



**KLE Technological
University** | Creating Value,
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KLE LAW COLLEGE BENGALURU – 91

Constituent College of KLE Technological University, Hubballi

SYLLABUS


2-YEAR LL.M. PROGRAMME

SPECIALISATION - CONSTITUTIONAL LAW

I SEMESTER

2023 - 2024




Principal
KLE Law College
KLE Technological University
Sri M. Vishweshwariah Layout
Bangalore-560 091

Sl. No	Course Name	Course Code
1	JUDICIAL PROCESSES AND LAW MAKING PROCESSES	21LLCC101
2	RESEARCH METHODOLOGY	21LLCC102
3	LEGAL THEORY AND PHILOSOPHY	21LLCC103
4	SPECIALISATION COURSE – 1: CONSTITUTIONAL LAW : THEORY AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION	21LLCT101



JUDICIAL PROCESSES AND LAW MAKING PROCESSES

21LLCC101

Course Description:

The course deals with the concept of Judicial Process and provides an academic exposure to understand the intricacies of the judicial tools and techniques involved in judicial process.

Course Objectives:

1. To study the concept of Judicial Process.
2. To analyse the significance of Judicial Process.
3. To understand the dimensions of Judicial Process.
4. To examine the concept of judicial accountability and judicial activism.
5. To know the process of legislative drafting.

Course Outcomes:

At the end of the course, the students will be able to

1. Explain the nuances of the judicial process and analyse the role of judicial process in bringing about social change and stability.
2. Discuss the role of judicial process in constitutional adjudication
3. Elucidate the importance of judicial review and evaluate the judicial independence in India
4. Analyse the legislative law making process and examine the relation between law and public opinion
5. Compare and contrast the legislative drafting process in India and England

Course Content

Unit – I: Introduction to Judicial Process

- 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; *stare decisis*; the tools and techniques of judicial creativity and precedent; identifying *ratio decidendi* and *obiter dicta*
- Legal development and creativity through legal reasoning under statutory and codified systems.

Unit – II: Dimensions of Judicial Process

- 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; Variants of judicial and juristic activism.

Unit - III: Judicial Accountability and Judicial Activism

- Problems of accountability and judicial law-making.
- Judicial Process in India: Indian debate on the role of judges and on the notion of judicial review.
- The "independence" of judiciary and the "political" nature of judicial process;
- Judicial activism and creativity of the Supreme Court the tools and techniques of creativity;
- Institutional liability of courts and judicial activism - scope and limits and structural challenges

Unit- IV: Rules of Interpretation

- Legislation as a source of law: its relationship with other sources of law.
- Supreme legislation: law making by Indian Parliament;
- Interaction between law and public opinion;
- Major rules of interpretation of statutes; Literal or Plain Meaning Rule; Golden Rule; Purposive approach: Mischief Rule; Compromise approach.

Unit - V: Legislative Drafting

- Nature of legislative drafting: history in India and England
- Diseases of language.
- Components or parts of legislation and their purposes.
- Role of draftsman: the skills, traits and abilities draftsman's, duties and responsibilities: impact of constitutional values and provisions on legislative drafting, impact of the General Clauses Act upon legislative drafting; steps in legislative drafting, pre-draft preparation; drafting; deliberation with others; post-draft refinement.

Prescribed Books:

1. W.Friedman, Law in a Changing Society, Sweet and Maxwell, South Indian Edn. 2016
2. Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16, Universal, New Delhi, 2006.
3. Benjamin Cardozo, The Nature of Judicial Process. Universal, New Delhi, 1995.
4. Henry J.Abraham , The Judicial Process,Oxford, 1998.
5. J.Stone, Precedent and the Law: Dynamics of Common Law Growth Butterworths (1985).
6. W.Friedmann, Legal Theory , Stevens, London 1960.
7. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law, Universal, Delhi 1997
8. C. K. Allen, Law in the Making, Oxford University Press, 7th Edn. 1967
9. C. K.Allen, Law and Orders, Universal Law Publishing, 3rd Edn. 2012.
10. Sir Henry Maine, Ancient Law, Book Jungle, 2008.
11. Rupert Cross, Precedents in English Law, Clarendon Press, 4th Edn. 1991.

