

2017- 2018 Revised Syllabus

P.G. DEPARTMENT OF LAW SEMESTER – I

I-SEMESTER

BRANCH – CONSTITUTION AND LEGAL ORDER

COURSE – 1.1 :MASS MEDIA LAW.

Objectives of the course:

Mass media such as press, radio and television, films, play a vital role in socialisation, culturalization 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 many 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.

Syllabus:

Unit - 1. 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 - 2. 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 - 3. Films - How far included in freedom of speech and expression?

Censorship of films – constitutionality, abbas Case, Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

Unit - 4. Radio and Television - Government monopoly.

Why Government departments ? 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 - 5. 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 licence fee.

Select bibliography

- ◆ M.P. Jain, Constitutional Law of India (1994) Wadhwa.
- ◆ H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
- ◆ Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).
- ◆ Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).

Expected Course Outcomes:

At the end it is expected that the student will be able to :

Mass media such as press, radio and television, films, play a vital role in socialisation, culturalization 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 many 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.

COURSE-1.2 : PUBLIC UTILITIES LAW

Objectives of the course:

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-a-vis their employees, consumers and others.

Syllabus:

Unit - 1. Growth and evolution of public utilities and their legislation

Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc. Government and Parliamentary Control Constitutional division of power to legislate, Public Utilities law - Why government monopoly?

Unit - 2. Administrative Authorities and Fair hearing

Structure of the Administrative Authorities, Subordinate legislation, QuasiJudicial Decision – Administrative Discretion.

Unit - 3. Public Utilities And their Employees : Consumer Protection

Application of Articles 16 and 311, Application of Industrial law- right to strike, Rights of consumers protected by the Consumer Protection Act, Rights Arising from law of Contract and law of Torts

Unit - 4. 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 - 5. Liabilities and special privileges of public utilities

In contract, In tort, In criminal law

Select bibliography

- ◆ P.M. Bakshi, Television and the Law, (1986)
- ◆ Vasant Kelkar, "Business of Postal Service" 33 I.J.PA. pp. 133-141 (1987)
- ◆ G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country Like India" 32I.J.PA. 77 (1986)
- ◆ Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171180 (1985)
- ◆ S.P. Sathe, Administrative Law (1998)
- ◆ Jain & Jain, Principles of Administrative Law, (1986)
- ◆ Jagdish Ul, Handbook of electricity Laws, (1978)

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- (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) patters of the laws of incorporation and
- (d) powers, functions and liabilities of the public utilities vis-a-vis their employees, consumers and others.

COURSE – 1.3 :LAW AND SOCIAL TRANSFORMATION IN INDIA.

Objectives of the course:

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

Syllabus:

UNIT 1.Law and social change

Law as an instrument of social change, 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 institutions in India.

UNIT -2.Community, religion and the law

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

UNIT –3.Women, children and law

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

UNIT- 4.Modernization and law

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

UNIT-5. Alternative approaches to law

The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan---Surrender of dacoits; concept of grama nyayalayas.

Select Bibliography

- Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
- Robert Lingat, The Classical Law of India (1998), Oxford
- U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
- U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
- Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
- H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and KiranDeshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- a. Critically analyse the Law as an instrument of social change and product of tradition and culture
- b. Explore the nature and function of Law as an institution and process interlinked with the social and economical philosophy of education.
- c. Examine development of law from historical processes and how for the a touch of modernization and value can be added to legal system
- d. To analyse the different approaches of Law and Justice

COURSE-1.4 :INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

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 specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus:

UNIT-1. Federalism

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

UNIT-2. "State" right to equality

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

UNIT-3. 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, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

UNIT – 4. 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.

UNIT- 5. Democratic process

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' 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, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- Understand and interpret Constitution to address the emerging complex issues;
- Explore the various functional theories, doctrine and Constitutional principles working in the backdrop and its interplay with the emerging issues; and
- Examine the boundaries, limitations, of Constitution from different perspectives and explore the possible approaches of interpretation and understanding from the perspective of Law and Justice.

II-SEMESTER

Course-2.1 :UNION-STATE FINANCIAL RELATIONS

Objectives of the course:

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, subnational loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

Syllabus:

UNIT – 1. Federalism – Essentials

Models of Federal government - U.S.A, Australia, Canada, Difference between Federation and Confederation Evaluation of federal government of India

UNIT – 2. Distribution of Legislative Power / Administrative Power / Physical power

Indian Constitution, Centre-State relations, Factors responsible for subordination of State Administrative relations, Scheme of Allocation of taxing power, Extent of union power of taxation, Residuary power – inclusion of physical power, Fundamental rights Inter-Government tax immunities Difference between tax and fee.

UNIT – 3. Distribution of tax Revenues and Borrowing Power of the state

Tax-sharing under the constitution finance commission – specific purpose grants (article 282), Borrowing by the government of India, Borrowing by the states.

