

SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
WITH EFFECT FROM 2018-19

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	✓

SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR

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FACULTY : LAWLL.M. (CBCS)

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	1. Nature of judicial process 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	2. Special Dimensions of Judicial Process in Constitutional Adjudications. 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	3. Judicial Process in India 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	4. The Concepts of Justice 4.1. The concept of justice or Dharma in Indian thought 4.2. 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.
5	5. Relation between Law and Justice 5.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class 5.2. Dependency theories - For its realisation 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.

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)

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SEMESTER : I (w.e.f. July, 2018)		
Course Code : Course Credit :	Course Title: LEGAL EDUCATION AND RESEARCH METHODOLOGY Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

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 Research Methods 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. Identification of Problem of Research 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 ensuring 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. Preparation of the Research Design 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 Dunnean 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

SARDAR PATEL UNIVERSITY
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WITH EFFECT FROM 2017-18

COURSE STUDY
HUMAN RIGHTS GROUP

SEM III	1.Judicial Process 2.Legal Education and Research Methodology	Elective Subjects: Human Rights Group: 3. Public Utility 4. International Humanitarian Law & Refugee Laws 5. Human Rights of Disadvantaged Groups: Problems and Issues in the Protection & Enforcement
SEM IV	1. Dissertation & Viva Voce 2. Class Room Teaching 3. Doctrinal Research 4. Non Doctrinal Research 5. Clinical Research Report	

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ELECTIVE SUBJECTS

(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
Examination Marking Scheme		
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	

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	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 th Report : Indian Post Office Act,1898,(1968)

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FACULTY : LAW LL.M. (CBCS)

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

SEMESTER :III (w.e.f. July, 2018)		
Course Code : Course Credit :	Course Title: International Humanitarian Law & Refugee Law Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	HUMANIZATION OF WARFARE 1.1 amelioration of the wounded and sick 1.1.1 armed forces in the field 1.1.2 armed forces at sea 1.1.2.1 the shipwrecked 1.2 protection and facilities 1.2.1 prisoners of war 1.2.2 civilians in times of war 1.2.3 cultural properties	
2	CONTROL OF WEAPONS 2.1 conventional 2.2 chemical 2.3 biological 2.4 nuclear	
3	HUMANITARIAN LAW ; IMPLEMENTATION 3.1 red cross- role 3.2 national legislation	
4	THE CONCEPT OF REFUGEES 4.1 definition of refugees and displaced persons –their problems 4.2 the un relief and rehabilitation administration and other international refugee organizations; international protection. 4.3 protection under national laws	
5.	STRATEGIES TO COMBAT REFUGEE PROBLEM 5.1 repatriation ,resettlement local integration and rehabilitation 5.2 UNCHR-role 5.3 UNCHR and India	

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REFERENCE BOOKS:

B.S.Chimni,	International refugee law (2000).
Jean Yves Calier	Who is a refugee A Comparative case law Study, (1997)
Kelly Dawn Askin	War crimes against women (1997).
M.k.balachandran ,Rose Varghese	Introduction to international humanitarian law (1997).
Guy S.Goodwin-gill,	The Refugee in international Law,(1996).
Veral Gowlland – Debbas	The problem of Refugees in the light of contemporary international law issues (1996)
Anti-personnel landmines friend or foe,?	International committee of Reds cross,(1996)
Resettlement handbook ,	The United Nations high commissioner for Refugees
Jemes.c.Hathaway ,Hohn A. dent refugee rights:	Report on a comparative survey , (1995)

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FACULTY : LAW LL.M. (CBCS)

SEMESTER : III (w.e.f. July, 2018)		
Course Code :	Course Title: Human Rights of Disadvantaged	
Course Credit :	Groups: Problems and Issues in the Protection & Enforcement	
	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	CONCEPT OF DISADVANTAGED GROUPS	
2	EMERGING HUMAN RIGHTS JURISPRUDENCE AND THE ROLE OF THE JUDICIARY 2.1 rights of women 2.2 rights of the child 2.3 rights of prisoners 2.4 right of dalits 2.5 the tribal and other indigenous people 2.6 the mentally ill 2.7 the stateless persons 2.8 the unorganised labour 2.9 aids victims 2.10 rights of minorities	
3	Enforcement of human rights 3.1 protection laws of the disadvantaged groups ; problems and issues	
4	Future perspectives of the human rights of the disadvantaged	

REFERENCE BOOKS:

G.s.bhargava and r.m.pal	Human rights of societal violation (1999)
Geraldine van bueren	The international law on the rights of the child (1998)
Prabhat Chandra tripathi	Crime against working women (1998)

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Paras diwan and piyush diwan	Women and legal protection
Philip alston (et.al.)	Children ,rights and the law
Kelly d. askin dorean m. koening	Women and international human rights law (1999)
n.k. chandrabarti,	Juvenile justice in the administration of criminal justice (1999)
Rebecca Wallace	International human rights text and materials (1997)
Janaki nair	Women and law in colonial india (1996)
Simon Creighton Vicky king	Prisons and the law (1996)

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