

## 201- Paper- I (Core Paper): Legal Theory

Max. Marks: 100

Credits: 5

Time: 3 Hours

*Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

*Object: The object of this paper is to make the students aware about the growth and development of law.*

*Outcome: The students shall be well versed about the historical development of the law.*

### Unit-I

1. Nature, Value and Province of Jurisprudence
2. Positivism:
  - (a) Bentham and Positivism
  - (b) John Austin and Analytical Jurisprudence
3. Modern Positivism
  - (a) Kelsen's Pure Theory of Law
  - (b) Hart's Concept of Law
  - (c) Dworkin's Criticism of Positivism and his theory of Law

### Unit-II

1. Historical Jurisprudence:
  - (a) Savigny and the Historical School
  - (b) Henry Maine and the Anthropological School
2. Natural Law
  - (a) Revival of Natural Law
  - (b) Lon L. Fuller- Morality of Law
  - (c) Stammler- 'Natural Law with a variable content'
3. The Theory of Precedent in India

### Unit-III

1. Modern Realism.
2. Sociological Jurisprudence:
  - (a) Ihering, Ehrlich and Duguit
  - (b) Roscoe Pounds' Social Engineering
3. Theory of Social Justice:
  - (a) John Rawls
  - (b) Indian Approach to socio-economic justice

### Unit-IV

Legal Concepts:

1. Legal Rights

2. Legal Personality
3. Possession and Ownership

**Select Bibliography:**

Paton: A Textbook of Jurisprudence

Dias: Jurisprudence

Friedmann: Legal Theory

Hart : Concept of Law

Llloyd : Introduction to Jurisprudence

Fuller : The Morality of Law

Basu : Modern Theories of Law(TLL)

Austin : The Province of Jurisprudence Determined

Bodenheimer : Jurisprudence

Ludr, Amit : Law of Personal Autonomy (2012 ed)

Stone : Social Dimensions of Law and Justice

Jennings : Modern Theories of Law

Allen : Law in the Making

Pound : Jurisprudence Vol.. I-IV

Weermanrury : Equality and Freedom: Some Third world Prospective

Hilaire Mc Coubery : Text Book of Jurisprudence

& Nigel D. White

Dworkin : Taking Rights Seriously (1972), Law's Empire (1986)

Bentham : Limits of Jurisprudence Defined (Ed. By Evertt) 1945.

Savigny : Law of Possession

Stone, Julius : The Province & Function of Law

Sir Henry Maine : Ancient Law

Rawls, John : Theory of Justice

Cardoza : Nature of Judicial Process

## **GROUP (G): CONSTITUTION & LEGAL ORDER**

*Object: The object of this course is to discuss the concept of welfare state, power of judicial review, federation and the concept of human rights.*

*Outcome: This course shall impart complete knowledge regarding federation and its various aspects in addition to power of judicial review.*

### **202- Paper-II : Mass Media and Democracy Constitutional**

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

#### **Unit-I**

##### **1. Form of Government**

Presidential

Parliamentary form of Government under the Constitution

Executive Power

##### **2. Parliament/State Legislature**

Composition of Two Houses

Qualifications/disqualifications

Legislative Procedure

#### **Unit-II**

##### **3. Election Commission**

Constitution of Election Commission-Powers and Functions.

Electoral Reforms-Need

##### **4. Parliamentary Privileges**

Nature and Extent

Courts and Parliamentary Privileges

#### **Unit-III**

##### **5. Relation of Executive and Legislature**

Executive Control of the Legislature

Role of the Legislature

Scrutiny of the Administration

Control over the legislation

Legislative Committees

#### **Unit-IV**

##### **6. Mass Media**

Ownership

Monopoly- Private and Government

**7. Freedom of the Press**

Provisions of the Constitution

Article 19(1)(a)

Reasonable Restrictions- Scope

**8. Role of the Mass Media**

Accountability

Press Council of India

Press and Parliamentary Privileges

**Select Bibliography:**

- Jain, M.P. : Constitutional Law of India (1994)
- Seervai, H.M. : Constitutional Law of India, Vol. I (1991) Tripathi, Bombay.
- John B. Howard : “ The Social Accountability of Public Enterprises” in Law and Community Controls in New Development Strategies (International Centre for Law in Development 1980)
- Dhavan, Rajeev : “ On the Law of the Press in India”, 26 J.I.L.I. 288(1984)
- Dhavan, Rajeev : “ Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission”, 26 J.I.L.I. 391(1984)
- Sorabjee, Soli : Law of Press Censorship in India(1976).
- Justice Venkataramiah E.S. : Freedom of Press: some Recent Trends(1984).
- Basu, D.D. : The Law of Press of India(1980)

## 203- Paper- III Public Utilities and Welfare State

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

### Unit-I

#### 1. Concept of a Welfare State

Preamble

Concept of a Modern State

#### 2. Directive Principles of State Policy: Economic Democracy

Nature, non-enforceability

Different Directive Principles- Contents.

