurisdictions, Distribution of Legislative powers, Principles of Interpretation, Repugnancy, Residuary Power, Parliamentary Legislation in the State list, Distributions of power in other Federations (like Canada, USA, Australia)
3. Union-State Financial Relations, Factors responsible for sub-ordination of States, Distribution of Fiscal Power **a.** Scheme of Allocation of taxing **b.** Extent of Union Power of Taxation **c.** Residuary Power- inclusion of fiscal power,
4. Restriction of Fiscal Power: **a.** Fundamental Rights **b.** Inter-Government tax immunities **c.** Difference between tax and Fee, Distribution of Tax Revenue, Borrowing power of the State, Planning and Financial Relations
5. Administrative Relations, Distribution of Executive Power, Centre State Administrative Co-ordination, Power to carry on Trade, States not to impede the Centre, Centre's Directives to the States

**Recommended Reading materials**

- M.P. Jain-Indian Constitutional Law
- J.N. Pandey- Constitutional Law of India
- H.M. Seervai- Constitutional Law of India
- V.N. Shukla- Constitution of India
- V.M.Dandekar. Unitary Elements in a Federal Constitution
- Chandra Pal - Centre State Relationship and India Cooperative Federalism

**PAPER-III: LOCAL SELF GOVERNMENT LAW**

**The paper consists of the following:**



1. Historical Perspectives and Constitutional Scheme: Early period, Gram Swaraj-the Gandhian concept, Directive Principles, Structure and powers of local bodies
2. Legislative Powers and Quasi-legislative Powers: Direct democracy and grass root planning. Municipalities and corporation, gram Sabha, Rule making power of the State Government, Regulations and Bye-laws, Judicial and Quasi-judicial powers of the Local Bodies
3. Financial Powers: Levying taxes, Licensing power, Financial resources and powers
4. Election to Local Bodies, Conduct of Meetings Corporation, Municipal Council, Panchayat Committee and Gram Sabha
5. Institutional and Judicial Control.

**Recommended Reading materials:**

- Dhalival S.S.-Local Self Government.
- Jain M.P.-Constitutional Law.
- Mudgal Rahul. -Local Self Government in India.
- Pandey J.N. -Constitutional Law of India.
- Seervai H.M. -Constitutional Law of India. Shukla V.N. -Constitutional Law of India.
- Swami Satpal. -Local Self Government.
- Vidyasagar I.S. -Local Self Government - Theoretical Perspective.
- C.K. TAKWANI-LECTURES ON ADMINISTRATIVE LAW

**PAPER-IV: CIVIL AND POLITICAL RIGHTS: COMPARATIVE STUDY OF SELECTED CONSTITUTIONS (INDIA, USA AND UK)**

**The paper consists of the following:**

1. Constitutional basis for protection of individual rights, balance between individual liberty and social need, Suspension of rights; Right to Equality-general principles, protective discrimination.
2. Judicial response to the problems of group inequalities; and comparative study of decisions of the Indian and American Courts.
3. Freedom of speech and expression-special attention will be paid to the liberty of Press as interpreted by Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.
4. Right to personal life and liberty: judicial determination of the scope of the term 'personal liberty', 'procedure established by law' and the American expression 'liberty' and 'due process'. Radical changes in judicial thinking; and freedom of religion: judicial interpretation of the freedom under the constitutions of India and USA.
5. Amendment of rights-Adaptability of the constitutional law to the changing needs of the society; power and procedure for amendment of these rights

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under American and Indian Constitutions; and constitutional foundation of the right to vote with judicial responses.

**Recommended Reading materials:**

- M.P. Jain- Constitutional Law
- J.N. Pandey-Constitutional Law of India
- H.M. Seervai- Constitutional Law of India
- V.N. Shukla- Constitution of India
- M.V. Pylee- Constitutions of the world

**GROUP (B) CRIMINAL LAW AND CRIMINAL JUSTICE SYSTEM**

**PAPER-I: CRIMINOLOGY AND CRIMINAL JUSTICE SYSTEM**

**The paper consists of the following**

1. Introduction to Criminology: Concept of Crime, Criminals & Criminology; Crime and Deviance, Crime and Civil Wrong.
2. Classical & Biological Theories: Different Classical & Biological theories relating to Criminology.
3. Sociological & Feminist Theories: Different Sociological & Feminist theories relating to Criminology.
4. Some Aspects of Criminal Justice Administration: Fundamentals of Criminal Law; Adversarial and Inquisitorial Systems; Judicial Sentencing & its importance;
5. Relevancy of Plea of Bargaining in India, Pardoning Powers; Commutation of Sentencing.