12. A. Lakshminath, Judicial Process: Precedent in Indian Law, Eastern Book Company, 4th Edn. 2009.

Reference Books:

1. J.Stone, Legal System and Lawyers' Reasonings, Universal, Delhi 1999.
2. U.Baxi, The Indian Supreme Court and Politics, Eastern, Lucknow 1980.
3. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
4. John Rawls, A Theory of Justice (2000), Universal, Delhi
5. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
6. F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33
7. P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501
8. J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285
9. T. K. Vishwanathan, (Ed) G. Rajagopaul's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)
10. B R Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)
11. Helen Xanthaki, Thornton's legislative Drafting (5th ed); G C Thornton, Legislative Drafting (Butterworths, 1996)
12. Constantin Stefanou and Helen Xanthaki (ed) Drafting Legislation (Ashgate, 2008)
13. Reed Dickerson, Legislative Drafting, (1954) 103(2) University of Pennsylvania Law Review 291
14. Reed Dickerson, Interpretation of Statutes, Little Brown, 1975
15. G P Singh, Statutory Interpretation, Eastern Book Company, 14th Edn, 2018.



RESEARCH METHODOLOGY 21LLCC102

Course Description:

The Research Methodology course offers a comprehensive exploration of legal research methods and methodology, unveiling the intricacies of the research process. In order to familiarise students with the concepts and techniques of legal research, and empowering them to adeptly fulfill their roles as both academics and professionals. Emphasizing on research as a pivotal tool for advancing knowledge and fostering personal growth, the course aims to provide the continuous nature of acquiring new knowledge and uncovering truths. It will also guide students in cultivating critical thinking skills, literature reviews, and formulating research designs within ethical and legal framework.

Course Objectives:

1. To provide the basic insights into research touching upon the reflective thinking and scientific methods of research.
2. To acquaint with the essential attributes of researcher, structuring research design and plagiarism.
3. To identify the different kinds of research, its merits, demerits, suitability and utility
4. To acquaint the students with the non-doctrinal research and tools of data collection.
5. To learn how to develop a research report or research proposal.

Course Outcomes:

At the end of the course, the students will be able to

1. Explain the importance of research, utility of research and use the research language in their academic writings.
2. Practice and inculcate the qualities of researcher and adhere to the ethical and legal requirements of research.
3. Distinguish between different methods and kinds of research and adopt them suitably for carrying out different researches.
4. Use the different tools of data collection.
5. Plan and write the academic research papers, reports and research proposal.

Course Content

Unit– I: Foundations of Research:

- Research meaning, objectives, and utility of research.
- Concept of theory, empiricism, deductive and inductive logic.
- Reflective thinking process.
- Characteristics of scientific method
- Understanding the Language of research – Concept, Construct, Definition, Variable. Research Process.

Unit - II: Legal Research and Its Methodologies

- Legal Research: Introduction; Legal Research Methodology, purposes and footsteps;
- Thinking process in legal research: diverse models

- Objectivity, Value neutrality, originality, and ethics in legal research; rules against plagiarism
- Selecting, designing, and building the legal research theme
- Hypothesis: meaning, kinds, formulation and testing
- Introduction to kinds of research.

Unit - III: Doctrinal Legal Research

- Doctrinal legal research as a means of synthesising facts, thoughts and legal principles.
- Analytical legal for expanding the legal world.
- Historical legal research: implications and applications.
- Philosophical research in law: the possibilities.
- Comparative method of legal research: Nature, Process, and Potentiality.

Unit – IV: Non-doctrinal Legal Research

- Non-doctrinal legal research: nature, features and expanding horizons.
- Tools of data collection: observation, interview, case study, questionnaire, survey.
- Qualitative legal research.
- Sampling method: varieties and uses.
- Quantitative legal research.

Unit – V: Dimensions of legal research

- Multi-method Legal Research: Nature, Need, Procedure and Potentiality.
- Policy research in law; Action research in law; methodology.
- Legal writing based on research: Report writing.

Prescribed Books:

1. Bhat Ishwara P., Idea and Methods of Legal Research, (Oxford: Oxford University Press, 2019)

Reference Books:

1. Whitney F.L., The Elements of Research, (rev.edn. Prentice Hall, 1948)
2. Goode, William J. and Hatt Paul K., Methods in Social Research, 1st Ind. Re.pt. (Delhi: Surjeet Publications, 2006)
3. Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)
4. Lee Epstein and Andrew D. Martin An Introduction to Empirical Legal Research (Oxford University Press 2014)
5. SK Verma and Afzal Wani, Legal Research Methodology (Indian Law Institution, Second Edition, 2007)
6. Young, Pauling, V (1973), Scientific Social Surveys and Research, Delhi, Prince Hall of India Pvt., Ltd.
7. Upendra Baxi (1975), Socio –Legal Research on India: A Programschrift, ICSSR 12, Occasional Monograph.
8. CR Kothari, Research Methodology Methods and Techniques, New Age International Publishers, 4th Ed., 2019. References:



9. Jain, S. N., Doctrinal and Non-Doctrinal Legal Research, Journal of the Indian Law Institute, vol. 24, 1982. 2.
Rattan Singh, Legal Research Methodology, LexisNexis, 3rd Ed., 2021
10. Ervin, H. Pollack (1967) – Fundamentals of Legal Research.
11. S.K.Verma and M. Afzal Wani (ed), Legal Research and Methodology, 2nd Edition, ILI Publication (2009)
12. Jonathan Anderson, Poole Millicent E., Thesis and Assignment Writing, John Wiley & Sons Inc. (2002)
13. Lazarsfeld, Paul F. (1967)-The Language of Social Research (N.Y. Free Press.)
14. Russel L.Ack;off (1953) The Design of Social Research (University of Chicago Press).



LEGAL THEORY AND PHILOSOPHY
21LLCC103**Course Description:**

The course makes the students understand the evolution and development of law across the globe. It gives knowledge regarding various kinds of legal systems and its development in ages. It compares multiple theories of law, which enables students to understand the concept from different perspective and traditions.

Course Objectives:

1. To develop a philosophical and analytical understanding of legal systems.
2. To understand the different theories of law.
3. To understand the different functions of law in various legal systems.
4. To understand the justification of legal system.
5. To explore the comparison between various theories of law and legal system.
6. To understand the law in its social and temporal context.
7. It will also help students to appreciate the limitations of law and theories of justice.

Course Outcomes:

At the end of the course, students will be able to:

1. Trace the origin and development of Natural Law philosophy and its relevance in the modern world.
2. Examine the Positivist theories of law and analyse them, juxtaposing Natural Law theory.
3. Elucidate the theory of law propounded by Sociological and Historical school and evaluate them.
4. Explain the factors responsible for Realist theory of law and Marxian theory of law, and analyse them.
5. Appraise different theories of Justice from ancient time to modern times.

Course Content:**Unit – I: Natural Law Theory**

- Introduction, meaning and importance of Legal theory and philosophy,
- Natural Law theory of Law - Ancient Greek Philosophy, Sophists, Medieval Thinkers, Modern Thinkers.

Unit – II: Positivist Theory of Law

- Positivist theory of Law – Jeromy Bentham, John Austin, H L A Hart, Hans Kelsen

Unit – III: Sociological and Historical Theory

- Sociological theory of law – Roscoe Pound
- Historical theory of law – Savigny and Puchta



Unit – IV: Realism and Marks Theory

- Realist theory of Law – American realists
- Marxian theory of law

Unit – V: Theory of Justice

- J S Mill's and Bentham's Utilitarianism
- Rawls' Theory of Justice,
- Amartya Sen's idea of Justice.
- Dworkin's Rights Based Theory of Justice,
- Dharma - A duty based approach to Justice.
- Feminist Theories of Justice.

Prescribed Books:

1. Julius Stone, Province and Functions of Law, Law as Logic Justice and Social Control, 1968, USA Williams S Hein.
2. RWM Dias, Jurisprudence, Fifth Edition 2014 LexisNexis.
3. P J Fitzgerald - Salmond on Jurisprudence, Twelfth edition 2022, Sweet & Maxwell South Asian Edition.
4. Julius Stone - Social Dimensions of Law, Sidney Maitland , Second reprint 2009, Universal Law Publication.
5. Edgar Bodenheimer, Jurisprudence, The Philosophy and Method of the Law, Revised Edn. 1974, Harvard University Press Cambridge.
6. Julius Stone - Legal System and Lawyers Reasoning's, 2nd Printing, 1968 Stanford California University Press, California.