UNIT – 4. Inter – State Trade and Commerce under the Indian constitution Freedom of Inter-State trade and commerce, restrictions on legislative power of the Union and States with regard to trade and commerce

UNIT – 5. planning and cooperative federalism

Planning commission, National Development Council, Plan grants, Full faith and credit, Inter-State Council, Zonal Councils.

Select Bibliography:

1. H.M. Seervai, Constitutional Law of India (1991), Tripati, Bombay
2. SudhaBatnagar, 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 & 8 (1980)
5. Chandrapal, Center-State Relations and cooperative federalism. Chs.5 & 8 (1983)
6. G.C.V SubbaRao, Legislative Powers in Indian Constitutional law, Chs 37,38 & 39 (1982)
7. Richard M. Pious, the American Presidency, 293-331, Ch. 9 (1979)
8. Daniel J. Elzar, American Federalism. Chs 3 & 4 (1984)
9. K.P. Krishna Shetty, The law of Union-State Relations and the Indian Federalism Ch. 9 (1981)
10. Administrative Reforms commission on center-state relationship Ch.3 (1969)
11. Constituent Assembly debates Vol. 9, 203, 240 and 302-349; Vol 10, 325-342
12. Administrative reforms commission, Report of study Team o central-state relationship (1967) Vol. 1 Sections land 11 pp. IS-168
13. L.M. Singhvi (ed), Union state Relations in India 124-154 (1969)
14. Government of Tamilnadu report of the Center – State Relations Inquiry committee Ch. 5 (1971)
15. D.T. Lakadwala, Union – State Financial Relations (1967)
16. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
17. K. SubbaRao, The Indian Federation (1969) 19.K.C. Wheare, Federal Government (1963)

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- ◆ To understand India as development of complex federal structure (Quasi) federal and its strength and weaknesses;

- ◆ Explore the various functional theories, doctrine and Constitutional principles of federalism and its interplay under Indian Constitution; and
- ◆ To examine the area of conflicting interest between Union and State and primacy of Union over the State.

COURSE – 2.2 :CONSTITUTIONALISM, PLURALISM AND FEDERALISM

Objectives of the course:

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 subnations/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.

Syllabus:

UNIT – 1. 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 and India, Separation of powers: Montesquieu, Rule of law: Concept and new horizons

UNIT – 2. 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 Dynamic of federalism.

UNIT – 3. Pluralism

What is a pluralistic society, Ethnic, linguistic, cultural, political pluralism individual rights – right to dissent, Freedom of speech and expression, Freedom of religion, Freedom of association, Rights of the religious and linguistic minorities.

UNIT – 4. Equality in plural society

Right to equality and reasonable classification, prohibition of discrimination on ground of religion, case, sex, language, compensatory discrimination for backward classes, Women-rights to equality

and right to special protection, Abolition of untouchability, Secularism – constitutional principles, Scheduled Tribes, District Identity – protection against exploitation, Tribal Groups and Equality.

UNIT – 5. Pluralism and International concern

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. The role of judiciary in plural society.

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 1965 (1988)
3. Rajeev Dhanvan, “The Press and Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I 299 (1986)
4. M.A. Fazal “Drafting an 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 Ludkwikowski, “Judicial Review in the socialist legal systems: Current Development” 37 I.C.I.D. 89-108 (1988)
8. S.P.Sathe, Fundamental Rights and Amendment of Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay
10. The Role of Judiciary in plural societies edited by Neale Tiruchuvam Radhika kumara swamy

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- To explore the basic principles of Constitutionalism, different model of federalism and its interplay in the Indian legal system;
- To examine the adoption of, utility and justification of Constitutional model in India; and –
- To analyse India as pluralist society and suitability of various model, approaches in India in functional aspects of comparison with other legal system.

COURSE- 2.3: JUDICIAL PROCESS

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 LL.M 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 process 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 familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:

Unit - 1. Nature of judicial process

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.

Notions of judicial review, ' Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

Unit - 3. 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 techniques of creativity. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges. Institutional liability of courts and judicial activism - scope and limits.

Unit - 4. The Concepts of Justice

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought. The concept and various theories of justice in the western thought, Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Unit - 5. Relation between Law and Justice

Equivalence Theories - Justice as nothing more than the positive law of the stronger class.

Dependency theories - For its realisation justice depends on law, 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. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

Select Bibliography

1. Julius Stone, The Province and Function of Law, Part II, 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) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

8. Rajeev Dhavan, *The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques*(1977), Tripathi, Bombay.
9. John Rawls, *A Theory of Justice* (2000), Universal, Delhi
10. Edward H.Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- ◆ Intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change.
- ◆ 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.
- ◆ Intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

COURSE – 2.4: LEGAL EDUCATION AND RESEARCH METHODOLOGY

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 organisation of seminars, publication of law journals and holding of legal aid clinics.

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

Syllabus:

Unit - 1. Objectives of Legal Education and methods of teaching

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

Unit - 2. Research Methods

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

Unit - 3. Identification of Problem of research

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering, judicial conflict in the area pertaining to the, research problem and the reasons thereof, Juristic writings - a survey of juristic

literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

Unit - 4. Preparation of the Research Design

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

Unit – 5. Analysis and report writing

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

Bibliography

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M.Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- Critically analyse the various research skill, especially in the field of law;
- To develop the skill of application of teaching methods in legal education
- To understand and analyse the various strength and weakness of teaching learning and research process for the field of law; and
- To develop the skill of utilising computer technology for Legal education and Legal research.