**Recommended Reading materials:**

- Siddique - Criminology
- Sutherland & Cressy - Principles of Criminology
- H. Mannheim- Comparative Criminology
- N. Walker - Crime and Criminology
- J.P.S. Sirohi Criminology and Penology
- V.N. Pranjhpee-Criminology
- H. L. A. Hart-Punishment and Responsibility
- K.A. Panday-Principles of CRIMINAL LAW
- Edwin H. Sutherland, Donald R. Cressey and David F. Luckenbill- PRINCIPLES OF CRIMINOLOGY
- SYED SHAMSUL HUDA-THE PRINCIPLES OF THE LAW OF CRIMES

**PAPER-II: COMPARATIVE CRIMINAL LAW: U.K., U.S.A. AND INDIAN**

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## PRACTICES

**The paper consists of the following:**

1. Concept of Crime: Mens Rea, common intention and common object, general exceptions
2. Abetment and Criminal Conspiracy, Unlawful Assembly, Waging War against the State
3. Offence against Human Body: Culpable Homicide and Murder, Simple Hurt and Grievous Hurt, Rape
4. Offence against Property: Theft, Extortion, Robbery and Dacoity, Criminal breach of trust, Criminal misappropriation of property, cheating and forgery
5. Defamation, Attempt

**Recommended Reading materials:**

- Ratan Lal and Dhiraj Lal - Indian Penal Code
- H.S.Gaur Indian Penal Code
- S. P. Tyagi Indian Penal Code
- Pillai Criminal Law

## PAPER-III: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

**The paper consists of the following:**

1. **Basic concepts:** Drug Abuse, Drug Addiction and Drug Dependence; Crimes without Victims, Effect and causes of Drug Abuse and Drug Addiction, Consequences of Drug Abuse and Drug Addiction, Trafficking in drugs
2. **Social Characteristics of Drug User:** Gender, Age, Religiousness, Single individuals / cohabitations, Social-economic level of family, Residence Patterns (Urban / Rural), Educational Levels, Occupation,
3. **International Legal Regime:** Analysis of the background, and operation of the single convention of Narcotic Drugs 1961, 1972; Analysis of the Convention on Psychotropic substance 1972; International collaboration in combating drug addiction; The SAARC and south Cooperation, Profit of International market for Psychotropic Substances.
4. **The Indian Regulatory System:** The Penal Provisions (under the IPC and the Custom Act), India's role in the evolution of the two international conventions, Judicial approaches to Searching in drug trafficking and abuse, The Narcotic Drugs and Psychotropic Substance Act 1985.
5. **Human Rights Aspects:** The Problem of Juvenile drug use- Legal approaches, The Role of Community (Education system, Mass Media, NGOs & Civil Societies) in Combating Drug Addiction, Law reform initiatives

**Recommended Reading materials:**

- N. Walker - Crime and Criminology



- J.P.S. Sirohi - Criminology and Penology
- V.N. Pranjhpee - Criminology
- J.A. incard-Drug and the criminal justice system
- Merajuddin Mir- Drug Abuses in India
- P. Kondanram and Y.N. Murthy- Drug Abuse and Crime: A preliminary study

#### **PAPER-IV: JUVENILE DELINQUENCY**

**The paper consists of the following:**

1. The conception of 'child' in Indian Constitution and Penal Code, 'Delinquent Juvenile', 'Neglected Juvenile',
2. Factors of juvenile Delinquency and Juvenile Delinquency in Indian Context
3. Legislative Approaches: Legislative approaches during the late colonial era, Juvenile Justice Act 2015: Constitutional Aspects, Competent Authorities
4. Judicial Contribution: Social Action Litigation concerning Juvenile Justice, Judicial decisions, Role of legal profession in Juvenile Justice System,
5. Implementation and Preventive Strategies: State Welfare Programme: health, Nutrition, Education of juvenile; Role of community, family, NGO, individuals

**Recommended Reading materials:**

- K. S. Shukla-Adolescent offenders
- The Juvenile Justice Act, 2015
- The United Nations Declaration on the Rights of Children