References:

1. Freeman, Michael Lloyd, Introduction to Jurisprudence, London, Sweet & Maxwell Publication 9th Edn 2014
2. Roscoe Pound, Jurisprudence Vol. I to V, West Publishing Co 1959.
3. Roscoe Pound, An Introduction to the Philosophy of Law, Delhi Universal Law 2003.
4. Kelson, The Pure Theory of Law, London University of California Press 2009.
5. D' Entreaves, Natural Law, an introduction to legal philosophy, Taylor & Francis 2017.
6. Robert S Summers, Essays in Legal Philosophy, London Basil Blackwell 1970.
7. Mill, JS, Utilitarianism, Chapters 1 & 2, London Longsman Green and Co 7th Edition 1879.
8. Sen, Amartya, The Idea of Justice, Chapters 2, Harvard University Press 2011.
9. Dworkin, Ronald, Taking Rights Seriously, Harvard University Press 1978.
10. Posner Richard A., The Economics of Justice, Harvard University Press 1981.
11. Cohen, G.A, If You're An Egalitarian How Come You're So Rich? (Revised edition), Harvard University Press. (Excerpts) 2001
12. Okin, Susan Moller. 'Justice and Gender', Vol. 16, No. 1 (Winter, 1987) Philosophy and Public Affairs (Journal)

Specialisation Course – 1: Constitutional Law: Theory and Principles of Constitutional Interpretation
21LLCT101

Course Description:

The students of constitutional law are expected to be thorough with the theories and concepts that constitute foundation of the constitution for better understanding and appreciation of the provisions of the constitution. Therefore, the course is designed to introduce the concepts like constitutionalism, concept of State, ancient Indian ideas on State, Gandhi and Ambedkar's views on structure and functions of the State. Further, as constitution is to be interpreted differently than the ordinary statutes, the course introduces different principles and approaches of constitutional interpretation.

Course Objectives:

1. To study the nature and importance of the Constitution, requisites of an ideal constitution, and the concept of constitutionalism, the concept of State and its functions.
2. To understand which and how the constitutional values and approaches influence the interpretation of the Constitution of India.
3. To understand how the Constitution is interpreted as a value document and as an organic document.
4. To understand the doctrines and principles pertaining to interpretation of the Constitution of India.

Course Outcomes:

At the end of the course, students will be able to:

1. Explain the nature and importance of the constitution, constitutional values, and the concept of constitutionalism.
2. Sketch the ancient Indian theory of State and analyse the views of M K Gandhi and Dr. Ambedkar on functions of the State.
3. Examine the role of internal and external aids in the interpretation of the Constitution.
4. Compare the different approaches of interpretation of the constitution and evaluate their relevance.
5. Elucidate the different doctrine and principles pertaining to interpretation of federal scheme.

Course Content

Unit - I: Constitution and Constitutionalism

- Nature and importance of constitution
- Constitutional Values
- Requisites of an ideal constitution
- Concept of constitutionalism – its development and role in the legal system
- Nature and limitations of amending power
- Basic structure theory

Unit - II: Concept of State and Functions of State

- *Saptanga* theory of State in ancient India – Ruler's Obligations
- Modern Indian Political thoughts of Gandhi and Ambedkar about functions of the State
- Separation and division of powers.

Unit - III: Aids to Interpretation of Constitution

- Role of Internal and External Aids in the Interpretation of Constitution.
- Preamble; Headings, Marginal Notes, Non-Abrogation and Non-Derogation provisions, Inclusive and Exclusive definitions,
- Use of drafts, Constituent Assembly Debates, Legislative History, International Law, Original Intention Theory. Values and Approaches that influence constitutional interpretation

Unit - IV: Approaches to the Interpretation of Constitution

- Interpreting the Constitution of India as a value document
- Living Organism Approach
- Interpreting the constitution as a legal document
- Purposive interpretation
- Reading-Down and Reading-Up and Reading-In
- Inter-relationship of Fundamental Rights
- Presumption of constitutionality

Unit - V: Rules and Doctrines of Interpretation of Constitution

- Literal Interpretation and its limitations
- Harmonious Construction
- Doctrines: Doctrine of Repugnancy, Doctrine of Pith and Substance, Doctrine of Colourable Legislation, Doctrine of Occupied Field, Doctrine of Reasonable Classification, Doctrine of Proportionality, Doctrine of Waiver, Doctrine of Severability, Doctrine of Essential Religious Practice.

Prescribed Books:

1. Raymond Garfield Gettell, Readings in Political Science, Arkose Press, UK, 2015.
2. K.C.Wheare, Modern Constitutions, Oxford University Press, London, 1966
3. H.J. Laski, The State in Theory and Practice, Aakar Books, New Delhi, 2018
4. B.A.Masodkar, Society State and the Law, N.M.Tripathi, Pvt. Ltd. Bombay, 1979
5. M.Rama Jois, Legal and Constitutional History of India: Ancient Legal, Judicial and Constitutional System, Universal Lexis Nexis, New Delhi, 2022
6. J. Friedrich, Constitutional Government and Democracy, Ginn and Company, Boston. 1950.