Difference with Fundamental Rights.

Implementation-Article 31C

Incorporation in fundamental rights- A judicial Technique.

### Unit-II

#### 3. Fundamental Rights

Utilitarian Approach of Fundamental Rights.

Restrictions on fundamental rights for General Welfare

#### 4. Power of Eminent Domain

Right to Property

Police Power

### Unit-III

#### 5. Public Utilities

Framework of Public Utilities- Departmental Statutory, Govt. Co's etc.

Status of the Employees.

Control on Public Utilities- Govt. and Judicial.

#### 6. Privatization of Public Utilities

Efficiency in Public Utilities

Accountability

#### 7. Liabilities of Public Utilities

Contractual, Tortious, Criminal

### Unit-IV

#### 8. Bureaucracy

Union and State Services.

Doctrine of Pleasure

Constitutional Safeguards

### Select Bibliography:

Bakshi, M.P. : Television and the Law(1986)

- Kelkar, Vasani : “ Business of Postal Service” 33 I.J.P.A., pp. 133-141(1987)
- Ramesh, G. : “ Characteristic of Large Service Organization in a Developing Country Like India” I.J.P.A. 77(1986)
- Paranjpe, Nalini : “ Planning for Welfare in the Indian Railways” 31 I.J.P.A. 171-180(1985)
- Sharma, Arvind K. : “Semi-Autonomous Enterprise: Conceptual Portrait- Further Evidence on the Theory of Autonomy” 33 I.J.P.A. pp 99-113
- Sathe, S.P. : Administrative Law(1998)
- Jain & Jain : Principles of Administrative Law 1986)
- Jagdish, U.I. : Handbook of Electricity Laws(1978)
- Bhaumik : The Indian Railway Act,(1981).

### **301- Paper-I (Core Paper): Research Methodology**

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The syllabus has been designed for the purpose of imparting the students the complete knowledge regarding the research in legal field, various methods used while conducting the research and its utility.

Outcome: The student shall acquire the complete knowledge regarding legal research, various methods of it in addition to its utility and relevance.

#### **Unit-I**

1. Meaning; Objectives and Scope of Legal Research.
2. Socio-legal Research in India
3. Kinds of Legal Research, Doctrinal and non-doctrinal legal research
4. Legal Research and law Reform
5. Legal Reasoning: Use of Deductive and inductive method.

#### **Unit-II**

1. Legal knowledge- Meaning of Law, Sources of Law and where to find law.
2. Major steps involved in doing legal research
3. Identification & Formulation of Research Problem.
  - (a) Survey of available literature and bibliography.
  - (b) Legislative materials including subordinate legislation, notification and policy statement.
  - (c) Decisional material
  - (d) Juristic Writings, compilation of list of reports or special studies.
4. Hypothesis: Meaning, Importance, Characteristics, Types, sources and its Formulation

#### **Unit-III**

1. Legal Research Design  
Meaning of Research Design, Aspects to be considered in Research design, Contents, Steps, Characteristics, Need Significance of good research Design Types of Research Design.
2. Sampling Design for Legal Research- Census and sampling methods, Merits and Demerits of Sampling, Characteristics of a good sampling unit, procedure to select a sample, size of a sample and types of sampling, sampling error and standard error.
3. Data to collection and its Methods.
  - (a) Use of observation studies, questionnaires and schedules.
  - (b) Interview techniques
  - (c) Surviving method
  - (d) Case study method

- (e) Scaling techniques
- (f) Project Technique
- 4. Analysis and Interpretation of legal Research DATA

**Unit-IV**

- 1. Generalization in Legal Research
- 2. Sociometry in Socio-Legal Research
- 3. Preparing Legal Research Report
- 4. Report Writing
- 5. Computer Application and Legal Research

**Select Bibliography:**

- Price, M.O. Bitner, H. and Bysiewicz : Effective Legal Research (1978)
- Young, Pauline V. : Scientific Social Survey and Research (1962)
- Grade, William J. and Paul, K. Hatt : Methods in social Research, McGraw-Hill Book Company, London
- Hyman, H.M. : Interviewing in Social Research (1965)
- Erwin, C. Surrency, B. Fieif and J. Cera : A Guide to Legal Research (1959)
- Morris, L. Cohan : Legal Research in Nuishelc (1996)  
West Publishing House Co.
- Havard Law Review Association, : Uniform System of Citations.
- ILI Publication, : Legal Research and Methodology
- Baxi, Upendra : Social Legal Research in India.



