

**SARDAR PATEL UNIVERSITY**  
**LL.M. (Constitution & Legal Order Group)**  
**Semester-III (Effect from 2022-2023)**

<p>Programme Outcome (PO) – For <b>LL.M. (Constitution &amp; Legal Order Group)</b> Programme</p>	<p><b>About Programme:</b> LLM in Constitutional Law and Legal Order at Sardar Patel University is Four semesters post-graduation programme is designed for those, who are interested to learn fundamental way a country is governed, for example certain legislatures are central to a country’s constitutional law, such as human rights. Constitutional law differs according to each respective nation, although the three main areas all countries usually cover are customary law, statutory law and conventions. Constitutional laws govern the relationships between the judiciary, the legislature and the executive with the bodies under its authority. LL.M. in Constitutional Law and Legal Order offers study of the relationship of different entities within a state, vies, the Executive, the Legislature and the Judiciary. Some nations don’t have constitutions as such; however, all have laws of the land that consist of various consensual and imperative rules i.e. customary law, statutory law and conventions. Human rights and civil liberties form an integral part of a nation’s constitutional laws and will play a key part in LL.M. in Constitutional Law and Legal Order Group, and comparison between the perspectives of different countries, i.e. the United States and the United Kingdom. In the United States, the law is based on the Constitution, a signed agreement setting out the basic rights of United States citizens. The three main branches of this law are: Judicial, Legislative and Executive. However, in the United Kingdom, there is no codified constitution, although there are many parliamentary laws or statutes. Both nations have things in common and their constitutional laws are grounded in history and politics.</p>	
<p>Programme Specific Outcome (PSO) – For <b>LL.M. (Constitution &amp; Legal Order Group)</b> Semester-III</p>	<p><b>PO1</b></p>	<p>This course is intended to highlight the History of Constitution of India, Concept of Fundamental Rights, Fundamental Duties, and Directive Principles of State Policy, their evolution importance in our society in present times, particularly in the era of globalisation, privatisation, and liberalisation.</p>

	<b>PO2</b>	On completion of this Master degree with specialisation in Constitutional Law and Legal Order students have opportunity to work in law firms, be a legal advisor, be a Legal Associate, Advocate District, Session Judge & Municipal Court.
	<b>PO3</b>	The Constitution forms the basic structure of law of land, Thus, on completion of this Master degree specialisation programme students will must be able to deal with violations related to the issues concerning to Fundamental Rights and Duties and to assess any programme of social transformation with reference to them.
	<b>PO4</b>	This program will develop comprehending and analytical skills in students which will enable them to become responsible citizens.
	<b>PO5</b>	This program will sensitize the learner about constitutional, rights, values, responsibilities and duties of the citizens.
	<b>PSO1</b>	The motive of this programme to develop the student's skill in the field of engaging in advocacy to publicise and reduce human rights violations, lobbying, litigation, writing case studies, reports on conditions around the world and promoting human rights practices in social and political structures.
	<b>PSO2</b>	This program will focus student's attention to understand their responsibility being citizens and underlying values of constitution.
	<b>PSO3</b>	This program will develop the skills of research proposal, research report writing and presentation. Moreover, this program will give students with an understanding of research, types of research, types of data, data collection tools and statistical methods to undertake research.
	<b>PSO4</b>	To grow proper orientation towards legal and professional education to become a skilled law teacher.
	<b>PSO5</b>	This program gives an exposure to students to sharpen his/her career and future in the legal sector and become a responsible citizen and individual and contribute to the Society.