III-SEMESTER

COURSE-3.1 :HUMAN RIGHTS

Objectives of the course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufacturers, provisions against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit - 1. Panoramic View of Human Rights

Human Rights in Non-western Thought, Awareness of Human rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.) Fundamental Rights Jurisprudence as Incorporating Directive Principles. The Interaction between F.R and D.P.

Unit - 2. Freedom and judiciary

Free Press - Its role in protecting human rights, Right of association, Right to due process of law. Role of Judiciary in protecting Human Rights.

Unit - 3. Rights to development of Individuals and Nations

The UN Declaration on Right to Development, 1987. The need for constitutional and legal changes in India from human rights stand point.

Unit – 4: Right not be Subject to Torture, Inhuman or Cruel Treatment

Conceptions of torture, third degree methods, "Justifications" for it, Outlawry of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform - proposed and pending

Unit - 5. People's Participation in Protection and Promotion of Human Rights

Role of International and National NGOs, Amnesty International, International Bar Association, Law Asia. PUCL, PUDR, Citizens for Democracy, Contribution of these groups to protection and promotion of human rights in India. European Commission/Court of Human Rights, Minorities Rights Commission, Remedies Against Violation of Human Rights, Role of Legal Profession

Select bibliography

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitiz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. UpendraBaxi, "Human Rights, Accountability and Development" Indian Journal of internationallaw 279 (1978)

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- ◆ Acknowledge the social and economic rights of workers, forced labour, child labour, bonded labour, slavery, trade union, social security, right to health, standard of living, protection of families etc.
- ◆ To gain and acquire the knowledge about cultural rights of indigenous population.
- ◆ Understand the third-generation solidarity right of various populations.
- ◆ Acknowledge the ideas and knowledge about Human right Protection system of United Nations in the light of Covenant of Civil and Political rights.

COURSE -3.2

NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Objectives of the course:

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.

Unit - 1. National Security, Public Orders and the Rule of Law

Emergency Detention in England - Civil Liberties, Subjective satisfaction or objective assessment?
Pre-Independence law, Martial Law Provisions in English law and in the Indian Constitution.

Unit - 2. 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 - 3. Exceptional Legislation

COFEPOSA and other legislation to curb economic offenders, TADA& POTA : "the draconian law"-
comments of NHRC, Special courts and tribunals, Due process and special legislation

Unit - 4. 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 nonsuspendability, Suspendability -44th amendment

Unit - 5. 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.

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 ParameshwarRao, Emergency and the Law (1966).

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- Understand and interpret various provision and safeguards to protection national security;
- To explore the various approach of public order, importance of rule of law and different legislations;
- Balancing the civil liberties and power of state; and
- Explore the various functional institution like election commission, parliament and check and balance on the national importance.

COURSE -3.3 :PRACTICAL TRAINING

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

1. Research Methodology

(i) Doctrinal research (25 marks)

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

(ii) Non-doctrinal research (25 marks)

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

2. Clinical work (25 marks)

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

3. Law Teaching (25 marks)

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

PAPER – 3.4(a) :ENVIRONMENT PROTECTION AND THE LAW

Objective of the Course:-

The Concept of the Environmental Law is for the maintenance and improvement of environment.

Syllabus:-

Unit- 1.General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India Penal code, Local bodies Law: an overview.

Unit-2. Environment (Protection) Act, 1986

‘Necessary and proper clause’: concentration of power on the Central Government, Delegated legislation: power to make rules, regulation and to issue Directions, Delegation of powers.

Unit-3. Coastal Zone Management

Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

Unit-4. Biological Diversity Act, 2002

Unit -5. Emerging Legal Controls

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

Select Bibliography

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. Department of Science and Technology, Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery.

4. For Ensuring Environmental Protection (1980) (Tiwari Committee Report).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment & Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law
8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozenzanz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- ◆ Study the relationship between environment and climate change as well as the role of law, judiciary, resolution mechanisms but the alternate energy solutions and how people are dealing with climate changes, environmental laws and implementation of available solutions.