## **302- Paper- II: Constitutionalism: Power of Judicial Review**

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

### **Unit-I**

#### **1. Concept of Constitutionalism**

Common Law

Indian Concept: Before Independence

Present Constitutionalism

#### **2. Independence of Judiciary**

2.1 Doctrine of Separation of Powers

2.2 Rule of Law

2.3 Independence of Judiciary in India

#### **3. Judiciary in India**

Appointment of Judges

Jurisdiction and Powers of the Supreme Court and the High Court

### **Unit-II**

#### **4. Power of Judicial Review**

Supremacy of the Constitution

Doctrine of Ultra Vires

Judicial Review of Constitutional Amendments. Legislations, Administrative Actions

#### **5. Writ Jurisdiction**

Articles 32 and 226

General Conditions

Particular Writs

### **Unit-III**

#### **6. Expanding Dimensions of Fundamental Rights**

6.1 Public Interest Litigation

6.2 Definition of State Action

6.3 Judicial Review of Discretion

6.4 Judicial Activism

### **Unit-IV**

#### **7. Exclusion of judicial Review**

7.1 Political Questions

7.2 Express exclusion by the Constitution

7.3 Judicial Self-restrain

#### **8. Courts and Tribunals**

8.1 Subordinate Judiciary

8.2 Tribunals

### Select Bibliography:

- Seervai, H.M. : Constitutional Law of India (1991), Tripathi, Bombay.  
Bhatnagar, Sudha : Union- State Financial Relations and Finance Commissions (1979)  
Chandra, Ashok : Federalism in India(1965)  
Sebastian, V.D. : Indian Federalism: The Legislative Conflicts, Chs. 6-7 and 8 (1980)  
Chandrapal : Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)  
Subba, Rao G.C.V. : Legislative Powers in Indian Constitution Law, Chs. 37,38,39(1982)  
Richard M. Pious : The American Presidency, 293-331, Ch. 9 (1979)  
Deniel J. Elazar : American Federalism, Chs. 3 and 4 (1984)  
Krishna Shetty, K.P. : The Law of Union- State Relations and the Indian Federalism Ch. 9(1981)  
Ludri, Amit : Law of Personal Autonomy (2012 ed.)  
Report of the Eighth Finance Commission.  
Administrative Reforms Commission on Centre-State Relationship, Ch. 3 (1969)  
Constituent Assembly Debates Vol. 9, 203, 204 and 302-349, Vol. 10, 325-342.  
Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. I, Sections I and II, pp IS-168  
Singhvi, L.M.(ed) : Union-State Relations in India 124-154 (1969)  
Government of Tamilnadu : Report of the Centre-State Relations Inquiry Committee Ch. 5(1971)  
Lakadwala, D.T. : Union-State Financial Relations (1967)  
Jain, M.P. : Indian Constitutional Law (1994), Wadhwa  
Subba Rao, K. : The Indian Federation (1969)  
Wheare, K.C. : Federal Government (1963)  
Gupta, R.K. : Fiscal Relations Between the Centre and the States under the

### 303- Paper- III : Federalism: Union-State Relations

Max. Marks: 100

Credits: 5

Time: 3 Hours

*Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

#### Unit-I

##### 1. Federalism

Classical Federalism- USA, Australia, Canada  
Co-operative Federalism  
Essential Conditions of Federalism

##### 2. States of the Union

Creation New States  
No guarantee of territorial integrity  
State Autonomy

#### Unit-II

##### 3. Legislative and Administrative Relations

Distribution of Legislative Powers  
Principles of Interpretation, Residuary power, Dominance of the Union Power

#### Unit-III

##### 4. Financial Relations

Distribution of Taxes.  
Tax sharing under the Constitution  
Finance Commission  
Doctrine of Immunity of Instrumentalities

##### 5. Inter-State Trade and Commerce

Freedom of Trade and Commerce  
Restriction on the Freedom  
Authority to regulate Trade and Commerce