To Pass	<p>(1) A candidate must have at 70% of attendance in the each semester of the LL.M. programme and shall have satisfactory performance in class participation, seminar, assignment of each paper and must have appeared in the internal written test, to be Eligible for grant of the respective semester except Semester-IV in which there will be no internal test.</p> <p>(2) A candidate for Semester-I if granted as prescribed in (1) above shall be allowed to proceed to Semester-II.</p> <p>(3) A candidate shall be allowed to proceed in Semester-III only after fully passing both Semester-I and Semester-II.</p> <p>(4) A candidate shall be allowed to proceed to the semester-IV only after fully passing both Semester-I and Semester-II and his/her Semester-III has been duly granted.</p> <p>(5) The candidate shall be eligible for the award of LL.M. Degree after successfully passing all papers/courses of Semesters I, II, III &amp; IV. The candidate will be allowed to appear in the respective End-Semester Examination during validity of his LL.M. registration.</p> <p>(6) There shall be no ATKT or provision for exemption in the LL.M. Programme.</p> <p>(7) A candidate who fails in a paper/course due to failure in obtaining minimum marks in the internal head of the paper/course, the marks obtained in attendance, class participation seminar, Assignment, Internal test shall be carried forward till date validity of the registration and the terms granted continue.</p> <p>The University Rules with regard to gracing of marks shall be followed.</p>
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Course Type	Course Code	Name of Course	Theory/ Practical	Credit	Exam Duration in hrs	Component of Marks		
						Internal	External	Total
						Total	Total	Total
Core Course	PL03CLCL51	Judicial Process	T	5	3	12/30	28/70	40/100
	PL03CLCL52	Legal Education & Research Methodology	T	5	3	12/30	28/70	40/100
Elective Course	PL03ELCL51	Public Utility Law	T	5	3	12/30	28/70	40/100
	PL03ELCL52	National Security, Public Order and Rule of Law	T	5	3	12/30	28/70	40/100
	PL03ELCL53	Union-State Financial Relations	T	5	3	12/30	28/70	40/100



**Masters of Law (Constitutional and Legal Order Group)**  
**LL.M. (Constitutional & Legal Order Group) Semester: III**

<b>Course Code</b>	PL03CLCL51	<b>Title of the Course</b>	Judicial Process
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<ol style="list-style-type: none"><li>1. The aim of the course is to make the learners aware about the nature and scope of judicial process, interpretive techniques, relevance of law to provide justice, role of judge's social engineering helping the state to maintain law and order and shape contents of law with the passage of time.</li><li>2. The course is useful for the learners in learning the method to read and analyze the judgments, techniques of drawing the analogies by judges from the arguments of the counsels, application of legal principles and legal concepts to resolve the disputes for operationalizing the law.</li><li>3. To understand how judicial process is an instrument of social ordering.</li><li>4. To understand the various tools and techniques of judicial creativity and precedent.</li><li>5. To understand the meaning and limitations of independence of judiciary and the political nature of judicial process.</li><li>6. To understand the relation between law and justice with the help of various theories.</li></ol>
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<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<b>Nature of Judicial Process</b> 1.1 Judicial Process as an instrument of social ordering 1.2 Judicial process and creativity in law – common law model – Legal Reasoning and Growth of law – change and stability 1.3 The tools and techniques of judicial creativity and precedent 1.4 Legal development and creativity through legal reasoning under statutory and codified systems <b>1.5 Doctrine of <i>Stare Decisis</i></b> <b>1.6 Doctrine of <i>Ratio Decidendi</i></b> <b>1.7 Doctrine of <i>Obiter Dicta</i></b>	20%
2.	<b>Special Dimensions of Judicial Process in Constitutional Adjudication</b> 2.1 Notions of judicial review 2.2 'Role' in constitutional adjudication – various theories of judicial role 2.3 Tools and techniques in policy-making and creativity in constitutional adjudication	20%





