



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamilnadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

REVISED CURRICULUM

FROM ACADEMIC YEAR 2020-2021

**DEPARTMENT OF CONSTITUTIONAL LAW
AND HUMAN RIGHTS**

DEPARTMENT OF CONSTITUTIONAL LAW AND HUMAN RIGHTS

The Tamil Nadu Dr. Ambedkar Law University was established with an objective of disseminating the knowledge of law at advanced level and to enhance the potential in legal research in the State of Tamil Nadu. Towards this end, in the year 2003 Post Graduate Department of Constitutional Law & Human Rights was established offering 2 Year LLM Fulltime course under semester pattern in accordance with UGC norms prescribed from time to time. In striving for high academic standards and excellence and also to facilitate the students into more flexible system of learning having inter disciplinary, skill oriented courses the University has restructured the curriculum into Choice Based Credit System (CBCS) from the Academic Year 2009 onwards.

The Indian Constitution being home-grown social document is mother of all the laws. The ever green Constitutional Law and Human Rights is much sought after branch with the growing demand for admission. LLM with Constitutional Law & Human Rights background is an additional qualification for the lawyering community. Since challenge to any law is subject to scrutiny on the touchstone of the Constitution and in the light of mounting constitutional litigation in the country, study of this specialized course offers tools and readymade solutions. Further, Indian Constitution is so loosely drafted in a way providing livelihood for so many lawyers needs no over emphasis. Students who opted this branch are shining with flying colours in the Constitutional Courts, appointed as Constitutional Law teachers in the Colleges and Universities across the country, selected as civil judges and some more as human rights activists. Two faculty members of this Branch securing Major Research Projects funded by UGC and ICSSR, New Delhi is the testimony for the research potentiality of the branch paving the way for creating new knowledge in the field.

The course components and syllabi is thoroughly reformed and restructured in tune with the global trends, changing times and circumstances enabling curriculum reforms better perform and transform the Indian society with effect from the academic year 2020-21. *Subject specialization core papers* will offer firm foundation in the subject so that the students/learners will be fully equipped with expertise on the field and requisite skills. *Subject Elective courses* are designed to acquire in depth knowledge of the Constitution, by the citizenry which is very much essential to render public service. The *Generic Electives* offered by the department are highly useful for public lawyering and policy making.

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – II

**DEPARTMENT OF CONSTITUTIONAL LAW AND HUMAN
RIGHTS**

LL.M SYLLABUS

SPECIALIZED CORE PAPERS - 06

1. Transformative Constitutionalism, Pluralism & Federalism
2. Introduction to Comparative Constitutional Law
3. Law of Media and Communication: Contemporary Challenges
4. Law of Education – Policy and Practice
5. Dynamics of Election Laws
6. Law of Property – Constitutional Perspectives

DISCIPLINE SPECIFIC ELECTIVE PAPERS – 03

7. Law of Public Utilities in India
(Railways, Telecommunications, Electricity and Banking & Insurance)
8. National Security, Public Order and Rule of Law
9. Centre –State Financial Relations

GENERIC ELECTIVE PAPERS – 02

10. Law of Public Policy and Governance.
11. Public Service Law – Comparative Constitutional Jurisprudence

SUBJECTS IN SEMESTERS

| | |
|------------------------|--|
| First Semester | <ol style="list-style-type: none"> 1. Judicial Process (Common Paper-I) 2. Legal Education and Research Methodology (Common Paper-II) 3. Transformative Constitutionalism, Pluralism & Federalism (Specialized Core Course-I) 4. Introduction to Comparative Constitutional Law (Specialized Core Course-II) 5. Law of Public Policy and Governance. (Generic Elective Course-I) |
| Second Semester | <ol style="list-style-type: none"> 1. Constitutional Law : The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law of Media and Communication: Contemporary Challenges (Specialized Core Course-III) 4. Law of Public Utilities in India (Railways, Telecommunications, Electricity and Banking & Insurance) (Discipline Specific Elective Course-I) 5. Applied Research Methodology |
| Third Semester | <ol style="list-style-type: none"> 1. Law of Education – Policy and Practice (Specialized Core Course-IV) 2. Dynamics of Election Laws (Specialized Core Course-V) 3. National Security, Public Order and Rule of Law (Discipline Specific Elective Course-II) 4. Public Service Law – Comparative Constitutional Jurisprudence (Generic Elective Course-II) |
| Fourth Semester | <ol style="list-style-type: none"> 1. Law of Property – Constitutional Perspectives (Specialized Core Course-VI) 2. Centre –State Financial Relations (Discipline Specific Elective Course-III) 3. Skill Enhancement Course(SEC) 4. Dissertation |

