

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**



**WITH EFFECT FROM 2017-18
COURSE STUDY**

**GROUP G
LLM
(CONSTITUTION AND LEGAL ORDER)**

SEM I	<p>Core Subject: 1. Indian Constitution Law: the New Challenges -I 2. Law and Social Transformation in India</p>	<p>Elective Subjects: Constitution & Legal Order : Group G 3. Mass Media Law – I 4. Human Rights –I 5. Constitutionalism: Pluralism and Federalism-I</p>
SEM II	<p>1. Indian Constitution Law: the New Challenges–II 2. Jurisprudence</p>	<p>Elective Subjects: Constitution & Legal Order : Group G 3. Mass Media Law – II 4. Human Rights –II 5. Constitutionalism: Pluralism and Federalism-II</p>
SEM III	<p>1. Judicial Process 2. Legal Education and Research Methodology</p>	<p>Elective Subjects: Constitution & Legal Order : Group G 3. Public Utilities Law 4. National Security, Public Order, And Rule Of Law 5. Union-State Financial Relations</p>
SEM IV	<p>1. Dissertation & Viva Voce 2. Class Room Teaching 3. Doctrinal Research 4. Non Doctrinal Research 5. Clinical Research Report</p>	

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CORE SUBJECTS/COURSES

SEMESTER I

Group B	Criminal Law
Group C	Business Law
Group E	Environment & Legal Order
Group G	Constitution & Legal Order
Group J	Human Rights Law

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01CLCL21	Course Title: Indian Constitutional Law: the New Challenges-I	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Federalism <ul style="list-style-type: none"> • Creation of new states • Allocation and share of resources - distribution of grants in aid • The inter-state disputes on resources • Rehabilitation of internally displaced persons. • Centre's responsibility and internal disturbance within States. • Directions of the Centre to the State under Article 356 and 365 • Federal Comity: Relationship of trust and faith between Centre and State. • Special status of certain States. • Tribal Areas, Scheduled Areas 	
2	State'': Need for widening the definition in the wake of liberalization. <ul style="list-style-type: none"> • Democratic process • Nexus of politics with criminals and the business. • Election • Election commission: status. • Electoral Reforms • Coalition government, 'stability, durability, corrupt practice' • Grass root democracy. 	
3	Right to equality: privatization and its impact on affirmative action. <ul style="list-style-type: none"> • Doctrine of severability, doctrine of waiver • law and law in force, The Mandal case • national commission for backward classes 	
4	Law regarding Empowerment of women	

	<ul style="list-style-type: none"> • Human trafficking, mercy killing • Human right jurisprudence • Natural justice and due process 	
5	Right to Freedom <ul style="list-style-type: none"> • Freedom of press and challenges of new scientific development • Freedom of speech and right to broadcast and telecast. • Right to information • Right to strikes, hartal and bandh. 	

REFERENCE BOOKS

1. Durga das Basu - Introduction To The Constitution Of India
2. Durgadas Basu - Shorter Constitution Of India
3. V.N. Shukla - Constitution Of India
4. Seervai - Indian Constitution
5. J.N.Pandey - Constitutional Law Of India
6. Dr. K.C. Joshi - The Constitution Law Of India

VALLABH VIDYANAGAR

FACULTY: LAW LL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01CLCL22 Course Credit :	Course Title: Law and Social Transformation in India-I Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p>Law and Social change</p> <ul style="list-style-type: none"> • Law as an instrument of social change. • Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India. <p>Women and the law</p> <ul style="list-style-type: none"> • Crimes against women. • Gender injustice and its various forms. • Women's Commission. • Empowerment of women: Constitutional and other legal provisions. <p>Children and the law</p> <ul style="list-style-type: none"> • Child labour. • Sexual exploitation. • Adoption and related problems. • Children and education. 	
2	<p>Language and the law</p> <ul style="list-style-type: none"> • Language as a divisive factor: formation of linguistic states. • Constitutional guarantees to linguistic minorities. • Language policy and the Constitution: Official language; multi-language system. • Non-discrimination on the ground of language. <p>Community and the law</p> <ul style="list-style-type: none"> • Caste as a divisive factor • Non-discrimination on the ground of caste. • Acceptance of caste as a factor to undo past injustices. • Protective discrimination: Scheduled castes, tribes and backward classes. • Reservation; Statutory Commissions., Statutory provisions. 	

3	<p>Regionalism and the law</p> <ul style="list-style-type: none"> • Regionalism as a divisive factor. • Concept of India as one unit. • Right of movement, residence and business; impermissibility of state or regional barriers. • Equality in matters of employment: the slogan "Sons of the soil" and its practice. • Admission to educational institutions: preference to residents of a state. <p>Religion and the law</p> <ul style="list-style-type: none"> • Religion as a divisive factor. • Secularism as a solution to the problem. • Reform of the law on secular lines: Problems. • Freedom of religion and non-discrimination on the basis of religion. • Religious minorities and the law 	
4	<p>Modernisation and the law</p> <ul style="list-style-type: none"> • Modernisation as a value: Constitutional perspectives reflected in the fundamental duties. • Modernisation of social institutions through law. • Reform of family law • Agrarian reform - Industrialisation of agriculture. • Industrial reform: Free enterprise v. State regulation - Industrialisation environmental protection. • Reform of court processes. • Criminal law: Plea bargaining; compounding and payment of compensation to victims. • Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats. • Prison reforms. • Democratic decentralisation and local self-government. 	
5.	<p>Alternative approaches to law</p> <ul style="list-style-type: none"> • The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan---Surrender of dacoits; concept of grama nyayalayas. • Socialist thought on law and justice: An enquiry through constitutional debates on the right to property. • Indian Marxist critique of law and justice. • Naxalite movement: causes and cure 	

