

VALLABH VIDYANAGAR  
WITH EFFECT FROM 2018-19

COURSE STUDY

GROUP - C

CONSTITUTION AND LEGAL ORDER

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

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CORE SUBJECTS/COURSES

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

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**FACULTY : LAWLL.M. (CBCS)**

**SEMESTER : III (w.e.f. July, 2018)**

Course Code :	Course Title: Judicial Process	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<b>1. 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.	
2	<b>2. Special Dimensions of Judicial Process in Constitutional Adjudications.</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. 2.4. Varieties of judicial and juristic activism 2.5. Problems of accountability and judicial law-making.	
3	<b>3. 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 limits	

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4	<p><b>4. The Concepts of Justice</b></p> <p>4.1. The concept of justice or Dharma in Indian thought</p> <p>4.2. Dharma as the foundation of legal ordering in Indian thought.</p> <p>4.3. The concept and various theories of justice in the western thought.</p> <p>4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.</p>
5	<p><b>5. Relation between Law and Justice</b></p> <p>5.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class</p> <p>5.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.</p> <p>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</p> <p>5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.</p>

Reference books		
1	The Province and Function of Law, Henry J. Abraham ,	Julius Store.
2	The Nature of Judicial Process (1995) Universal, New Delhi	Cardozo,
3	The Judicial Process (1998),	Oxford
4	Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth	J.Stone
5	Legal Theory (1960), Stevens, London Bodenheimer.	W.Friedmann
6	Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi	Bodenheimer
7	The Indian Supreme Court and Politics (1980), Eastern,Lucknow.	U Baxi
8	The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.	Rajeev Dhavan.

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**FACULTY : LAWLL.M. (CBCS)**

SEMESTER : I (w.e.f. July, 2018)

<b>Course Code :</b> <b>Course Credit :</b>	<b>Course Title: LEGAL EDUCATION AND RESEARCH</b> <b>METHODOLOGY</b> <b>Course Type : Core compulsory</b>
<b>Examination Marking Scheme</b>	
Internal(Marks)	External(Marks)
<b>30</b>	<b>70</b>
<b>Total(Marks)</b>	
<b>100</b>	

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	1.1. Objectives of Legal Education 1.2. Lecture Method of Teaching – Merits and demerits 1.3. The Problems Method	
2	2.1. Discussion Method and its suitability at post-graduate level teaching 2.2. The Seminar Method of Teaching 2.3. Examination System and Problems in Evaluation – External and Internal assessment	
3	3.1. Student participation in law school programmes-Organization of seminars, publication of journal and assessment of teachers. 3.2. Clinical, Legal Education – legal aid, legal literacy, legal survey and law reform 3.3 <b>Research Methods</b> 3.3.1 Socio-legal research 3.3.2 Doctrinal and non-doctrinal 3.3.3 Relevance of empirical research 3.3.4 Induction and deduction	
4	4. <b>Identification of Problem of Research</b> 4.1 What is a Research Problem? 4.2 Survey of available literature and bibliographical research 4.3 Legislative materials including subordinate legislation, notification and policy statements 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-ruled; discovering judicial conflict in the area pertaining to the research problem and the reason thereof. 4.5 Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals 4.6 Compilation of list of reports or special studies conducted relevant to the Problem.	
5	5. <b>Preparation of the Research Design</b> 5.1 Formulation of the research problem 5.2 Devising tools and techniques for collection of data: Methodology 5.2.1 Methods for the connection of statutory and case materials and juristic	

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Literature. 5.2.2 Use of historical and comparative research materials 5.2.3 Use of observation studies. 5.2.4 Use of questionnaires / interview 5.2.5 Use of case studies 5.2.6 Sampling procedures – design of sample, types of sampling to be adopted 5.2.7 Use of scaling techniques 5.2.8 Jurimetrics 5.3 Computerized Research – A study of legal research programmes such as Lexis and West law coding 5.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data 5.5 Analysis of data	
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Reference books		
1	Nigel Dunean and Richard Crimes, Clinical Legal Education : Active Learning in Your Law School (1998), Blackstone Press Limited, London.	High Brayal.
2	Legal Education in India (1973), Tripathi, Bombay	S.K. Agrawal
3	H. Bitner and Bysiewicz, Effective Legal Research (1978)	M.O. Price.
4	Methods in Social Research, McGraw-Hill Book Company, London	William J. Grade and Paul K. Hatt.
5	The Art of Asking Questions (1965)	Payne
6	Legal Research in Nutshell (1996), West Publishing Co.	Morris L. Cohan
7	Legal Research and Methodology	ILI Publication

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(SEMESTER III)  
**SARDAR PATEL UNIVERSITY**  
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**FACULTY : LAW LL.M. (CBCS)**