PAPER – I
TRANSFORMATIVE CONSTITUTIONALISM, PLURALISM &
FEDERALISM

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

No Constitution in the World is stable and it requires changes as the society desires and no society practice a single culture, language, religion in the federal structure of polity. The course discusses the significance of transformative constitutionalism in a pluralistic society with a federal form of government in a comparative constitutional law perspective with an in depth focus on Indian discourse. The formation of federal government is indispensable in a pluralistic society to protect and safeguard all sections of the society, particularly minorities. The inclusive pluralistic society often changes due to mix of different culture and traditions and undergoes transformation periodically and the Constitution should provide a space for it. This course attempts to bring into focus the practice of legislature and judiciary of major federal Constitutions in bringing smooth transformation of the society by avoiding revolt or revolution. After undergoing the study, the student will be able to understand the following.

- *Multitudinous and differentiated form of Constitutional practice.*
- *Constitutionalism from authoritarianism to democracy.*
- *Transformative Constitutionalism in Post- Colonial context in India.*
- *Unity in diversity in India and dynamics of federalism.*

COURSE OUTLINE

MODULE I - CONSTITUTIONALISM

- a) Historical evolution of Constitutionalism. - Natural Law Theory and Modern Constitutionalism.
- b) Types of Government –Limitations on the Government.
- c) Social - Contract Theory, Separation of Powers, Rule of Law, Procedure established by Law, Due Process of Law and principles of constitutionalism

MODULE II - TRANSFORMATIVE CONSTITUTIONALISM

- a) Constitutionalism in post-colonial period in the light of international human rights law.
- b) Transformative Constitutionalism in the Global South – Liberal model of constitutionalism in the Global North – Difference.
- c) Collaborative Constitutionalism; Constitutional Morality - The role of Legislature, Civil Society and Judiciary in the transformation process.

MODULE III - TRANSFORMATIVE CONSTITUTIONALISM IN INDIA

- a) Revisiting the Ancient Political thought on Constitutionalism- Constitutional History in Post British India.
- b) The Enactment of Indian Constitution – The Constituent Assembly Debates for the incorporation of Fundamental rights and Directive Principles of State Policy
- c) Constitutional Morality and the Judiciary- Gender Justice, Decriminalization of Adultery, Same Sex Relationship, Electoral Reforms, Religious Reforms,

MODULE IV - PLURALISM – CONCEPT AND PRACTICES

- a) Pluralistic society – Ethnic, Linguistic, cultural, political and regional pluralism.
- b) Hate speech- reasonable restrictions- tolerance and acceptance.
- c) Language policy in multi-lingual federal State – Challenges in Canada & India

MODULE V- UNITY AND DIVERSITY IN INDIA

- a) Indian Nationalism – Hindu and Secular State – Mob lynching - Gender & Religion Neutral Personal Laws.
- b) Protection of Religious and Linguistic Minorities –One Nation and One Language.
- c) Growing Urban-Rural Divide in India – Caste inequalities, poverty, education and Distinct identity of Tribal Groups.

MODULE VI - FEDERALISM AND ITS CONCEPTS

- a) Nature of the Polity and dynamics of federalism: Confederation, One country two systems, Unitary, Federal, Quasi-federal, Cooperative Federalism and Competitive Federalism.
- b) Patterns of Federal Government: U.S., Canada, Australia and India
- c) Emerging trends in federalism – separatism and its challenges.

MODULE VII -FEDERALISM AND ITS PRACTICE IN INDIA

- a) Concept of Cooperative federalism in India its experiences and practices.
- b) Distribution of Legislative & Executive powers – During Peace and Emergencies.
- c) Role of Judiciary in balancing the Indian federation.