Reference Books:

1. H.M.Seervai, Constitutional Law of Indian, Universal Law Publishing Co Ltd.,Gurgaon,1991
2. P.K.Tripathi- Spotlights on Constitutional Interpretation, N.M.Tripathi, Pvt.Ltd.Bombay, 1972
3. G.P.Singh, Principles of Statutory Interpretation, Lexis Nexis; First Edition, 2016
4. Vepa P. Sarathi, Interpretation of Statutes, Eastern Book Co., 2015
5. M P Jain, Indian Constitutional Law, LexiNexis, 2018



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III SEMESTER

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Sl. No	Course Name	Course Code
1	SPECIALISATION PAPER – 4 - CENTRE-STATE RELATIONS	21LLCT201
2	SPECIALISATION PAPER – 5: CIVIL LIBERTIES - COMPARATIVE STUDY OF SELECT CONSTITUTIONS	21LLCT202
3	SPECIALISATION PAPER – 6: COMPARATIVE ADMINISTRATIVE LAW	21LLCT203
4	SPECIALIZATION PAPER - 7: CONSTITUTIONAL MISCELLANY	21LLCT204





SPECIALISATION PAPER – 4 - CENTRE-STATE RELATIONS 21LLCT201

Course Description:

The Constitution of India has adopted the federal structure. 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.

Course Objectives:

- To introduce the students to sui generis nature of the Constitution of India with regard to Quasi federal approach where in distribution of legislative, administrative and fiscal powers made.
- To enable the students to understand and analyze various aspects of federal principles, and their working in the Indian context.
- To understand the various emerging forces such as regionalism, sub-national loyalties and nationalism.
- To enable students to see the working of the constitutional process as a vital element of political economy.

Course Outcomes:

At the end of the course, students will be able to:

1. Explain the scheme of distribution of legislative power between the center and state and examine the principles and doctrines applicable to the interpretation of legislative entries.
2. Analyse the distribution of executive power and administrative relation between the center and state.
3. Map the distribution of fiscal power between the center and state with reference to functioning of the Finance Commission of India.
4. Elucidate the constitutional aspects of inter-state trade and commerce throughout India and narrate the functioning of NITI Ayog.
5. Discuss the developments pertaining to interstate river water dispute, describe the functioning of interstate council and explain pros and cons of abrogation of Art. 370 of the Constitution of India.

Course Content:

Unit – I: Federal Legislature

- Scheme of distribution of legislative powers between Union and States
- Doctrine of Territorial Nexus
- Parliament's power to legislate on the State list
- Inconsistency between laws passed by Parliament and State legislature
- Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation



Unit – II: Federal Executive

- Distribution of executive powers
- Inter-governmental delegation of powers
- Centre's directive to State and other Constitutional provisions
- All India Services

Unit – III: Fiscal Federalism

- Distribution of Fiscal Power: Scheme of allocation of taxing power
- Extent of Union power of taxation
- Intergovernmental tax immunities
- Tax-sharing under the Constitution
- Finance Commission - Specific purpose grants (Article 282)
- Borrowing power of the State; borrowing by the Government of India

Unit – IV: Interstate Trade and Commerce

- Inter-State Trade and Commerce: Freedom of Inter-State trade and commerce
- Restrictions on legislative power of the Union and States with regard to trade and Commerce
- Planning and financial relations: NITI Ayog
- National Development Council; plan grants

Unit – V: Co-operative Federalism and Interstate relations

- Co-operative Federalism: Full faith and credit
- Inter-State council; Zonal councils
- Inter-State disputes
- Abrogation of Art.35A and 370
- Disputes relating to waters, Inter-State council

Prescribed Books:

1. D.D Basu ,Commentary on the Constitution of India, VII volumes, Lexis Nexis 9th Edition (2016)
2. H.M. Seervai, Constitutional Law of India, Tripathi, Universal Law Publication, Bombay, (1991).

References:

1. H.M. Seervai, Constitutional Law of India, Tripathi, Universal Law Publication, Bombay, (1991).
2. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, Chugh Publications, (1979)
3. Ashok Chandra, Federalism in India, George Allen and Unwin Ltd., (1965)
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8, Academy of Legal Publications, Michigan, (1980).

5. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8, Deep and Deep, University of Michigan, (1983)
6. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39, Law Academy, University of Michigan, (1982)
7. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9, K.P. Publisher, Madras, (1981)
8. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
9. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections and 11, pp. IS- 168
10. L.M. Singhvi (ed.), Union-State Relations in India 124-154, New Delhi, (1969)
11. M.P. Jain, Indian constitutional Law, Wadhwa & Co., Nagpur, (1994)



SPECIALISATION PAPER – 5: CIVIL LIBERTIES - COMPARATIVE STUDY OF SELECT CONSTITUTIONS 21LLCT202

Course Description:

This course offers a comprehensive examination of civil liberties by conducting a comparative study of select constitutions of India, the USA and the UK. Students will explore the foundational principles and legal frameworks that safeguard individual freedoms within diverse constitutional contexts. Through an in-depth analysis of key constitutional provisions, landmark judicial decisions, and socio-political dynamics, students will develop a nuanced understanding of the protection and limitations of civil liberties in different jurisdictions.

Course Objectives:

1. To understand the foundational principles that underpins civil liberties in different constitutional contexts.
2. To identify commonalities, variations, and unique approaches to civil liberties in selected constitutions.
3. To analyse landmark judicial decisions from various jurisdictions, assessing their significance in shaping the legal landscape and influencing civil liberties.
4. To develop a nuanced understanding of the delicate balance between the protection and limitations of civil liberties in different jurisdictions.
5. To develop the ability to critically analyse contemporary challenges to civil liberties, recognising global trends and comparing responses to new and evolving issues

Course Outcomes:

At the end of the course, the students will be able to

1. Discuss the concept of state action and analyse the importance of philosophy of rights and liberties.
2. Discuss the scope of right to equality.
3. Analyse the scope and extent of freedom of speech and expression.
4. Explain the nuances of freedoms and safeguards relating to trade, freedom of religion and property.
5. Elucidate the constitutional provisions and developments relating to right to education and protection of rights of minorities.

Course Content

Unit– I: Introduction to Rights and Liberties

- Philosophy of rights and liberties
- Methods of guarantee of basic rights – Common Law method – Constitutional bill of rights – Division of powers approach
- Concept of State action
- Right to Life – Traditional and modern concept – Positive rights of life – Right to die
- Right to Personal Liberty and privacy

Unit - II: Right to Equality and Protection

- Right to Equality - Non-discrimination
- Reasonable classification
- Gender equality
- Protective discrimination – method and extent.
- Rights of accused– Immunity against Self- incrimination – Rule against double jeopardy – Protection against unreasonable search and seizure – Speedy trial – Right to counsel –Protection against cruel and unusual punishment

Unit - III: Freedoms

- Freedom of speech and expression
- Facets of freedom of speech and expression
- Extent of restriction
- Freedom of Press
- Freedom of Assembly, Association, Movement, Residence – Content and Extent of restrictions

Unit – IV: Trade, Freedom of religion and Property

- Freedom of trade, occupation and profession
- Restrictions on Freedom of trade, occupation and profession
- Freedom of religion
- Restrictions on freedom of religion
- Right to property – Power of eminent domain

Unit – V: Special Suits and the Limitation Act, 1963

- Educational and cultural rights
- Rights of minorities
- Interrelation among fundamental rights

Prescribed Books:

1. P. Ishwara Bhat – Fundamental Rights: A Study of their Interrelationship (Eastern Law House Pvt. Ltd.), 2004
2. Durga Das Basu – Commentary on the Constitution of India (Lexis Nexis Butterworths, Wadhwa Nagpur), 8th Edition, 2007 – Volume 2
3. M. P. Jain – Indian Constitutional Law (Lexis Nexis), 8th Edition, 2018

Reference Books:

1. S. H. Bailey, D. J. Harris and B. L. Jones – Civil Liberties: Cases and Materials [Butterworth and Co. (Publishers) Ltd.], 1980
2. O. Hood Phillips and Jackson – Constitutional and Administrative Law [Thomson Reuters (Professional) UK Ltd.], 8th Edition (South Asian Edition), 2015
3. A.V. Dicey with introduction by E. C. S. Wade – An Introduction to the Study of the Law of Constitution (Universal Law Publishing Co. Pvt. Ltd.), 10th Edition, 2008 (5th Indian Reprint)



4. Ronald. D. Rotunda and John E. Noawak – Treatise on Constitutional Law: Substance and Procedure (Thomson Reuters South Asian Edition), 15th Edition, 2015 – Volumes 2 and 3





**SPECIALISATION PAPER – 6: COMPARATIVE ADMINISTRATIVE
LAW
21LLCT203**

Course Description:

This course deals with the nature, scope and functions of administrative authorities, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. The Course aims to discuss the role played by the courts in disciplining the administration. In addition, the adjudicatory powers of the administration and liability of administrative authorities will be covered. The course will be taught with reference to the Administrative law in India, the United States of America, and the France.