SEMESTER : III (w.e.f. July, 2018)		
Course Code :	Course Title: Public Utilities Law	
Course Credit :	Course Type : Optional Paper	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Public Utilities / Public Utilities Why Government Monopoly? 1.1 Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, police Fire Brigade, Banking service, etc. 1.2 Growth and evolution of public utilities and their legislation 1.3 Government and Parliamentary Control 1.4 Constitutional division of power to legislate.	
2	Utilities Legislation-Pattern of- / public Utilities Legislation and Fair Rearing 2.1 Administrative Authorities – Structure of the Administrative Authorities 2.2 Subordinate legislation 2.3 Quasi-judicial Decision – Administrative Discretion	
3	Public Utilities and Consumer protection /Public Utilities And their Employees 3.1 Exclusion from M.R.T.P. Act 3.2 Rights of consumer protected by the Consumer Protection Act 3.3 Rising Arising from law of Contract and law of Torts	
4	Public Utilities and Fundamental Rights 4.1 The right to equality: the airhostess case 4.2 Are public utilities “State” for the purpose of article 12 of the constitution 4.3 Extension of the concept of state	
5.	Liabilities and special privileges of public utilities 5.1 In contract 5.2 In tort 5.3 In Criminal law	

**REFERENCE BOOKS:**

1	P.M.Bakshi, Television and the law,(1986)
2	Vasant Kelkar, “Business of Postal Service ”33 I.J.PA.pp.133-141(1987)
3	S.P. Sathe,Administrative Law(1998)
4	Jain & Jain,Principles of Administrative Law,(1986)
5	Jadish UI,Handbook of electricity Laws,(1978)
6	Bhaumik, The Indian Railways Act,(1981)
7	Nalini Paranjpe, “Planning for Welfare in the Indian Railways”31 I.J.PA 171-180(1985)
8	Law Commission of India ,38 <sup>th</sup> Report : Indian Post Office Act,1898,(1968)

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**FACULTY : LAW LL.M. (CBCS)**

<b>SEMESTER :III (w.e.f. July, 2018)</b>		
<b>Course Code :</b>	<b>Course Title: National Security, Public Order, And Rule Of Law</b>	
<b>Course Credit :</b>	<b>Course Type : Optional Paper</b>	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

UNIT	DESCRIPTION IN DETAIL	CREDIT
<b>1</b>	National Security, Public Orders and Rule of Law /Preventive Detention and Indian Constitution 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 1.8 1975 Emergencies	
<b>2</b>	Exceptional Legislation 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>3</b>	Civil Liberties and Emergency 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	
<b>4</b>	Access to Courts and Emergency 4.1 Article 359: ups and downs of judicial review 4.2 Constitution (Forty-fourth), Amendment Act,1978 4.3 Constitution (Fifty-ninth) Amendment Act.,1988	
<b>5.</b>	Martial Law 5.1 Provisions in English Law 5.2 Provisions in the Constitution	

**REFERENCE BOOKS:**

1	G.O.Koppell “The Emergency, The Courts and Indian Democracy”
2	H.M.Seervai, The Emergency, Future Safeguard and the habeas Corpus: A Criticism (1978)
3	International Commission of Jurists, Status of Emergency and Human Rights (1984)
4	N.C.Chatterji and Parameshwar Rao, Emergency and the Law (1966)

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**FACULTY : LAW LL.M. (CBCS)**

<b>SEMESTER : III (w.e.f. July, 2018)</b>		
<b>Course Code :</b>	<b>Course Title: Union-State Financial Relations</b>	
<b>Course Credit :</b>	<b>Course Type : Optional Paper</b>	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Federalism – Essentials / Distribution of Legislative Power/Administrative Power 1.1 Models of Federal Government – U.S.A,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	
2	Distribution of Fiscal Power / Restriction of Fiscal Power 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	
3	Distribution of Tax Revenues / Borrowing power of state 3.1 Tax –Sharing under the Constitution 3.2 Finance Commission – Specific purpose grants(Article 282) 3.3 Borrowing by the Government of India 3.4 Borrowing by the States	
4	Inter –State Trade and Commerce / Planning and Financial Relation 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	
5.	Co – operative Federalism / Federal Government in India 5.1 Full Faith and credit 5.2 Inter – state Council 5.3 Zonal Councils 5.4 Inter – State disputes 5.5 Model of Jammu and Kashmir 5.6 Sarkaria Commission Report 5.7 what Reforms are Necessary?	

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**REFERENCE BOOKS:**

1	H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
2	Sudha Bhatnagar, Union-State Financial Relations and finance Commissions, (1979)
3	Ashok Chandra, Federalism in India, (1965)
4	V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980)
5	Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
6	G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37,38,39 (1982)
7	Richard M.Pious, The American Presidency, 293-331 Ch.9 (1979)
8	Daniel J.Elazar, American Federalism, Chs. 3 and 4 (1984)
9	K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981) Report of the Eighth Finance Commission
10	Administrative Reforms Commission on Centre-State Relationship Ch.3 (1969)

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