MODULE VIII - FISCAL FEDERALISM AND DISPUTE RESOLUTIONS

- a) Finance Commission, NITI Aayog – Borrowing power and inter-State trade and commerce.
- b) GST- more unitary than federal; GST Council and Resolution process.
- c) Inter-State Council, National Development Council and Zonal Councils, Inter-State Water Disputes Resolutions

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2. Navtej Singh Johar&Ors. v. Union of India AIR 2018 SC 4321
3. Indra Sawhney v Union of India AIR 1993 SC 477
4. ADM Jabalpur v Shivakant Shukla (1976) 2 SCC 521.
5. BandhuaMuktiMorcha v Union of India 1991 SCR (3) 524.
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8. Indian Young Lawyers Association vs The State Of Kerala ,2018 SCC OnLine SC 1690
9. BandhuaMuktiMorchha v. Union of India, AIR, 1984 SC 802
10. Shafin Jahan v. Ashokan K.M 2018 SCC OnLine SC 343
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13. Griswold v. Connecticut, 381 U.S. 479
14. Marbury v. Madison, 5 U.S. 137 (1903)
15. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha & Others, (2007) 3 SCC 184
16. A. K. Gopalanv. State of Madras, AIR 1950 SC 27.
17. Brown v. Board of Education, 247 U.S. 483 (1954)
18. KeshavanandBharativ. State of Kerala, AIR 1973 SC 1461
19. Maneka Gandhi v. Union of India, AIR 1978 SC 593
20. Minerva Mills v. Union of India, AIR 1980 SC 1789

LEARNING OUTCOMES

On Completion of the course, students will be able to:-

- *Understand the debates accompanying the incorporation of 'Directive Principles of State Policy' in the Indian Constitution.*
- *Examines the gradual apotheosis of 'Directive Principles of State Policy' in the context of post-independence.*
- *Role of constitutional in social transformation.*
- *Appreciate the concept of pluralistic society and right to dissent in plural society.*
- *Analyze how the Regionalism is a challenge to Indian nationalism because of sub-territorial loyalty.*

PAPER - II

INTRODUCTION TO COMPARATIVE CONSTITUTIONAL LAW

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

The course will cover a series of topics arising in the comparative study of constitutional systems. Concentrating on Constitutional Structure and law in India and in such other countries Australia, Canada, France, Great Britain, United States, and South Africa etc, the course is intended to make students familiar with the constitutional systems of a few countries. Students will be benefitted from deeper understanding of the doctrines and values underlying the provisions and principles from various constitutional systems.

After undergoing the study, the student will be able to understand the following

- *Transformation of students understanding of the constitutional law role in establishing effective government system;*
- *Considering how comparative constitutional study can offer insights into our own constitutional system.*
- *Using a comparative approach to constitutional law with a view to developing a critical understanding of how different constitutional systems deal with similar issues*

COURSE OUTLINE

MODULE I -INTRODUCTION TO COMPARATIVE CONSTITUTIONAL LAW

- a) Sources, Methods and Limits of Comparative Constitutional Law
- b) Scope and Relevance of Comparative Constitutional Law in Global Age
- c) Resurgence and Legitimacy of Comparative Constitutional Law

MODULE II-FUNDAMENTAL PRINCIPLES OF COMPARATIVE CONSTITUTIONALISM

- a) Constitutionalism - Forms of Constitutionalism – Classical, Contemporary, Modern, Liberal, Political and New Constitutionalism

- b) The concept of State in the Third World and the problematics of Constitutionalism, crisis in Modern Constitutionalism, twilights of comparative liberal-democratic constitutionalism
- c) From Balanced Constitutionalism to Sustainable Constitutionalism.

MODULE III - FORMS OF GOVERNMENT

- a) Parliamentary Form and Presidential Form
- b) Government under USA, UK & France
- c) Comparison with the Government in India

MODULE IV - CONSTITUTIONAL FOUNDATION OF POWERS

- a) Supremacy of Legislature in Law Making
- b) Rule of Law: Dicey's concept of Rule of Law, Modern concept of Rule of Law & Social and Economic Rights as part of Rule of Law.
- c) Separation of Powers & Doctrine of Checks & Balance

MODULE V - ORGANIZATION OF LEGISLATIVE AND EXECUTIVE POWERS

- a) Distribution of Legislative powers- Law making process in USA, UK and France in comparison with India
- b) Extent of Executive power
- c) Emergency powers