Paper – 3.4(b) INTELLECTUAL PROPERTY RIGHTS LAW

Objective of the Course:-

The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

Unit -1. INTRODUCTION:

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

Unit -2. Concept and Theoretical Perspectives

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

Unit – 3. Economic and Technological Approaches

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

Unit – 4. Approaches of International Institutions and IPR

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

Unit – 5. SUBJECT PROVINCE OF IPR

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles

- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

Suggested Readings:

1. Peter Drahos: A Philosophy of Intellectual Property, 1996
2. Commons J.R.: International Economics, 1934
3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
 - International Legal Instruments, D.K. Agencies 1998
 - Intellectual Property Rights CSIR Journal
 - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- To give philosophical underpinnings of traditional notion of property and IP •
- To examine the link between Industrial development & IP protection • To examine the conceptual development of IP concepts through judicial approach •
- To examine the impact of IP on economy, health and daily activities •
- To understand the basic principles enunciated in international agreements relating to IP

IV-SEMESTER

COURSE – 4.1 :DISSERTATION AND VIVA- VOCE

{Topic from optional group}

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks

For Viva - 50 Marks

Credits: 12

This Course is designed to offer the students with following objectives:

- a. To have the practical exposure to the legal research writing;
- b. To apply the various stages of legal research, formulation of problem, literature review, data collection, tabulations, statistical analysis and report writing;
- c. To have the ability to defend the research undertaken; and

- d. To have the insight development of research writing, spotting out the problem and its exploration.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- a. Identify key research questions within the field of Demography on which you will carry out independent research.
- b. Manage your time effectively whilst working on your independent research.
- c. Demonstrate appropriate referencing and develop skills in other aspects of academic writing.
- d. Demonstrate knowledge and understanding of report writing.
- e. Apply the demographic/statistical research training acquired in the taught element of the programme by designing an appropriate research strategy and research methodology to carry out your research

Paper – 4.2a

LAW OF CONSUMER PROTECTION.

Unit – 1. Historical and Sociological Background of Consumer Law Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

Unit –2Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.

Rights of Consumer under the Act, nature and characteristics.

Unit –3Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.

Unit –4Law of compensation, approach of Consumer Forum while awarding compensation.

Unit –5Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

Select bibliography

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S. Chaudhari, Doctor & Consumer Protection Act, 1994, Maharashtra Law Agency.
8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co. Pvt. Ltd.

9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co. Pvt. Ltd.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

1. Define provision under the Consumer Protection and Right to Information Act and apply them to situations accordingly
2. Draft a consumer complaint with ease
3. Confidently approach a Consumer Forum and get aware of the redressal mechanism
4. To expose the students about Consumer Protection Laws;
5. To develop the conceptual understanding of Consumer Protection regime.

Paper – 4.2b INTERNATIONAL HUMAN RIGHTS
(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.

For more details and syllabus log on to www.mooc-list.com.

Expected Course Outcomes:

At the end it is expected that the student will be able to :

- a. Analyze and comment on key controversies surrounding the development of international human rights law
- b. Use conceptual tools to follow the developments of human rights law
- c. Be most effective in contributing to the enforcement of international human rights law



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CBCS Pattern (With effect from 2016-17)

(For Regular students studying in Dept. of Law, S.V. University & Affiliated Colleges, S.V. University) LL.M

**RESTRUCTURED CURRICULUM FOR LAW (REGULAR) PROGRAMME
TO BE IMPLEMENTED DURING THE ACADEMIC YEAR 2016-2017
BRANCH – I – CONSTITUTION AND LEGAL ORDER**

Semester – I ACADEMIC YEARS 2017 TO 2021

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks	
				L	T	P		I	E
1	Core	1.1	Mass Media Law	4	2	-	6	20	80
2		1.2	Public Utilities Law	4	2	-	6	20	80
3	Foundation Course	1.3	Law and Social Transformation in India	4	2	-	6	20	80
4		1.4	Indian Constitutional Law, The New Challenges	4	2	-	6	20	80
	Total					-	24	80	320

Semester - II

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks	
				L	T	P		I	E
1	Core	2.1	Union – State Financial Relations	4	2	-	6	20	80
2		2.2	Constitutionalism, Pluralism and Federalism	4	2	-	6	20	80
3	Foundation Course	2.3	Judicial Process	4	2	-	6	20	80
4		2.4	Legal Education and Research Methodology	4	2	-	6	20	80
	Total					-	24	80	320

Semester-III

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks	
				L	T	P		I	E
1	Core	3.1	Human Rights	4	2	-	6	20	80
2		3.2	National Security, Public Order and Rule of Law	4	2	-	6	20	80
3		3.3	Practical Training	-	-	6	6	100	-
4	Generic Elective	3.4a	Environment Protection and the Law	4	2	-	6	20	80
5		3.4b	Intellectual Property Rights Law						
6	Open Elective	3.5a	Cyber Crimes and Law	4	2	-	6	20	80
7		3.5b	Evolution and Concept of ADR						
	Total						24	160	240

Semester - IV

S.No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks	
				L	T	P		I	E
1	Core	4.1	Dissertation and Viva-Voce	-	-	24	12		Dissertation - 150 Viva - 50
2	Open Elective	4.2a	Law of Consumer Protection	4	2	-	6	20	80

3		4.2b	International Human Rights (MOOC / Online)						
	Total						12		200
			Grand Total				84		

Note:-

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.