#### Unit-IV

##### 6. National Economy

Need for Regulation and Development of National Economy  
Planning Commission

##### 7. Review of Union-State Relations

Need for Review  
Recommendation of Sarkaria Commission

##### 8. Special Status of some States

State of J&K (Article 370)  
Other States

**Select Bibliography:**

- Baxi, Upendra :“Law, Democracy and Human Rights”- 5 Lokayan Bulletin 4 (1987).
- Dandekar, V.M. :” Unitary Elements in a Federal Constitution” 22 E.P.W. 1865(1988)
- Dhavan, Rajeev : “ The Press and the Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I. 299, (1986)
- Fazal, M.A. : “Drafting A British Bill of Rights” 27 J.I.L.I. 423 (1985)
- Jain, M.P. : Indian Constitutional Law (1994) Wadhwa
- Narain, Jagat : “Judicial Law Making and the Place of the Directive Principles in the Indian Constitution.” J.I.L.I. 198(1985)
- Ludwikowski, Rhett : “judicial Review in the Socialist Legal Systems: Current Development” 37 I.C.L.D. 89-108 (1988)
- Sathe, S.P. : Fundamental Rights and Amendment of the Indian Constitution(1968)
- Seervai, H.M. : Constitutional Law of India (1993) Tripathi, Bombay.
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

## 401- Paper- I : Human Rights: Constitution of India

Max. Marks: 100

Credits: 5

Time: 3 Hours

*Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

### Unit-I

#### 1. Human Rights

Freedom Movement and Human Rights

Universal Declaration of Human Rights

Framing of the Fundamental Rights in the Constituent Assembly.

#### 2. Fundamental Rights under the Constitution

2.1 General

2.2 Enforcement of the Fundamental Rights

### Unit-II

#### 3. Right to Equality

Formal Equality

Material Equality

Reservation and Equality- Socio-Economic Equality

#### 4. Citizenship and Political Freedoms

Citizenship

Political Freedoms under Article 19

Restrictions on Freedom

### Unit-III

#### 5. Right to Life and Personal Liberty

Right to life-Meaning

Human Dignity- Right not be subjected to torture, inhuman and cruel treatment.

Personal Liberty- meaning and scope

#### 6. Due Process

6.1 Procedural due process

Substantive due process

### Unit-IV

#### 7. International Perspectives

7.1 UN Conventions

7.2 Impact of International Law

7.3 European Convention

7.4 Amnesty International

#### 8. Human Rights Commission

International Human Rights Commission

## Human Rights Commission in India

### Select Bibliography:

- Akbar, M.J. : Riots After Riots (1988)
- Baxi, U. (ed.) : The Right to be Human (1986)
- Baxi, U. : The Crisis of the Indian Legal System(1982) Vikas Publishing House, New Delhi
- Kazmi, F. : Human Rights (1987)
- Levin, L. : Human Rights (1982)
- Madhavtirtha : Human Rights (1953)
- Gromley, W.P. : Human Rights and Environment (1976)
- Beddard, H. : Human Rights and Europe (1980)
- Singh, Nagendra : Human Rights and International Co-operation (1969)
- Kashyap, S.C. : Human Rights and Parliament (1978)
- Khare, S.C. : Human Rights and United Nations (1977).
- Moskowitz : Human Rights and World Order (1958)
- Andrews, J.A. : Human Rights in International Law (1986)
- Menon, I. (ed.) : Human Rights in International Law (1985)
- Roberston, A.B. (ed.) : Human Rights in National and International Law (1970)
- Baxi, U. : “ Human Rights, Accountability and Development” Indian Journal International Law 279 (1978)

## 402- Paper-II : Constitutional Pluralism: Protection of Special National Interests

Max. Marks: 100

Credits: 5

Time: 3 Hours

*Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

### Unit-I

#### 1. Secularism & Pluralism

Concept of Secularism

Freedom of Religion

Rights of the Minorities

Protection of Linguistic Cultural & Educational Rights

### Unit-II

#### 2. Gender Equality

Rights of the Women

Rights of the Children

#### 3. Weaker Sections of the Society

Protection of SC's and ST's Interests

Backward Classes of citizens

### Unit-III

#### 4. National Security

Legislation to Protect National Security

Preventive Detention and Safeguards

#### 5. National Emergency

Emergency under Article 352

Effects of Emergency on Rights

Effects on Union State Relations

Protection of the States

### Unit-IV

#### 6. State Emergency

Failure of Constitutional Machinery in the State

#### 7. Financial Emergency

#### 8. Martial Law

### Select Bibliography:

- Koppell G.O. : "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287(1966)
- Seervai, H.M. : The Emergency, Future Safeguards and the Habeas Corpus: A Criticism (1978)

International Commission of Jurists, Status of Emergency and Human Rights (1984)  
Chatterji, N.C. and Rao Parameshwar : Emergency and the Law (196)  
Seervai, H.M. : Constitutional Law of India, Tripathi, Bombay  
Jain, M.P. : Indian Constitutional Law, Wadhwa, Nagpur