MODULE VI - JUDICIAL REVIEW

- a) Organization of Judiciary in USA, UK, France in comparison with India
- b) Judicial Review: Concept and Origin of Judicial Review, Method of Constitutional Review (Judicial and Political Review, Concentrated and Diffused Review and Anticipatory and Successive Review)
- c) Limitations on Judicial Review

MODULE VII - EVOLUTION AND DEVELOPMENT OF CIVIL RIGHTS IN USA, UK, FRANCE AND INDIA

- a) Status of Rights in USA comparison with the status of Rights in India
- b) Status of Rights in UK comparison with the status of Rights in India
- c) Status of Rights in France comparison with the status of Rights in India

MODULE VIII - DIFFERENT APPROACHES TO COMPARATIVE CONSTITUTIONAL LAW

- a) Constitutional Borrowings
- b) Legal Transplantation
- c) Migration of Constitutional Idea

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19. Sankari Prasad Singh Deo v. Union of India, AIR SC 458 (1951)
20. Shamsher v. State of Punjab, AIR 1974 SC 2192

LEARNING OUTCOMES

On successful completion of the paper, the students will be able to:

- *Compare the various forms of government, its branches and its functioning in different countries.*
- *Analyze the leading constitutional principles in different jurisdictions.*
- *Distinguish between constitution and constitutionalism.*
- *To critically analyze the process of amendment of the constitution in various countries and the limitations on the amendment power.*
- *Gain insights of the model of state, its practices and good governance*
- *Understand the significance of doctrine of judicial review and limitations thereof.*

PAPER - III
LAW OF MEDIA AND COMMUNICATION: CONTEMPORARY
CHALLENGES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Mass media communication from the days of printing press has played a very important role in the formation of public opinion. Mass media such as press, radio, television, films and internet play a vital role in communicating information rapidly and thereby spreading culturalisation and modernization in the society. The visual media are bound to have a much greater impact on human mind. Law plays a dual role vis-à-vis such media. On the one hand, it protects the creative freedom involved in them, on the other hand, it has to regulate them so as to avoid their possible abuse. Advancement in science and technology has changed the scope and dimensions of mass communication. ICT has created digital era for us. While there are definite benefits from these technologies, experience shows that these technologies can be abused to harm the interests of the society. This course aims to provide basic understating of the evolution of mass media and its regulation with contemporary challenges.

After undergoing the study the student will be able to understand the following:

- *To understand the legal, ethical and regulatory framework governing the media in India.*
- *To understand the various concepts and study the theories in relation to Media.*
- *To discuss and evaluate the latest developments, issues and analyze the principles laid down in the cases in the field of Media law.*
- *To acquaint the students with the importance and necessity of media ethics and develop and appreciate journalistic integrity.*

COURSE OUTLINE

MODULE I - MEDIA AND PUBLIC POLICY

- a) Concept, Evolution and development of media industry in India and entry of foreign print media;
- b) Ownership pattern– Public and Private – Press, Film, Radio, TV and Internet; Differences between visual and non-visual media; Problems of oligopoly.

- c) Airwaves and Government control – Licensing issues in Broadcasting sectors, Community Radio Advocacy. Pre-censorship of films in big screens.

MODULE II - FREEDOM OF SPEECH AND EXPRESSION

- a) Freedom of speech as a Human Right– Constitutional guarantee for Free Press – Reasonable restrictions on free speech.
- b) Media Freedom – boundaries of a free press.
- c) Freedom of Information v. Free Speech.

MODULE III - MEDIA AND PRIVACY

- a) Obscenity and pornography - Hicklin Test - Child pornography.
- b) Blasphemy - legal regulation of blasphemy.
- c) Privacy – Information privacy and reputation - Personal data protection - Internet privacy.

MODULE IV - PROTECTION OF REPUTATION

- a) Defamation – Overview – General framework for defamation law- Role of malice – IPC provisions – Remedies and damages.
- b) Internet as a platform of free speech – Regulation of content on Internet – Self regulation v. Government regulation.
- c) Libel and Slander in cyberspace – Cross border libel/slander – Jurisdictional problems.

MODULE V - CHANGING DIMENSIONS OF MEDIA & TECHNOLOGY

- a) Evolution of internet as new media - Cyber Journalism.
- b) Impacts of Information Technology.
- c) Global regulation of internet & e-commerce.

MODULE VI - MEDIA AND SOCIETY

- a) Role of media in social change and its ethics.
- b) Mass campaigns on specific issues – social concerns, environmental issues, human rights, gender equality.
- c) Uses and utilization of electronic media in education and research.