#### **GROUP (C)-ENVIRONMENT AND LEGAL ORDER**

##### **PAPER-I: ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY**

**The paper consists of the following:**

1. Meaning, definition and concept of Environment; Environment and its components.
2. The Indian & International history of Environmentalism: International concerns for Environmental Protection, Historical developments of International Environmental law Early Conservation Groups; History of Environmentalism in Ancient Indian Tradition and Culture, Protection of Environment during Medieval, British Period & Post independence period.
3. Policy and Law: Stockholm Declaration and Rio Declaration, Post independence India Development & Government Policies (Forest and Water).
4. Legal & Judicial Protection of Environment: Constitutional Perspectives: Fundamental rights, Right to Environment, Enforcement of Rights,

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Directive Principles and Fundamental duties; Judiciary's Role: PIL, Constitutional Remedies, and Judicial Pronouncements; Statutory Framework: Various provisions under Indian Criminal & Civil Laws.

5. Emerging concepts and Challenges towards environment, Polluter pay principle, Strict Liability, Public Trust Doctrine; World Commission on Environment and Development; Notion of Sustainable Development and Sustainable Development Goals.

**Recommended Reading materials:**

- C. M. Abraham- Environmental Jurisprudence in India
- Madhav Gadgil and Ramchandra Guha: An Ecological History of India
- R. B. Singh & Suresh Misra - Environmental Law in India
- Leela Krishnan Law and Environment

**PAPER-II: CLIMATE CHANGE AND LAW**

**The paper consists of the following:**

1. Basic understanding of Climate Change: Defining Climate & Climate Change, Elements of Climate, Causes of Global Warming, GreenHouse Gases impacting climate changes, Need for Protection of Atmosphere, Factors responsible for Atmospheric Pollution, Climate Change and Sustainable Development, Chapter 9 of Agenda 21,
2. Ozone Depletion and Transboundary Air Pollution: Importance of Ozone layer, effects & causes of depletion, Vienna Convention for the Protection of Ozone Layer, Montreal Protocol on Substances that Deplete the Ozone Layer; Transboundary Air Pollution, Convention on Long-range Transboundary Air Pollution.
3. United Nations Framework Convention on Climate Change: Evolution of the United Nations Climate Regime, Framework Convention on Climate Change, Carbon Foot Print, Carbon Trading.
4. Post-UNFCCC efforts: Kyoto Protocol, Carbon Credits, Clean Development Mechanism, Joint Implementation, The Paris Agreement on Climate Change and India's Initiative
5. Issues and concerns of India and Climate Change National Action Plan on Climate Change

**Recommended Reading materials:**

- Colin A.G. Hunt Carbon Sinks and Climate Change: Forests in The Fight Against Global Warming
- Stephen Peake, Joe Smith- Climate Change: From Science to Sustainability
- Benoit Mayer - The International Law on Climate Change

**PAPER-III: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER**

**The paper consists of the following:**

1. International Concern for Environment Protection: World environment

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2. Role of regional organization in environment.
  3. Marine Environment: Marine resources (Conservation and exploitation), Dumping of oil and other wastes into the sea.
  4. Trans-boundary Pollution Hazards: Acid rain, Chemical Pollution, Green House effect, Depletion of Ozon layer.
  5. Disposal and Dumping of Hazardous Wastes: Transnational problem and control.

**Recommended Reading materials:**

- Priya Kanjan Trivedi - International Environmental Laws
- Sir Elworthy and Jane Holder - Environmental Protection: Text and materials
- India Law Institute - Legal Control of Environmental Pollution
- C. K. Varshney - Water Pollution and Management

**PAPER-IV: ENVIRONMENTAL LEGISLATIONS**

**The paper consists of the following:**

1. General Laws on Environmental Concern: Provisions in the Indian Penal Code, Code of Criminal Procedure, Public nuisance
2. Environmental Treaties: National and International (Brief account)
3. Salient features of following Acts: Wildlife (Protection) Act, 1972; Water (Prevention and control of pollution) Act, 1974; Air (Prevention and control of pollution) Act, 1981; The Noise Pollution (regulation & Control), 2000; Indian Forest Act, 1927; The Forest (Conservation) Act, 1980, Environmental Protection Act, 1986; the Public Liability Insurance Act, 1991
4. National Green Tribunal Act, 2010: Structure, composition and functions, Need for Sustainable Development
5. Law on hazardous Substance and Disaster Management, Coastal zone Management and Plan, Agriculture.