REFERENCE BOOKS

1. Marc Galanter - Law and Society in Modern India (1997), Oxford
2. Robert Lingat- The Classical Law of India (1998), Oxford
3. U. Baxi -The Crisis of the Indian Legal System (1982). Vikas, New, Delhi
4. Manushi- A Journal About Women and Society

5. Duncan Derret - The State, Religion and Law in India (1999). Oxford University Press, New Delhi
6. H.M.Seervai -Constitutional Law of India (1996)
7. D.D. Basu-Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi
8. Law and Menace of Child Labour (2000) Armol Publications,Delhi.- Sunil Deshta and Kiran Deshta
9. Malik and Raval - Law and social transformation
10. Tripathi -Indian Law Institute, Law and Social Change : Indo-American Reflections,

FACULTY : LAWLL.M. (CBCS)

**ELECTIVE SUBJECT
SEMESTER I**

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELCL21	Course Title: MASS MEDIA LAW-I	
Course Credit :	Course Type : Optional Paper 3	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Mass media - Types of - Press Films, Radio Television <ul style="list-style-type: none">• Ownership patterns - Press - Private - Public• Ownership patterns - Films - Private	
2	Mass media - Types of - Press Films, Radio Television <ul style="list-style-type: none">• Ownership patterns - Radio & Television, Public• Difference between visual and non- Visual Media- impact on People's minds.	
3	Press - Freedom of Speech and Expression - Article 19 (1) (a) <ul style="list-style-type: none">• Includes Freedom of the Press.• Laws of defamation, obscenity, blasphemy and sedition.• The relating to employees wages and service conditions,• Price and Page Schedule Regulation	
4	Press - Freedom of Speech and Expression - Article 19 (1) (a) <ul style="list-style-type: none">• Newsprint Control Order• Advertisement - is it included within freedom of speech and expression?• Press and the Monopolies and Restrictive Trade Practices Act.	
5	Films - How far included in freedom in of speech and expression? <ul style="list-style-type: none">• Censorship of films - constitutionality• The Abbas Case.	

REFERENCE BOOKS

1. M.P. Jain - Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai -Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
3. John B. Howard -"The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980).
4. Bruce Michael Boyd - "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).
5. Rajeev Dhavan- "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
6. Rajeev Dhavan - "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
7. Soli Sorabjee -Law of Press Censorship in India (1976).
8. Justice E.S. Venkaramiah -Freedom of Press: Some Recent Trends (1984).
9. D D. Basu -The Law of Press of India (1980).

10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

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SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELCL22	Course Title HUMAN RIGHTS-I	
Course Credit :	Course Type : Optional Paper 4	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
15+10+5=30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p>Panoramic View of Human Rights</p> <ul style="list-style-type: none"> • Human Rights in Non-western Thought • Awareness of Human rights during the nationalist movement • Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process. • Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.) 	
2	<p>Fundamental Rights Jurisprudence as Incorporating Directive Principles</p> <ul style="list-style-type: none"> • The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.) • The interaction between F.R. and D.P. • Resultant expansion of basic needs oriented human rights in India 	
3	<p>Right not be Subject to Torture, Inhuman or Cruel Treatment</p> <ul style="list-style-type: none"> • Conceptions of torture, third-degree methods • "Justifications" for it • Outlawry of torture at international and constitutional law level • Incidence of torture in India • Judicial attitudes • Law Reform - proposed and pending <p>Minority Rights</p> <ul style="list-style-type: none"> • Conception of minorities • Scope of protection • The position of minority "Woman" and their basic rights • Communal Riots as Involving violation of Rights 	
4	<p>Rights to development of Individuals and Nations</p> <ul style="list-style-type: none"> • The UN Declaration on Right to Development, 1987 • The need for constitutional and legal changes in India from human rights standpoint. • People's Participation in Protection and Promotion of Human 	
5	<p>Rights</p> <ul style="list-style-type: none"> • Role of International NGOS • Amnesty International • Minority Rights Groups • International Bars Association, Law Asia 	

	Contribution of these groups to protection and promotion of human rights in India.	
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Reference books

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

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FACULTY : LAW

LL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELCL23	Course Title CONSTITUTIONALISM: PLURALISM AND FEDERALISM - I	
Course Credit :	Course Type : Optional Paper 5	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
15+10+5=30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p>1. Constitutionalism</p> <ul style="list-style-type: none"> • Authoritarianism - Dictatorship • Democracy - Communism. • Limited Government - concept - Limitations on government power. • What is a Constitution? • Development of a democratic government in England - Historical evolution of constitutional government. • Conventions of constitutionalism - law and conventions • Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India. • Separation of powers: Montesquieu • Rule of Law: Concept and new horizons • Marxist concept of constitutionalism • Dictatorship of the proletariat. • Communist State from Stalin to Gorbachov. • Fundamental Rights: Human rights • Judicial Review: European Court of Human Rights • Human Rights: International conventions • Limits & doctrine of domestic jurisdiction in international law. 	
2	<p>Federalism</p> <ul style="list-style-type: none"> • What is a federal government? • Difference, between confederation and federation • Conditions requisite for federalism. • Patterns of federal government - U.S.A., Australia, Canada, India. 	
3	<p>Federalism</p> <ul style="list-style-type: none"> • Judicial review - for federal umpiring • New trends in federalism: Co-operative federalism • India - Central Control v. State Autonomy • Political factors influencing federalism • Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam. • Dynamic of federalism 	
4	Pluralism	

	<ul style="list-style-type: none"> • What is a pluralistic society? • Ethnic, linguistic, cultural, political pluralism 	
5	<p>Individual rights - right to dissent</p> <ul style="list-style-type: none"> • Freedom of speech and expression • Freedom of the press • Freedom of association 	

REFERENCES

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