Course Objectives:

1. To understand the scope and limitations of executive powers in India, the United States of America, and the France.
2. To understand the concept of delegated legislation, its scope limitation and control.
3. To examine the principles of natural justice and its application by Judiciary.
4. To examine the principles governing exercise of administrative discretion.
5. To examine the evolution of concept of tortious liability of government and the concepts of legitimate expectation.
6. To examine the challenge of balancing the right to information and official secrecy in administration.
7. To examine mechanisms to check maladministration and regulate the functioning of the administrative authorities.

Course Outcomes:

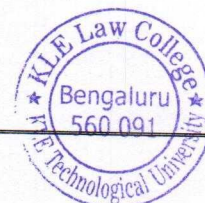
At the end of the course, the students will be able to

- Explain the concept of rule of law and separation of powers in the context of administrative law and explain the development and control of delegated legislation.
- Analyse the principles of natural justice and its impact on administrative adjudication.
- Discuss the importance of administrative discretion and its control.
- Explain tortious liability of the Government and the significance of the concept of legitimate expectations.
- Elucidate the doctrine of *estoppel* and analyse the conundrum of right to information and official secrecy in the administration.
- Explain the mechanisms to check maladministration and regulate the functioning of the administrative authorities.

Course Content

Unit – I: Delegated Legislation and Its Control

- Impact of Rule of Law and doctrine of separation of power
- Delegation of legislative power – Judicial review and delegability.
- Control over delegated legislation – Judicial and parliamentary control





Unit – II: Principles of Natural Justice and its impact

- Principles of Natural Justice: Concept, Components and when to apply.
- Rule against Bias- types
- *Audi alteram partem* -Components of fair hearing
- Effect of non-compliance to principles of natural justice
- Administrative direction- Identification, nature of enforceability

Unit - III: Administrative actions and Government liability

- Nature and control of administrative discretion
- Government liability for torts committed by public servants
- Doctrine of Legitimate Expectation - Dimensions and application.

Unit– IV: Transparency in administration

- Doctrine of Promissory *Estoppel*
- Right to Information Vs Official Secrecy
- Government's privilege to withhold documents and evidences.

UNIT - V: Mal-administration and controlling mechanisms

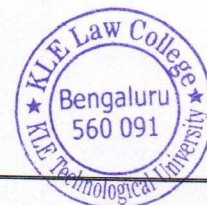
- Control on Mal-administration and corruption- *Ombudsman*
- Evolving Indian Models: *Lokayukta and Lokpal*
- Commission of Enquiry, Vigilance commission
- C.B.I. Inquiries by Legislative Committees
- Judicial Inquiry, Administrative tribunal

Prescribed Books:

1. M.P. Jain & S.N. Jain, Principles of Administrative law, New Delhi: Lexis Nexis, (7th edition, 2017)
2. H. W. R. Wade & C.F Forsyth, Administrative law, New York: Oxford University Press, (11th edition, 1977)
3. S.P. Sathe, Administrative Law, Butterworths Wadhwa Publication, (7th edition.,2022) Nagpur, Lexis Nexis
4. I.P. Massey, Administrative Law, Lucknow: Eastern Book Co., (9th edition, 2017)

Reference Books:

1. Paul Craig, Administrative Law, London Sweet & Maxwell US (6 th ed 2008).
2. Schwartz, Bernard, Administrative Law, Toronto Little Brown & Co.(5 th ed. 1976) .
3. S. D. Hotop , Cases and material on review of administrative action, Law book Company Ltd. (5 th edition 1979).
4. Mark Elliott Jason N. E , Administrative law: Text and Materials, Oxford university press,(5 th ed 2017.)





5. Paul Craig, UK, EU and global administrative law: Foundations and Challenges, Cambridge, (1st ed, 2018)



SPECIALIZATION PAPER - 7: CONSTITUTIONAL MISCELLANY
21LLCT204**Course Description:**

The course deals with the basic concepts of public policy, directive principles of state policy and the fundamental duties. India being the largest working democracy of the entire world, the concepts of free and fair elections, anti-defection laws, local self governments, equality and environmental protection embodies the true meaning of a welfare State. This course is an amalgamation of all the nuances of a pure working democracy.