MODULE VII - MEDIA & ADVERTISEMENT

- a) Concept & Origin of Advertisement and its development.
- b) Advertisement & Ethics.
- c) The Advertising standards council of India - Issues of Consumer Protection.

MODULE VIII - MEDIA, ETHICS AND ADJUDICATION

- a) Copyright issues in mass media – protection for copyrighted work – plagiarism – pirated music - remedies for infringement.
- b) Media and Courts - Report of legal proceedings – Trail by media – Sensitive court reporting and Human Rights - Contempt of Court – Procedure and Punishment.
- c) Ethical dilemmas, issues and concerns in mass communication – foundation of ethics- different aspects of journalism’s ethical issues- Reporters privileges and protection of media sources.

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LEARNING OUTCOMES

After completion of the course the students will be able to-

- *Analyze the legal, ethical and regulatory framework governing Media in India.*
- *Discuss and analyze the Constitutional framework in relation to freedom of speech and expression, Freedom of Press, Right to Privacy.*
- *Evaluate the latest developments and issues in the field of Media Law.*
- *Explain and discuss the importance and necessity of media ethics and journalistic integrity.*
- *Devise a correct way to handle the legal problems.*

PAPER - IV
LAW OF EDUCATION - POLICY AND PRACTICE
(Specialized Core Paper)

OBJECTIVES OF THE COURSE

India happens to be the major hub for education and knowledge in the ancient era. It was considered as Vishwaguru/ Jagatguru. Institution like Nalanda, Dakshashrida have been considered as the top University in the world. Pataliputram in the north, Kancheepuram in the south have been considered as the knowledge capital in the world. However, it has slowly lost its glory and undergone a drastic change during the British regime.

After undergoing the study, the student will be able to understand the following

- *This course aims to impart the glory and richness of Indian education system which was prevailing in the ancient era in general and vedic era and sangam era in particular.*
- *It also aims to inculcate the ethical, spiritual, cultural and rich constitutional heritage and values among the minds of the student community.*
- *In addition to this, this course would like to cultivate the national citizenship and global citizenship and to accept the realities of globalisation to face the challenges and to lead India with a greater respect in the international arena.*

COURSE OUTLINE

MODULE I - HISTORICAL BACKGROUND OF EDUCATION SYSTEM

- a) Education in Ancient India: Concept, Definition – Sangam Era, Vedic Education.
- b) Contributions of Scholars and Poets in strengthening Education system- Thirukkural and education
- c) Modern education system during British Era- Implication of Wood's Despatch Report and Macaulay Commission Report.

MODULE II - GENERAL PRINCIPLES OF EDUCATION

- a) Education- Instrument of inculcating ethical, spiritual and constitutional values.
- b) Education as an instrument of Socialisation and Transformation.
- c) Education System as inclusive, Accessible to Marginalized Sections: Beti Bacaho Beti Padhao on Right to Education - Adult and Continuing Education.

MODULE III - LAW RELATING TO EDUCATION

- a) Right to Education under Indian Constitution: Part III, IV & IVA.
- b) Statutory Law relating to Education- Sarva Siksha Abhiyan - Role SCERT and NCERT.
- c) Contribution of the Supreme Court and Right to Education.

MODULE IV - RIGHT TO EDUCATION AND THE CONCEPT OF RESERVATION

- a) Right to Education- Socio economically disadvantaged group.
- b) Reservation in Education System: School, Higher and Profession Education- Reservation for SC/ST, OBC and EWS in Educational Institutions
- c) Minority Rights relating to Right to Education

MODULE V - SPECIAL EDUCATION AND INCLUSIVE EDUCATION

- a) Right to Education for persons with disability including intellectual disability.
- b) Law relating to Right of Persons with disabilities on Inclusive Education - Implications of UNCRPD, 2006 on the right to education for persons with disability.
- c) Right to Education and Transgender.

MODULE VI - RIGHT TO PROFESSIONAL EDUCATION

- a) Medical Education, Legal Education and Technical Education.
- b) Role of regulatory authorities: Bar Council of India, Medical Council of India, ICMR.
- c) Right to Education and Access to Justice- Right to Free Legal Aid- Social Lawyering.