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(Common to all branches for all Affiliated colleges with maximum of 80 Marks)

MODEL QUESTION PAPER

LL.M DEGREE EXAMINATION

FIRST SEMESTER

PAPER: 1.1- MASS MEDIA LAW

(Short Questions)

Answer any five questions. Each question carries 5 marks

PART-A(5X4=20)

1. Ownership pattern of mass media
2. Non -visual Media
3. Freedom of Press
4. Newsprint Control Order
5. Freedom to telecast
6. Distinction between film and press
7. Constitutional restriction on radio
8. Commercial advertisement
9. Pre-censorship
10. Internal scrutiny of serials

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

- 11 a) Define Mass Media. Explain different types of Mass Media functioning in India.

OR

- b) Write a note on visual and non-visual media and impact of visual media on the minds of people.

12 a) Examine the scope of Freedom of Speech and Expression under Article 19(1) (a) of Constitution with relevant case laws.

OR

b) Explain the grounds of restrictions that can be imposed on Freedom of Press. Comment on their Justiciability.

13 a) Write a note on the role of government department to regulate control on radio and television.

OR

b) What are the Discuss the principles laid down by the Supreme Court in Abbas Case.
14a) What are the grounds on which broadcasting of a programme on Television can be restricted? Explain with the help of decided case laws.

OR

b) What is the role of Right of access to information in the exercise of Freedom of Expression?

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER -I
PAPER: 1.2- PUBLIC UTILITIES LAW
(Short Questions)**

**Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)**

- 1) Bank Nationalisation
- 2) Present status of railways
- 3) Quasi judicial authority
- 4) Deficiency of service
- 5) Government control of public utilities
- 6) Audi Alteram Partem
- 7) Consumer
- 8) Use of electricity
- 9) Rights of consumer
- 10) Minority rights

**PART-B
(ESSAY QUESTIONS)**

**Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)**

11. (a) Elucidate the role of Road transport as means of public utilities

OR

(b) Discuss the growth and evolution of public utilities in India.

12 (a). Why the Government's control is predominant on public utilities ?

OR

13 a) Examine the liabilities and special privileges of public utilities relating to tort.

OR

b) Analyse the liabilities of public utilities under criminal law

14. a) Elucidate the rights guaranteed under Art. 16 of the constitution.

OR

b) Discuss the doctrine of equality under Part-III of the constitution.

15. a) Explain the circumstance and conditions under which employee of public utilities are criminally liable.

OR

- b). Discuss the power conferred on parliament make laws excusing control over public utilities.

MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
FIRST SEMESTER
PAPER: 1.3- LAW AND SOCIAL TRANSFORMATION IN INDIA
(Short Questions)
Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)

1. Social upward mobility
2. Religious minorities
3. Sarvodaya movement
4. Panchayat raj system
5. Role of Macaulay in Indian Legal System
6. Begar
7. Law as an instrument of social change
8. Interaction between law and social change
9. Law as a process of social transformation
10. Right to free and compulsory education

PART-B
(ESSAY QUESTIONS)
Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)

11. a. How has law contributed to social transformation in India?
OR
b. "Law is a product of tradition and culture". Discuss with the help of suitable examples.
12. a. What are the statutory provisions for reservation? Also discuss the concept of Creamy Layer in light of Mandal Case. OR
13. a. It is generally presumed that the law is the mirror of the society, but in India, law is being used on a large scale as an instrument to change the society. Is it feasible- Discuss and illustrate by suitable examples. OR
b. What are the main issues involved in the controversy regarding relationship between law and morals- How far can the law be used to enforce morality- Comment.
14. a. "Acceptance of Caste is a factor to undo past injustices." Discuss this statement in the light of case law and recommendation made by various commissions.
OR
b. How the socialistic approach is influencing law and justice in India? Do you agree that the Directive Principles of the State Policy in Indian Constitution is influenced by the socialistic approach? Critically analyze the legislative approach in this regard.
15. a. Discuss the role of personal laws in the social transformation. What are the latest emerging judicial trends in this context?
OR
b. "Law is a tool to enforce morality." Discuss this statement in the light of relationship between law and morality.

MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
FIRST SEMESTER
PAPER: 1.4- INDIAN CONSTITUTIONAL LAW, THE NEW CHALLENGES
(Short Questions)
Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)

1. Right to education
2. Privatization
3. Judicial Review
4. Right to work
5. Affirmative action
6. Fundamental duties
7. Brain drain
8. Minorities rights
9. Interstate water disputes
10. Laws on corruption

PART-B
(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)

11. a) Explain Federalism
OR
b) Critically discuss the scheme of distribution of legislative power between the union and states of India.
12. a) Is the country moving from police to welfare state and welfare to capitalist State in which the enforcement of rights becomes a difficulty. Comment.
OR
b). Write a detailed note on commercialization of education
13. a) Explain the nature and scope of the right of freedom of speech and expression along with the newer rights that have been read into by the judiciary within its ambit.
OR
- 14 . a) Write a critical note on the changing dimensions of the concept of equality as provided in the Indian Constitution.
OR
b) Elaborate on electoral reforms in India.