**Recommended Reading materials:**

- Leela Krishnan, Law and Environment
- Leela Krishnan, The Environment Law in India
- Indian Law Institute, Environment Protection Act: An Agenda for Implementation
- Findley R.W. and Farber D.A. Environment Law
- David Huges, Environmental Law

**SEMESTER IV**

**GROUP (A) CONSTITUTIONAL AND ADMINISTRATIVE LAW**

**PAPER-I: ADMINISTRATIVE LAW & ADMINISTRATIVE PROCESS:**

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**NATURE AND SCOPE)****The paper consists of the following:**

1. Evolution and significance of Administrative Law in various systems of governance-from ancient to modern. a) England and USA b) France c) Other systems,
2. Rule of Law: Changing dimensions, Regulation of administrative process.
3. Delegated Legislation: Problems, Process and Control, Judicial Review of delegated legislation.
4. Procedural Fairness: Evolution and Significance of Natural Justice, England: Judicial Process, Doctrine of fairness and doctrine of legitimate expectation. U.S. Due process and judicial decision, India: Through judicial decision-Docctrine of Fairness (Art.14, 19, 21)-Doctrine of Legitimate Expectation, Privilege against disclosure, official secrecy, Access to information and Right to Information Act.
5. Control on Maladministration: Ombudsman, Commissions of Inquiry, Vigilance Commissions, Investigative Agencies: The CBI, Inquiries by Legislative Committee, Legislative control, Judicial Inquiries.

**Recommended Reading materials:**

- Jain & Jain - Principle of Administrative Law
- De Smith-Judicial review of Administrative Law
- Davis - Discretionary Justice
- M. P. Jain - Cases and Materials on Administrative Law
- S. P. Sathe - Administrative Law

**PAPER-II: ADMINISTRATIVE LAW II-(ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL)****The paper consists of the following:**

1. Administrative process: Nature and Meaning, the role of civil service, the role of administrative agencies, Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, Taxing power, Responsibility and accountability.
2. Judicial Review of Administrative action in India: Historical development, power of Supreme Court, Powers of High Courts, Role of Subordinate Courts, Jurisdiction (Finality Clause, Conclusive evidence Clauses, Exclusionary Clause).
3. Judicial Review and Remedies: Doctrine of Ultravires, Discretion and Justifiability, Violation of Fundamental Rights, Mala-fides and Bias, Lack of rationality and proportionality, Locus standi and PIL, Laches, Res-judicata, alternative remedies, Writs, injunction and declaration.
4. Administrative Discretion: nature, scope and limits.
5. Tortuous and contractual liability, emerging liability-Personal accountability, compensatory jurisprudence and right to live, accountability under consumer protection law, Promissory Estoppels: Legitimate

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expectation and Constitutional dimensions.

**Recommended Reading materials:**

- Jain & Jain-Principle of Administrative Law
- Messay- Administrative Law
- De Smith-Judicial review of Administrative Law

**PAPER-III**

**DISSERTATION**

**GROUP (B) CRIMINAL LAW AND CRIMINAL JUSTICE SYSTEM**

**PAPER-I: PENOLOGY AND SENTENCING PATTERN**

The paper consists of the following:

1. Penology: Definition, Concept
2. Theories of Punishment. Retributive, Preventive, Deterrent, Utilitarian, Expiatory, Reformative.
3. Capital Punishment: Constitutionality of capital Punishment Article 20 and 21, Judicial attitudes towards Capital Punishment in India. Law reform process, Delaying execution of death sentence. Mode of Executions of Death Sentence, Victimology.
4. Approach to sentencing: Alternatives to Imprisonment: probation, corrective labour, collective fines, Reparation by the offender/ by court. compensation.
5. Sentencing Pattern: White collar crimes, sentencing in the Penal Code and Special Laws, Pre sentence hearing, Sentencing for habitual offender, Plea Bargaining

**Recommended Reading materials:**

- A, Siddique - Criminology
- Sutherland & Cressy - Principles of Criminology
- H. Manheim- Comparative Criminology
- N. Walker - Crime and Criminology
- J.P.S. Sirohi Criminology and Penology
- V.N. Pranjhpee-Criminology
- H. L. A. Hart - Punishment and Responsibility