Course Objectives:

1. To introduce the inter relationship between Directive Principles of State Policy (DPSPs) and fundamental rights that emphasises their interconnectedness as constitutional elements.
2. To analyse the procedures involved in the creation of new states in India and also evaluating the constitutional framework governing elections and anti-defection laws.
3. To assess the composition, powers, and functions of local self-governments stipulated by the Indian Constitution and various bodies established under the constitutional framework.
4. To identify the evolving jurisprudence within the constitutional framework regarding environmental protection, considering judicial contributions, interventions in natural resource utilization.
5. To familiarise new contemporary developments and dimensions concerning the right to equality, the protection of the third gender, refugees, and the process of decriminalizing certain offenses, within the constitutional framework.

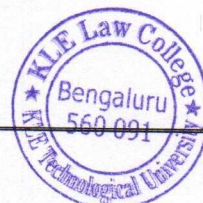
Course Outcomes:

At the end of the course, students will be able to:

1. Narrate the interrelationship between Directive Principles of State Policy and Fundamental Right of the Constitution of India
2. Discuss the issues involved in the creation of new states in India and analyse the constitutional framework governing elections and anti-defection law
3. Map the composition, powers and functions of local self- governments in India and also evaluate the functioning of various designated authorities to protect rights
4. Elucidate the constitutional jurisprudence pertaining to protection of the environment
5. Examine the emerging trends in relation to right to equality in India

Course Content**Unit - I: Public Policy, Directive Principles of State Policy and Fundamental Duties**

- Constitutional foundations of public policy
- Directive Principles of State Policy
- Interrelationship between Directive Principles of State Policy and Fundamental Rights



- Fundamental Duties

Unit - II: State, Elections and Anti-Defection Law

- Creation of new States
- Elections and Constitutional issues
- Electoral reforms
- Anti-defection law

Unit - III: Local Self Governments, Special Status and Designated Authorities

- Local self governments
- Special status to certain regions
- Functioning of National Human Right Commission (NHRC), National Commission for Women (NCW), National Commission for Protection of Child Rights (NCPRC)
- Tribes and tribulations

Unit - IV: Environmental Protection

- Constitutional framework for the protection of environment.
- Judicial contribution
- Principles and Doctrines evolved by the Judiciary
- Implementing International obligations

Unit - V: Equality and Protection

- Emerging issues of equality
- Protection of LGBTQIA
- Protection of Refugees
- Decriminalisation the offences

Prescribed Books:

1. Avtar Singh, Company Law, Eastern Book Company, New Delhi (17th ed., 2018)
2. Krishan Keshav, Divya Verma, Competition and Investment Laws in India, Singhal Law Publications (2019).
3. Dolzer, Rudolf and C. Schreuer, Principles of international Investment Law, Oxford University Press (2 ndedn., 2012)

Reference Books:

1. Suresh Mani Tripathi, Fundamental Rights and Directive Principles in India, anchor academic publishing Ltd, 2016.
2. Subhash C. Kashyap, Shaunak Kashyap, Anti-defection Law and Parliamentary Privileges, Universal Law Publishing Company- 2011.
3. B. Venkatesh Kumar Electoral Reforms in India Current Discourse, Rawat Publications - 2009
4. Ashish Bhatt, Two Decades of Panchayat Raj in India Experiences, Issues, Challenges and Opportunities, Rawat Publications -2018.



5. Kanchi Kohli, Manju Menon Development of Environmental Laws in India, Cambridge University Press- 2021.
6. Shuvro Prosun Sarker, Refugee Law in India -The Road from Ambiguity to Protection, Springer publisher -2017
7. Roshini Sinha and Prachi Kaur, Anti defection law intent and impact
https://prsindia.org/files/parliament/discussion_papers/AntiDefection%20Law%20Intent%20and%20Impact_0.pdf
8. Mr. Suvir Raghuvansh, Creation of New States in India, Bharati Law Review, July – Sept., 2016
9. <https://docs.manupatra.in/newsline/articles/Upload/E6D33255-8F9C-4F9E-B3F9-7359D9D25FE9.pdf>
10. Study on Human Rights of Transgender as a Third Gender
https://nhrc.nic.in/sites/default/files/Study_HR_transgender_03082018.pdf
11. Akanksha Mishra, Third Gender Rights: The Battle for Equality Christ University Law Journal, 5, 2 (2016), 9-21 ISSN 22784322|doi.org/10.12728/culj.9.2 9
<https://core.ac.uk/download/pdf/236436832.pdf>



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