	2.4 Varieties of judicial and juristic activism 2.5 Problems of accountability and judicial law-making <b>2.6 Judicial Activism in Constitutional Amendments with special reference to Basic Structure Doctrine</b>	
3.	<b>Judicial Process in India</b> 3.1 Indian debate on the role of judges and on the notion of judicial review 3.2 The “independence” of judiciary and the “political” nature of judicial process 3.3 Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity 3.4 Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges 3.5 Institutional liability of courts and judicial activism – scope and limitations 3.6 <b>Judicial Over-reach</b> 3.7 <b>Appointments and Removal of Judges</b> 3.8 <b>Recent Trends – 2018 Press Conference by Supreme Court Judges, Post-retirement Appointments</b>	20%
4.	<b>The Concepts of Justice</b> 4.1 The concept of justice or Dharma in Indian Thought <b>4.2</b> Dharma as the foundation of legal ordering in Indian thought. 4.3 The concept and various theories of justice in the western thought 4.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition	20%
5.	<b>Relation between Law &amp; Justice</b> 5.1 Equivalence Theories – Justice as nothing more than the positive law of the stronger class 5.2 Dependence theories – For its realization justice depends on law, but justice is not the same as law 5.3 The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering 5.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.	20%

**PSDA (Professional Skill Development Activities)**

- ❖ Statutes and Judgment Analysis
- ❖ Preparation of One Research Paper/Research Article
- ❖ Access to Legal Resources: E-Library, E-Books and E-Database
- ❖ Developing Comparative Analysis Skills





<b>Teaching-Learning Methodology</b>	<ul style="list-style-type: none"><li>• Lecture Method</li><li>• Power Point Presentation (including audio/video)</li><li>• Expert talk</li><li>• Case study</li></ul>
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<b>Evaluation Pattern</b>		
<b>Sr. No.</b>	<b>Details of the Evaluation</b>	<b>Weightage</b>
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

<b>Course Outcomes:</b> Having completed this course, the learner will be able to	
1.	The course will help the learners to understand the intricacies of judicial process and growth of law through the judgments. It will sharpen the logic and enable the learners to evaluate the impact of the judgments on impact constituencies.
2.	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.

<b>Suggested References:</b>	
<b>Sr. No.</b>	<b>References</b>
1.	<b>Text books:</b> <ol style="list-style-type: none"><li>1. The Province and Function of Law, Henry J. Abraham</li><li>2. The Nature of Judicial Process (1995) Universal, New Delhi</li><li>3. The Judicial Process (1998)</li><li>4. Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth<ul style="list-style-type: none"><li>• Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi</li></ul></li></ol>
2.	<b>Reference books:</b> <ol style="list-style-type: none"><li>1. Legal Theory (1960), Stevens, London, Bodenheimer</li><li>2. Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi</li><li>3. The Indian Supreme Court and Politics (1980), Eastern, Lucknow</li></ol>





	<p>4. The Supreme Court of India – A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay</p> <ul style="list-style-type: none"><li>• J. Stone, Legal System and Lawyers' Reasoning's (1999), Universal, New Delhi</li><li>• Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago</li></ul>
3.	<p><b>Journal:</b></p> <ol style="list-style-type: none"><li>1. Indian Journal of Constitutional &amp; Administrative Law</li><li>Indian Constitutional Law Review</li></ol>

On-line resources to be used if available as reference material

On-line Resources:

1. SWAYAM
2. Manupatra
3. Hein Online
4. JStor
5. Bloomsbury

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**Masters of Law (Constitutional and Legal Order Group)**  
**LL.M. (Constitutional & Legal Order Group) Semester: III**

<b>Course Code</b>	PL03CLCL52	<b>Title of the Course</b>	Legal Education & Research Methodology
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<ol style="list-style-type: none"><li>1. Research is a desire to search or to find out or to explore an unknown area to find an answer. It is a quest for acquiring knowledge. Research is a careful investigation or inquiry especially through search for new facts in any branch of knowledge. Legal Research means research in law which deals with the principles of law and legal institutions.</li><li>2. The objective may be to discover new facts or to verify the existing facts, to propound a new legal concept or to analyze existing law and give suggestions for a new law. In order to carry out a research to completion successfully a researcher must be aware of the research methods i.e. the method of doing research.</li><li>3. A research method is a systematized investigation to gain new knowledge about the phenomena or problems. It is the technique of conducting research and study of the technique of doing research is research methodology. In a broader sense the research methodology includes the research methods as well as the philosophy and practice of the whole research process.</li><li>4. A good research method is crucial for conducting proper research and getting useful results. This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times.</li><li>5. It aims to provide an understanding of the various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.</li><li>6. To study how and why Legal Education was introduced in India.</li><li>7. To be enabled to understand the Importance of Legal Education.</li></ol>
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<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<b>1.1 Importance of Legal Education</b> 1.2 Objectives of Legal Education <b>1.3 History of Legal Education in India</b> <b>1.4 Lecture Method of Teaching – Merits and Demerits</b> 1.5 The problems Method	20%
2.	2.1 Discussion Method and its suitability at postgraduate-level teaching 2.2 The Seminar method of Teaching	20%