**PAPER-II: HUMAN RIGHTS AND CRIMINAL JUSTICE SYSTEM**

The paper consists of the following:

1. Concept of Crime and Criminal Liability and Human Rights of Vulnerable Groups: Human Rights Problems requiring the need of criminal justice namely police atrocities, violence against women & children, communal and caste violence, terrorism and insurgency

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- children, communal and caste violence, terrorism and insurgency
2. Protection of Human Rights in Criminal Justice Administration under Indian Constitutional Law- protection from ex-post facto laws, protection from double jeopardy, protection against self- incrimination
3. Protection of Human Rights in Criminal Justice Administration under Statutory law-production before magistrate from police custody, fair trial, speedy trial, representation, appeal, legal aid, compensation, rehabilitation
4. Role of the courts in dispensing criminal justice: Ordinary Courts, Special Courts, District & State Human Rights Courts.
5. International Criminal Court, International norms on administration of criminal justice, U.N. General Assembly Resolutions.

**Recommended Reading materials:**

- P.N. Bhagwati - Human Rights in the Criminal Justice System
- S.C. Sharma - Police and Human Rights
- Noorjahan Bava ed., Human Rights and Criminal Justice Administration in India
- C.M. Upadhyay - Human Rights in Pre-trial Detention

**PAPER-III**

**DISSERTATION**

**GROUP (C) ENVIRONMENT AND LEGAL ORDER**

**PAPER-I: BIODIVERSITY AND LEGAL ORDER**

**The paper consists of the following:**

1. Biodiversity and its importance: Meaning and Importance, Need for protection of Biodiversity, Threat to Biodiversity, Biodiversity and Sustainable Development.
2. Laws Regulating Conservation of components of Biodiversity: Wildlife Protection Act, International Law regulating Wildlife, Forest Act, National Forest Policy, International Forest Principles, Wetlands, Ramsar Convention.
3. Convention on Biological Diversity, 1992: Objective and Principle; Biosafety Protocol 2000; Nagoya Protocol 2010.
4. Biodiversity Act, 2002: National Biodiversity Authority, Function and Power of National Biodiversity Authority, Approval by the National Biodiversity Authority, State Biodiversity Authority, Biodiversity Rules, 2004.
5. Biodiversity and other International Laws: United Nations Convention on Law of Seas, Convention on International Trade in Endangered Species, World Heritage Convention, Convention on the Conservation

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of Migratory Species of Wild Animals, TRIPS Agreement.

**Recommended Reading materials :**

- UNEP- An Introduction to the Ramsar Convention on 'Wetlands
- Usha- Biodiversity and Conservation: International Perspective
- Yeshwant Shenoy- Biodiversity Law and Practice

**PAPER-II: ENFORCEMENT OF ENVIRONMENTAL LAWS**

**The paper consists of the following:**

1. Enforcement and Remedies for Environmental wrongs under Common Laws and Criminal Law: Nuisance, Trespass, Strict Liability, Absolute Liability, Indian Penal Code and Environment Protection, Criminal Procedure Code and Environment Protection.
2. Constitutional Provisions and Remedies: Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Writ Jurisdiction.
3. Role of Pollution Control Board to enforce the Provisions of Pollution Laws: Water (Prevention and Control of Pollution) Act (1974), Air (Prevention and Control of Pollution) Act (1981), Environment (Protection) Act (1986).
4. Enforcement Mechanism and Role of Various Boards: Wildlife Boards under Wildlife Protection Act (1972), Biodiversity Board under Biodiversity Act (2002), Role of Forest Officer under Forest Act, Role of State and Central Government under Forest Conservation Act (1980).
5. Appellate Authority and Enforcement of Environmental Laws: The Powers of Appellate Authorities under Water Act, The Powers of Appellate Authorities under Air Act, Role and Function of National Green Tribunal under National Green Tribunal Act (2010), Supreme Court as a Guardian of Environment.

**Recommended Reading materials:**

- Water (Prevention and Control of Pollution) Act (1974)
- Air (Prevention and Control of Pollution) Act (1981),
- Environment (Protection) Act (1986)
- Forest Conservation Act (1980)
- National Green Tribunal Act (2010)
- Wildlife Protection Act (1972),
- Biodiversity Act (2002)

**PAPER-III:**

**DISSERTATION**

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