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MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER-II

PAPER: 2.1- UNION-STATE FINANCIAL RELATIONS

(Short Questions)

Answer any five questions. Each question carries 5 marks

PART-A(5X4=20)

1. Indian Federalism
2. Contingency fund
3. Difference between tax and fee
4. Revenue expenditure
5. Capital receipts
6. Concurrent list
7. Residuary power
8. Planning commission
9. Zonal commission
10. Financial commission

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

11.a) Define Federalism and explain the essential features of Indian Federalism.

OR

b) Explain the confederation evolution of feudal government of India make comparison of India

12.a) What is the legislative relation between the union and the states in India.

OR

b) Explain the extent of Union's Power of taxation

13 a) Evaluate the relevance of machinery provided for resolution of river water disputes.

OR

b) Explain the organization and role of Finance Commission

OR

14 a) Inter-relation between Art. 19(1)(g) and 301.

OR

b) Explain the distribution of tax revenues and borrowing power of the state.

15 a). Define Inter-State and Commerce under the Indian Constitution and explain the restrictions on legislative power of the union and state with regard to the trade & commerce.

MODEL QUESTION PAPER

LL.M DEGREE EXAMINATION

SEMESTER-II

PAPER: 2.2- CONSTITUTIONALISM, PLURALISM AND FEDERALISM

(Short Questions)

Answer any five questions. Each question carries 5 marks

PART-A(5X4=20)

- 1) Cooperative Federalism
- 2) Separation of powers
- 3) Communism
- 4) Written Constitution
- 5) Right against exploitation

- 6) Affirmative Action
- 7) Reasonable classification
- 8) Genocide
- 9) Right to self determination
- 10) Federal umpiring

**PART-B
(ESSAY QUESTIONS)**

**Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)**

- 11) a. Explain the difference between constitutionalism and constitution.
OR
b. Explain the role of in pluralistic society
- 12) a. Is the power of judicial Review of the Supreme Court unrestricted? Discussed in the light of relevant doctrines.
OR
b. Explain the concept of Rule of Law.
- 13) a. Explain the difference between confederation and federation
OR
b. Discuss the international norms pertinent to human rights
- 14) a. Explain the rights of linguistic minorities under the Indian Constitution.
OR
b. How can the right to equality be protected in a pluralistic society?
- 15) a. Explain the legal provisions which address the issues regarding the gender justice.
b. Explain parliamentary privileges with relevant case law.

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER-II
PAPER: 2.3- JUDICIAL PROCESS
(Short Questions)**

**Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)**

1. Social ordering
2. Judicial creativity
3. Political nature of judicial process
4. Accountability of judges
5. New dimension of judicial activism
6. Liberal moral tradition
7. Western thought and justice
8. Structure challenges

9. Dependence theories
10. Public Interest Litigation

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

11. a) What do you understand by 'Justice according to Law'?
OR
b) Explain the meaning of 'Administration of Justice'? What is the role of Superior Courts in India in this regard?
12. a). Explain the 'Doctrine of Precedent.' Discuss its merits and value in Judicial Process.
OR
b. What is 'Legislation'? Discuss various kinds of Legislations.
- 13 a. Discuss the scope and limits of institutional liability of courts and judges.
OR
b. What is the role of (a) Summon/Warrant, (b) Pleading (c) Proof, in the trial by Courts?
- 14 a. Write a Critical Note on: Indra Sawhney v. Union of India (AIR 1993 SC 477).
OR
b. Examine the case of Maneka Gandhi v. Union of India (AIR 1978 SC 597). Also state the principle of law laid down in this case?
- 15 a. What is the meaning, scope and extent of Judicial Review of Administrative Actions by the Supreme Court of India under various Articles of the Constitution of India?
OR
b. State the Procedure for administrative Justice by the Courts.

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER-II**

**PAPER: 2.4- LEGAL EDUCATION AND RESEARCH METHODOLOGY
(Short Questions)**

Answer any five questions. Each question carries 5 marks

PART-A(5X4=20)

1. Discussion method
2. Socio -legal research
3. Legal aid
4. Subordinate legislation
5. Data collection
6. Case studies
7. Questionnaire
8. Observation
9. Impotence of schedule
10. Classification of data.

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

11. a) Explain various Methods of Imparting Legal Education. The class-room or the lecturing method has its own limitations and cannot be followed exclusively. Discuss.

OR

b. "Clinical Legal Education is called as 'Learning by Doing'. It introduces students to the real world of law". Explain this statement with reference to trial advocacy, client counseling and ADR methods.

12. a. Describe relation between Theory and Fact as an important Component of Scientific Methodology of Research. Substantiate your answer with example of legal research.

OR

b. Draw a clear distinction between Doctrinal and Non-doctrinal Research pointing out advantages and limitations of each.

13 a. Describe various Legal Research Models with appropriate illustrations and point out their contribution in scientific enquiry in the area of law.

OR

b. Explain the importance of the empirical methods of legal research?

14. a. What is meant by design and explain the importance of research design.?

OR

b. Define the sampling and discuss various ways of sampling techniques?

15. a. Elucidate the necessary steps that are to be taken in research report writing.

OR

b. Explain the necessity of computers in legal research?