	2.3 Examination System and Problems in Evaluation – External and Internal Assessment	
3.	<p>3.1 Student participation in law school programmes-Organization of Seminars, publication of journal and assessment of teachers</p> <p>3.2 Clinical, Legal Education – legal aid, legal literacy, legal survey and law reform</p> <p>3.3 <b>Research Methods</b></p> <p>3.3.1 Socio-legal Research</p> <p>3.3.2 Doctrinal and non-doctrinal</p> <p>3.3.3 Relevance of empirical research</p> <p>3.3.4 Induction and deduction</p> <ul style="list-style-type: none"><li>• <b>Legal Education &amp; Its Methods:</b> <b>Hands-on training related to Course Design including curriculum development (content, teaching pedagogies and evaluation scheme)</b></li></ul>	20%
4.	<p><b>Identification of Problem of Research</b></p> <p>4.1 What is a Research Problem?</p> <p>4.2 Survey of available literature and bibliographical research</p> <p>4.3 Legislative materials including subordinate legislation, notification and policy statements</p> <p>4.4 Decisional materials including foreign decisions, methods of discovering the rule of the case tracing the history of important cases and ensuing that these have not been over-rules; discovering judicial conflict in the area pertaining to the research problem and the reason thereof.</p> <p>4.5 Juristic writings-a survey of juristic literature relevant to select problems in India and foreign periodicals.</p> <p>4.6 Compilation of list of reports or special studies conducted relevant to the problem.</p>	20%
5.	<p><b>Preparation of the Research Design</b></p> <p>5.1 Formulation of the research problem</p> <p>5.2 Devising tools and techniques for collection of date: Methodology</p> <p>5.2.1 Methods for the connection of statutory and case materials and jurists Literature</p> <p>5.2.2 Use of historical and comparative research materials</p> <p>5.2.3 Use of observation studies</p> <p>5.2.4 Use of questionnaires/interview</p> <p>5.2.5 Use of case studies</p> <p>5.2.6 Sampling procedures – design of sample, types of sampling to be adopted</p> <p>5.2.7 Use of scaling techniques</p> <p>5.2.8 Jurimetrics</p> <p>5.3 Computerized Research – A Study of legal research programmes such as Lexis and West Law Coding</p> <p>5.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data</p>	20%





	5.5 Analysis of data	
	<ul style="list-style-type: none"><li>• <b>Preparation of Research Proposal</b></li><li>• <b>Quantitative Tools and Techniques</b></li></ul>	

<b>PSDA (Professional Skill Development Activities)</b>	
❖	Statutes and Judgment Analysis
❖	Preparation of One Research Paper/Research Article
❖	Access to Legal Resources: E-Library, E-Books and E-Database
❖	Developing Comparative Analysis Skills

<b>Teaching-Learning Methodology</b>	<ul style="list-style-type: none"><li>• Lecture Method</li><li>• Power Point Presentation (including audio/video)</li><li>• Expert talk</li><li>• Case study</li></ul>
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<b>Evaluation Pattern</b>		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

<b>Course Outcomes:</b> Having completed this course, the learner will be able to	
1.	To understand the meaning, definition, nature and scope of research.
2.	To understand the implications of research and develop their interest to contribute in addition of knowledge.
3.	To acquaint students with various types of research methodology helping them to formulate hypothesis, awareness about the techniques of data collection, interpretation of data, drawing of observation, etc.