MODULE VII - IMPACT OF GLOBALISATION ON RIGHT TO EDUCATION

- a) Privatization of Education – Impact of various WTO agreements.
- b) Implications of Technology including ICT, Artificial Intelligence – Copyright, Patent and other IP rights in Education System.
- c) National Education Policy and other contemporary developments.

MODULE VIII - AMERICAN EDUCATIONAL SYSTEM

- a) Development of Educational System in America.
- b) Role of Judiciary in development of Education in US- relevant Doctrines.
- c) Recognizing Education Rights in India and the United States- Comparative Perspectives.

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LEARNING OUTCOMES

After completing of the course the students will be able to

- *The students are expected to learn the uniqueness of the ancient Indian education system.*
- *Impact of right to education on the right to life, freedom of expression, freedom of trade and occupation, respect for fraternity, dignity of individuals and the realisation of global standard of human rights.*
- *The students are also expected to learn the concept of special education, inclusive education, gender equity, quality accessibility and affordability of world class education.*

PAPER – V
DYNAMICS OF ELECTION LAWS
(Specialized Core Paper)

OBJECTIVE OF THE COURSE

This course has been designed so as to provide with global understanding of practices relating to election and electoral procedure prevailing in leading civilized constitutional systems and largest democracies. This paper helps the student to learn the best practices followed in the given electoral system. It also enables the student to understand the constitutional basis, the constitutional differences and practices in the process of electing important heads and institutions of constitutional wings such as the head of the executive and the head of the legislature. In addition to this, this paper will throw light to what extent the constitution has empowered their respective citizen as truly sovereign of the country.

After undergoing the study, the student will be able to understand the following

- *Election law and the diversity of electoral institutions and arrangements.*
- *Procedural aspects of holding elections under various Constitutions.*
- *Effectiveness of Election law as the means to articulate, deliver and regulate the democratic rights.*
- *Role of Judiciary in adjudication of Election Disputes.*

COURSE OUTLINE

MODULE I – GENERAL PRINCIPLES RELATING TO ELECTION LAWS IN LAWS

- a) History of Elections in Ancient India and during British Rule.
- b) Elections –General Principles and Basic requirements –Different types of representation – the system of election
- c) System of Election-Universal Adult Suffrage- Special Provisions for Schedule Caste and Schedule Tribes.

MODULE II – ELECTION COMMISSION AND ELECTION MACHINERY

- a) Election Commission: Structure and Composition- Condition of Service and Protection- Functions.

- b) Role of Election Commission: Notification of Elections; Preparation and Revision Electoral Rolls- Jurisdiction- Removal or reduction of Disqualifications
- c) Administrative Machineries in conducting elections

MODULE III – ELECTIONS IN INDIA

- a) Election Laws in India- Allocation of Seats and Delimitation of Constituencies.
- b) Election Programme: Notification, Nominations, Scrutiny- Political Parties and Election Symbols.
- c) Presidential and Vice Presidential Elections –Parliamentary Elections- Elections to Legislative Assemblies and Councils.

MODULE IV – QUALIFICATION AND DISQUALIFICATION

- a) Qualification and Disqualifications for Membership of Parliament and State Legislatures.
- b) Concept of Office of Profit – Powers and Functions of Presiding Officers– X Schedule – Anti Defection Law: Model Code of Conduct.
- c) Judicial review – Breach of Parliamentary Privileges under the Constitution of India

MODULE V – POLLING AND COUNTING OF VOTES IN INDIA

- a) Polling and Counting- Ballot Paper, EVM- VVPAT- Postal Ballot- Special Vote- NOTA
- b) Returning Officer- Jurisdiction- Presiding Officers- Rejection of Ballot Papers
- c) Right to Vote- Counting of Votes- Systems of Counting and its procedures- Declaration of results.

MODULE VI – ELECTORAL OFFENCES, ELECTION DISPUTES AND ELECTION FUNDING

- a) Corrupt Practices and Electoral Offences.
- b) Election Disputes- Election Petition-Grounds for contest- trail- Decision of High Court- Appeals.
- c) Electoral Funding- Electoral Bonds- Corporate and Public Funding- Exemptions of Political parties under IT Act 1961- Application of RTI Act- Election Expenses.