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER -III
PAPER: 3.1- HUMAN RIGHTS
(Short Questions)**

Answer any five questions. Each question carries 5 marks

PART-A(5X4=20)

1. UDHR
2. Due process of law
3. Magna Carta
4. Freedom of Press
5. Concept of Human Rights
6. Role of Minority Rights Commission
7. Role of NGOs in protecting human rights
8. Remedies against the human rights violation
9. Basic human rights of prisoners
10. Role of legal professionals in protection of human rights.

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

11. a) Critically evaluate the role of NGOs in the promotion and education about human rights.

OR

b. What role the Amnesty International is playing in protection and promotion of human rights.?

12. a. Nature of civil and political rights may be different but they are inter-related and inter-owned. Discuss in the light of classification of human rights.

OR

b. Child labour is one of the most primary social problems. Explain the role of Judiciary on its protection.

13. a) Discuss the role of legal professionals in promotion and protection of human rights

OR

b. The Convention on Civil and Political Rights 1956 contains the basic human rights required to every human being across the world. Discuss the scope and ambit of the International Law

14. a) Discuss the role of press in protection of human rights

OR

b. Universal Declaration of Human Rights is one of the most served and significant documents. Explain

a. **Explain
the various
rights
of
women and state the
implementation
procedure made under
the CEDAW (Convention
on Elimination**

of
all
forms
of
Discrimination Against
Women).
Explain
the various
rights
of
women and state the
implementation
procedure made under
the CEDAW (Convention
on Elimination

of all forms of Discrimination Against Women).

15. a Examine the role of the National Human Rights Commission in the protection of Human Rights. OR

b. United Nations have adopted a number of conventions to prevent commission of certain acts which are inhuman and against the dignity and worth of human persons. Explain efforts taken by UN to tackle with the acts of Genocide.

MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER - III
PAPER: 3.2- NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW
(Short Questions)
Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)

1. TADA & POTA –The draconian Law
2. Adult Suffrage
3. Doctrine of perspective overruling.
4. FEMA & Customs Act
5. Special Courts
6. Due process
7. Public order
8. Habeas corpus
9. Security of the state
10. Proceeds of the terrorism

PART-B
(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)

11.a. Discuss the validity of pre-Independence laws under the Constitution of India.

OR

b. Explain the main provisions of the Protection of Human Rights Act, 1993

12.a. Elaborate the concept of Exceptional Legislation. Critically evaluate the role of COFEPOSA in curbing the economic offenders.

OR

b. Discuss the modern concept of Rule of Law with special reference to Veena Seth Vs. State of Bihar (1982) 2 SCC 583.

13. a. Explain the provisions of Art. 352 of the Indian Constitution in proclaiming national emergency and its impact on federal structure of India with the help of relevant case laws.

OR

b. Explain the meaning and significance of Public Order under the Indian Constitution.

14. a. Examine the salient features of TADA as an exceptional legislation

OR

b. Discuss the nature of civil rights guaranteed during the emergency in England.

15. a. What are the changes brought by the 44th Amendment to the Constitution of India

OR

b. Elucidate the Constitution of National Human Rights Commission and its functions.

MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER- III

PAPER: 3.4(a)- ENVIRONMENT PROTECTION AND THE LAW
(Short Questions)

Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)

1. Kinds of courts
2. Classification of zone
3. National coastal management authority
4. Regulation of REA RESORTS
5. Environment audit
6. Sustainable development
7. Polluter pay principle
8. CRZ
9. Biosphere reserve
10. Environmental impact assessment

PART-B
(ESSAY QUESTIONS)

**Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)**

11. a. What do you mean by 'Precautionary Principle'? Does precautionary principle shift the onus of proving environmental benign nature of the developmental activity from those who challenge the developmental activity to the author of the developmental activity? Discuss in the light of decided cases.

OR

- b. "Sustainable Development" as a balancing concept between ecology and development has been accepted as a part of the Customary International Law though its salient features have yet to be finalised. Critically analyse the above statement with reference to the decided cases.

12. a. Role of Public Interest Litigation in environmental protection in India.

OR

- b. Right to life is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution free water and air for full enjoyment of life. Explain upon the above statement with reference to decided case law.

13. a. Explain the concept of absolute liability of hazardous industries as reflected from judicial decisions.

OR

- b. Emerging legal system on modern era of environmental laws has witnessed some emerging legal controls for the scenario of India.

14. a. Oleum Gas leak Case. (OR). b. Role of NGOs in environment protection

15. a. What are the powers of the Central Government to protect and improve the environment under the Environment Protection Act, 1986?

OR

- b. i) Convention on Climate Change, 1992.