<b>Suggested References:</b>	
<b>Sr. No.</b>	<b>References</b>
1.	<b>Text books:</b> 1. Legal Education in India (1973), Tripathi Bombay – S.K. Agrawal
2.	<b>Reference books:</b> 1. Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School (1998) Blackstone Press Ltd. London 2. H. Bitner and Bysiewiez, Effective Legal Research (1978) – M.O. Price 3. Methods in Social Research, McGraw Hill Book Company, London – William J. Grade & Paul K. Hat 4. The Art of Asking Questions (1965) – Payne 5. Legal Research in Nutshell (1996), West Publishing Co. – Morris L. Cohan 6. Legal Research and Methodology – ILI Publication

<b>On-line Resources</b>
1. SWAYAM
2. Hein Online
3. Manupatra
4. JStor
5. Bloomsbury

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**Masters of Law (Constitutional and Legal Order Group)**  
**LL.M. (Constitutional & Legal Order Group) Semester: III**

<b>Course Code</b>	PL03ELCL51	<b>Title of the Course</b>	Public Utility Law
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<ol style="list-style-type: none"><li>1. Understanding the various Public Utilities and Types of Public Utilities also the Core concept of Public Utilities and why Government controls it? Also, the evolution and growth of Public Utilities with the help of Constitutional provisions.</li><li>2. To understand the philosophy of fundamental rights and duties regarding Public Utility Services.</li><li>3. To develop the understanding the between correlation of Public Utilities Law and difference with other Laws like Consumer Protection Act, MRTTP Act etc.</li></ol>
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<b>Course Content</b>		
<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	Public Utilities/ Public Utilities Why Government Monopoly? <ol style="list-style-type: none"><li>1. Railways, Electricity, Gas, Road Transport, Telephone, Post and telegraph service, police Fire Brigade, Banking Service, etc.</li><li>2. Growth and evolution of public utilities and their legislation</li><li>3. Government and Parliamentary Control</li><li>4. Constitutional division of power to legislate</li><li><b>5. Include recent government efforts to privatize Public Utilities</b></li><li><b>6. Case Study on: Privatizations of Railways and Thermal Power, Petroleum sector.</b></li></ol>	20%
2.	Utilities Legislation- Pattern of Public Utilities Legislation and Fair Hearing <ol style="list-style-type: none"><li>1. Administrative Authorities- Structure of the Administrative Authorities</li><li>2. Subordinate legislation</li><li>3. Quasi-judicial Decision-Administrative Discretion</li></ol>	20%
3.	Public Utilities and Consumer protection/ Public Utilities and their Employees <ol style="list-style-type: none"><li><b>1. Exclusion from Competition Act, 2002</b></li><li><b>2. Rights of consumer protected by the Consumer Protection Act, 2019.</b></li><li>3. Rising Arising from law of Contract and law of Torts</li></ol>	20%
4.	Public Utilities and Fundamental Rights <ol style="list-style-type: none"><li>1. The right to equality: the airhostess case etc.</li><li>2. Are public utilities "State" for the purpose of Article 12 of the Constitution</li><li>3. Extension of the Concept of the State.</li><li><b>4. Privatization, liberalization and globalization and its impact on the concept of "state".</b></li></ol>	20%





5.	Liabilities and special privileges of Public Utilities 1. In Contract 2. In Tort 3. In Criminal Law	20%
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**PSDA (Professional Skill Development Activities)**

❖ Statutes and Judgment Analysis
❖ Preparation of One Research Paper/Research Article
❖ Access to Legal Resources: E-Library, E-Books and E-Database
❖ Developing Comparative Analysis Skills
❖ Understanding the connotation between law and society

<b>Teaching-Learning Methodology</b>	<ul style="list-style-type: none"> <li>• Lecture Method</li> <li>• Power Point Presentation (including audio/video)</li> <li>• Group Discussion</li> <li>• Case study</li> <li>• Expert Talk</li> <li>• Expert Advocate Lecture</li> <li>• Seminar</li> </ul>
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**Evaluation Pattern**

Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

**Course Outcomes:** Having completed this course, the learner will be able to

1.	To enable an understanding of the basic concepts and contemporary legal developments in the area of Constitutional and Administrative Law.
2.	Student can understand the Hierarchy of Public Administration and structure of it. They will also understand the Quasi-judicial power of Public Authorities and their administration discretion.
3.	To develop the understanding the between correlation between Public Utilities Law and Different Other Laws like Consumer Protection Act, MRTP Act etc.
4.	With the help of this Subject Student can also learn Public Utilities Laws and their implication with Constitutional Right by understanding the different concept like "State", Right to Equality, etc.
5.	Distinguish the liabilities and privileges of Public Authorities in Contractual, Tortuous and Criminal Act.





<b>Suggested References:</b>	
<b>Sr. No.</b>	<b>References</b>
1.	<b>Text books:</b> <ol style="list-style-type: none"><li>1. The Railways Act 1989</li><li>2. The Railways (Amendment) Act, 2005</li><li>3. The Electricity Act, 2003</li><li>4. Motor Vehicle Act, 1914</li><li>5. Motor Vehicle Act, 1939</li><li>6. The Road Transport Corporations Act, 1950</li><li>7. The Motor Vehicle Act, 2015</li><li>8. The Indian Telegraph Act, 1885</li><li>9. National Telecom Policy, 1999</li><li>10. The Telecom Regulatory Authority of India (Amendment) Act, 2014</li><li>11. The Indian Wireless Telegraphy Act, 193</li><li>12. The Indian Post Office Act, 1898</li></ol>
2.	<b>Reference books:</b> <ol style="list-style-type: none"><li>1. P.M. Bakshi, Television and The Law (1986)</li><li>2. Vasant Kelkar, "Business of Postal Service" 33 I.J.PA. pp. 133-141 (1987)</li><li>3. S.P. Sathe, Administration Law (1998)</li><li>4. Jain and Jain, Principles of Administration Law (1986)</li><li>5. Jadish UI, Handbook of Electricity Laws (1978)</li><li>6. Bhumic, The Indian Railway Act (1981)</li><li>7. Nalini Paranjape, "Planning for Welfare in the Indian Railways" 31 I.J.PA 171-180 (1985)</li><li>8. Law Commission of India, 38<sup>th</sup> Report: Indian Post Office Act, 1898</li></ol>

On-line resources to be used if available as reference material

**On-line Resources:**

1. SWAYAM

2. Coursera

3. Manupatra

4. Hein Online

5. JStor

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**Masters of Law (Constitutional & Legal Order Group)**  
**LL.M. (Constitutional & Legal Order Group) Semester: III**

<b>Course Code</b>	PL03ELCL52	<b>Title of the Course</b>	National Security, Public Order and Rule of Law
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	
<b>Course Objectives:</b>	<ol style="list-style-type: none"> <li>1. National security is the security and defense of a nation or state, including its citizens, economy, and institutions, which is regarded as a duty of government because the government has to make sure that the public order and rule of law is maintained in society. This syllabus is designed in such a way so that students of LL.M. (Constitution and Legal Order group) can understand the importance of National Security in India and how the provisions of Indian Constitution help in maintaining the National Security, Public order and Rule of law.</li> <li>2. Introduction to importance of National Security, Public order and Rule of Law.</li> <li>3. It helps in understanding all the important provisions provided under Indian Constitution which helps in protection of National Security.</li> <li>4. Provides various important exceptional legislations related to National Security.</li> <li>5. It also provides comparative study between Indian and English Law related to National Security.</li> </ol>		

<b>Course Content</b>		
<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<b>National security, Public Order and Rule of Law/Preventive Detention and Indian Constitution</b> 1.1 Emergency Detention in England- Civil Liberties 1.2 Subjective Satisfaction or objective assessment 1.3 Pre-independence law 1.4 Article-22 of the Constitution 1.5 Preventive Detention and Safeguards 1.6 Declaration of Emergencies 1.7 1962, 1965 and 1970 Emergencies, 1975 Emergencies <b>1.8 Role of Court in safeguarding the national security.</b>	20%
2.	<b>Exceptional Legislation</b> 2.1 COFEPOSA and other legislation to curb economic offenders 2.2 TADA: “the draconian law” comments of NHRC 2.3 Special Courts and Tribunals 2.4 Due Process <b>2.5 National Security Act 1980.</b> <b>2.6 How NSA is the reinforce of the similar acts in India.</b>	20%





3.	<b>Civil Liberties and Emergency</b> 3.1 Article-19 3.2 Meaning of “Security of State” 3.3 Meaning of “Public Order” 3.4 Suspension of Article 19 rights on declaration of emergency 3.5 President’s right to suspend right to move any court 3.6 Article-21- special importance- its non-suspendability 3.7 Suspendability-44 <sup>th</sup> amendment 3.8 <b>Interpret civil liberties in the time of global terrorism.</b> 3.9 <b>Role of intelligence agencies for protecting National Security.</b> 3.10 <b>Case Laws related to failure of Intelligence Agency.</b>	20%
4.	<b>Access to Courts and Emergency</b> 4.1 Article-359: ups and downs of Judicial Review 4.2 Constitution 44 <sup>th</sup> Amendment Act, 1978 4.3 Constitution 59 <sup>th</sup> Amendment Act, 1988	20%
5.	<b>Martial law</b> 5.1 Provisions in English Law 5.2 Provisions in the Constitution	20%

<b>PSDA (Professional Skill Development Activities)</b>	
❖	Case Study
❖	Court Visit
❖	Moot Competitions
❖	Research Articles
❖	Expert Lectures

<b>Teaching-Learning Methodology</b>	<ul style="list-style-type: none"> <li>• Lecture Method</li> <li>• Power Point Presentation (including audio/video)</li> <li>• Group Discussion</li> <li>• Team Exercise</li> <li>• Case study</li> </ul>
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<b>Evaluation Pattern</b>		
Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%







**Course Outcomes:** Having completed this course, the learner will be able to

1.	This course will teach the students the importance of National security and how public order and rule of law should be maintained
2.	This syllabus also deals with the important provisions of Indian Constitution which deals with the protection of National Security
3.	This subject is important and will help the students in understanding the importance internal security of nation with the help of various laws.

**Suggested References:**

Sr. No.	References
1.	<b>Bare Acts:</b> <ol style="list-style-type: none"><li>1. The Constitution of India, 1950</li><li>2. Terrorist and Disruptive Activities Act,</li><li>3. Conservation of Foreign Exchange and Smuggling Activities Act</li></ol>
2.	<b>Reference books:</b> <ul style="list-style-type: none"><li>• G.O. Koppell “The Emergency. The Courts and Indian Democracy”</li><li>• H.M Seervai, The Emergency, Future Safeguard and the habeas corpus: A Criticism (1978)</li><li>• International Commission of Jurists, Status of Emergency and Human Rights (1984)</li><li>• N.C. Chatterji and Parmeshwar Rao, Emergency and the Law (1996)</li></ul>

On-line resources to be used if available as reference material

**On-line Resources:**

1. Swayam

2. Edx

3. Coursera

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**Masters of Law (Constitutional and Legal Order Group)**  
**LL.M. (Constitutional & Legal Order Group) Semester: III**

<b>Course Code</b>	PL03ELCL53	<b>Title of the Course</b>	Union-State Financial Relations
<b>Total Credits of the Course</b>	5	<b>Hours per Week</b>	