- (ii) Convention on Biological Diversity, 1992

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER- III**

**PAPER: 3.4(b)- INTELLECTUAL PROPERTY RIGHTS
(Short Questions)**

Answer any five questions. Each question carries 5 marks

PART-A(5X4=20)

1. TRIPs
2. Industrial Property
3. Patentable inventions
4. UNCTAD
5. Deceptive similarity
6. Compulsory license
7. Passing Off
8. Industrial Design
9. Trade Secrets
10. WIPO

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

11. a. "TRIPs is a binding global charter of IPRs". Explain.
OR
- b. Explain the emerging dimensions of IPR system
12. a. Discuss the grounds on which the registration of a patent can be refused.
OR
- b. What are the legislations covering the IPR in India
13. a. What is infringement? What action under the Trade Mark Act.1999 constitute the infringement of trademark?
OR
- b. What is Convention on Biological Diversity? Is India a member state to it and explain the approach adopted by India towards its?
14. a. There is no copyright in an idea. Explain.
OR
- b. Briefly explain the procedure relating to registration of copyright. Is registration of the work compulsory under the Copyright Act?
15. a. Explain the different types of Intellectual Property Rights in Software.
OR
- b. What is new and original design? Discuss the law relating to registrability and cancellation of design under the Design Act, 2000.

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER- III**

**PAPER: 3.5(a)- CYBER CRIMES AND LAW
(Short Questions)**

**Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)**

1. Computer Software
2. Cyber stalking
3. What is domain name
4. Data protection in cyber space
5. Denial of service attacks
6. Cyber forensics
7. Internet service provider (ISP)
8. Defamation
9. Hacking with computer system
10. Cyber squatting

**PART-B
(ESSAY QUESTIONS)**

**Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)**

11. a. Sketch the development of Internet
OR
b. Critically examine cyber jurisdiction
12. a. Critically examine cybercrimes affecting individuals.
OR
b. What is information? Discuss the use of information technology in the global era?
13. a. How data is regulated and protected under the Information Technology law?
OR
b. Freedom of speech and expression in Information Technology Act.
14. a. Case analysis;
I. Maruthi Udyog Ltd vs. Maruti.com
II. Sreya Singhal Vs. Union of India
OR
b. Write an essay on the Legal Regulation of cyber terrorism.
15. a. Write a notes on:
i. Hacking with computer system
ii. Computer fraud and computer virus.
OR
b. Explain the penalties and offences un the IT At.2000

MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER- III
PAPER: 3.5(b)- EVOLUTION AND CONCEPT OF ADR
(Short Questions)
Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)

1. Statutory Arbitration
2. Model arbitration law
3. Lok Adalats
4. Conciliation
5. Vigilance Commission
6. Newyark Convention Awards
7. Legal service authority
8. Advisory system
9. Commission of Inquiry
10. Role of Nyaya Panchayats and dispute resolution.

PART-B

(ESSAY QUESTIONS)

**Answer any five questions. Each question carries 12 marks
(Marks: 5x12=60)**

11. a. Explain the need and importance of ADR in the modern day world.
OR
b. Write about the advantages of ADR over the traditional dispute resolution.
12. a. What are the legal provisions and how are the International Arbitration Awards enforced in India?
OR
b. Write a note Unicentral model on arbitration and conciliation.
13. a. "Existence of arbitration agreements mandatory for arbitrator to act upon and pass the award. The burden is on the party who relies on the agreements to prove its existence". Explain.
OR
b. Explain how an arbitrator is appointed and what are his powers and duties under the arbitration and Conciliation Act.1996.
14. a. Explain the legislative content of taking recourse against Arbitral Awards.
OR
b. Critically discuss the various informal methods of settlement of disputes as part of ADR evolution.
15. a. What is an arbitration agreement and its effect and explain the advantages of settling the disputes through ADR.
OR
b. Examine the main features of Arbitration and Conciliation Act and what are the recommendations of Law Commission of India in this regard?

**MODEL QUESTION PAPER
LL.M DEGREE EXAMINATION
SEMESTER- III**

**PAPER: 4.2(b)- LAW OF CONSUMER PROTECTION
(Short Questions)**

**Answer any five questions. Each question carries 5 marks
PART-A(5X4=20)**

1. Unfair trade practice
2. Consumer and criminal law
3. Meaning of restraint of trade
4. Antitrust remedies
5. What was the liability for deficient services under Consumer Protection Act
6. Distinguish fraud and Mis-Representation
7. Consumer credit
8. Restrictive trade practice
9. Standard of packed commodities
10. What is deficiency in service? Refer to case law.

PART-B

(ESSAY QUESTIONS)

Answer any five questions. Each question carries 12 marks

(Marks: 5x12=60)

11. a Explain the consumerism and its social significance and effectiveness
OR
b. Explain conditions and warranties.
12. a. Examine the salient features of Consumer Protection Act. 1986.
OR
b. Write a note on Consumer Protection Council
13. a. Examine the development of consumer movement in U.K, USA, and India.
OR
b. What are the remedies available to consumer under the Consumer Protection Act?
14. a. Essential Commodities Act. 1955.
OR
b. Discuss the scope of rule of reason and per se rules in the antitrust measures.
15. a Write a note on Doctrine of Caveat Emptor and exemption.
OR
b. Critically discuss the powers and functions of consumer disputes remedies under COPRA. 1986.