<b>Course Objectives:</b>	<p>The Indian Constitution adopts Federal Government for various reasons. Power is divided between the union and states in such a way that matters of national importance are entrusted to the centre and matters of the local importance are entrusted to states. The constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. Distribution of fiscal power is the nerve centre of the federal system. This paper has following objectives:</p> <ol style="list-style-type: none"> <li>1. A student will be made conscious of various federal principle, and their working in Indian context with a view to ultimately assessing the Indian experience critically.</li> <li>2. To make clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism.</li> <li>3. To make student see the working of the constitutional process as a vital element of the political economy.</li> </ol>
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<b>Course Content</b>		
<b>Unit</b>	<b>Description</b>	<b>Weightage* (%)</b>
1.	<p><b>Federalism – Essentials/ Distribution of legislative Power/ Administrative Power</b></p> <p>1.1 Models of Federal Government – USA, Australia, Canada 1.2 Difference between Federation and Confederation 1.3 Evolution of federal Government in India 1.4 Indian Constitution 1.5 Centre-State relations 1.6 Factors responsible for subordination of State 1.7 Administrative relation</p>	20%
2.	<p><b>Distribution of Fiscal Powers/ Restriction of Fiscal Power</b></p> <p>2.1 Scheme of Allocation of taxing power 2.2 Extent of union power of taxation 2.3 Residuary power – inclusion of fiscal power 2.4 Fundamental rights 2.5 Inter-Government tax immunities 2.6 Difference between tax and fee</p>	20%
3.	<p><b>Distribution of Tax Revenues/Borrowing power of state</b></p> <p>3.1 Tax – Sharing under the constitution 3.2 Finance Commission – Specific purpose grants (Article 282) 3.3 Borrowing by the Government of India</p>	20%





	3.4 Borrowing by the States	
4.	<b>Inter –State Trade and Commerce/Planning and Financial Relation</b> 4.1 Freedom of Inter – State trade and commerce 4.2 Restriction on legislative power of the Union and States with regard to trade and commerce 4.3 Planning and Commission 4.4 National Development	20%
5.	<b>Co-operative Federalism/ Federal Government in India</b> 5.1 Full Faith and Credit 5.2 Inter-state council 5.3 Zonal councils 5.4 Inter-state disputes 5.5 Models of Jammu and Kashmir 5.6 Sarkaria Commission Report 5.7 What reforms are necessary?	20%

**PSDA (Professional Skill Development Activities)**

- ❖ Case Study
- ❖ Court Visit
- ❖ Moot Competitions

**Teaching-Learning Methodology**

- Lecture Method via Google meet
- Power Point Presentation
- Group Discussions

**Evaluation Pattern**

Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

**Course Outcomes:** Having completed this course, the learner will be able to

1.	To understand meaning of Federal government and its features as well as how the powers are distributed also to understand the relation between centre and the state.
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2.	To understand the distribution of fiscal powers, how taxing powers are allotted, the difference between tax and the fee as well as the residuary powers.
3.	To understand the distribution of tax revenues as well as borrowing of the state and the government.
4.	To understand the whole concept of trade and commerce and how it is governed.
5.	To understand about the federal government in India as well as to know about the inter-state councils and their functioning.

**Suggested References:**

Sr. No.	References
1.	<b>Reference Books:</b> J.N. Pandey, Constitutional Law of India, Central Law Agency 1. M.P.Jain, Indian Constitutional Law, LexisNexis 2. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay. 3. Sudha Bhatnagar, Union-State Financial Relations and Finance Commission, (1979) 4. Ashok Chandra, Federalism in India, (1965) 5. V.D Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980) 6. Chandrapal, Centre-State Relations and Comparative Federalism, Chs.5 and 8 (1983) 7. G.C.V. Subba Rao, Legislative Powers in Indian Constitutional Law, Chs.37,38,39 (1982) 8. Richard M. Pious, The American Presidency, 293-331 Ch.9 (1979) 9. Daniel J. Elazer, American Federalism, Chss.3 and 4(1984) 10. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981) Report of the Eighth Finance Commission. 11. Administrative Reforms Commission on Centre-State Relationship Ch.3 (1969)

On-line resources to be used if available as reference material

**On-line Resources:**

1. Swayam

2. Edx

3. Coursera

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