MODULE VII – ELECTIONS TO LOCAL SELF GOVERNMENT AND CO-OPERATIVE SOCIETIES

- a) Concept and Constitutional perspectives of 73rd, 74th and 97th Amendments Law and Panchyat Raj.
- b) State Election Commission- State Financial Commission- Municipalities.
- c) Administration of Modern co-operative societies- different types of co-operative societies – election to co-operative societies- Role of RBI in regulating co-operative societies.

MODULE VII – PRESIDENTIAL ELECTION IN US

- a) Election to the office of President – Qualification and Disqualifications- Removal.
- b) Election to the membership of the Senate and House of Representative
- c) Associated Concepts: Concept of delegate, Super Delegate, Super Tuesday – Concept of Running mate – Allotment of Symbols –blue state, red state, purple state/swing state

MODULE VIII – ELECTORAL SYSTEM IN FRANCE

- a) Party System.
- b) Two- Round System of voting- Effects and Features.
- c) Referendum and Participatory democracy.

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LEARNING OUTCOMES

On Completion of this paper, Students will be able to

- *Familiarize the existing legal framework of elections to various democratic bodies/ posts in India and USA.*
- *Critically analyse the present regime of laws with reference to the postulate of free and fair elections as the fundamental point of democracy.*
- *Equipped to appreciate the role of the Election Commission in the conduct of free and fair elections.*
- *Understand the holistic view of deflections law in India.*

PAPER - VI
LAW OF PROPERTY – CONSTITUTIONAL PERSPECTIVES
(Specialized Core Paper)

OBJECTIVE OF THE COURSE

The objective of this paper is to know about the property rights in pre-independence and the right to property under constitution of India, The right of the government to acquire land for public purpose under the doctrine of eminent domain and the right of the person interested to claim compensation; Laws relating to acquisition of land for companies, industrial purpose in the name of special economic zone and the rights of tribal over their property. Land reform constitutes the most important package of measures to improve the economic condition of agricultural tenants.

After undergoing the study, the student will be able to understand the following

- *Jurisprudential aspects of property.*
- *Beneficiaries of Agrarian reforms.*
- *Concept of Eminent Domain and its parameters.*
- *Indigenous Land Rights and Sustainable land Management*

COURSE OUTLINE

MODULE I - EVOLUTION AND JURISPRUDENTIAL ASPECT OF PROPERTY

- a) Concept of land and property
- b) Theories of property- Concept of ownership- modes of acquisition of property
- c) Kinds of property – tangible, intangible, corporeal, incorporeal

MODULE II - AGRARIAN REFORMS IN PRE AND POST INDEPENDENT ERA/PLANNED ECONOMIC GOALS

- a) Zamindari system, Inamwari, Mahalwari- Ryotwari-Melwaram-Kudiwaram- Balwant Rai Mehta Committee
- b) Rights and responsibilities of Ryotwari pattadar.
- c) Boodan Movement and its Developments.

MODULE III - CONSTITUTIONAL PERSPECTIVES OF RIGHT TO PROPERTY

- a) Constitutional protection relating to property-relevant Provisions and Amendments

- b) Implications relating to Schedules under the Indian Constitution.
- c) Legislative powers of center and state in enacting land laws.

MODULE IV - DOCTRINE OF EMINENT DOMAIN

- a) Doctrine eminent domain and its Applicability in India
- b) Compulsion, compensation and property rights- India, UK and USA and Australia
- c) Economic analysis of Eminent domain

MODULE V - ACQUISITION OF PROPERTY

- a) The Right to Fair Compensation and Transparency in Land Acquisition.
- b) Abolition of urban land ceiling- Acquisition of Lands for Industrial Purposes.
- c) Establishment of Special Economic Zone-

MODULE VI - PROPERTY RIGHTS OF TRIBES

- a) Definition – Tribes and Scheduled tribes; Rights of Tribes
- b) Scheduled area – V schedule – prohibition of alienation of tribal land.
- c) Individual rights v. communal intellectual property rights- Human Rights Perspectives

MODULE VII - LAW RELATING TO REAL ESTATE REGULATION

- a) Definitions – Functions and Duties of Promoter- rights and duties of Allottees
- b) The Real Estate Regulatory Authority – Central Advisory Council – The Real Estate Appellate Tribunal.
- c) Regulations of Tamil Nadu Real Estate

MODULE VIII - REGULATIONS RELATING TO SUSTAINABLE USES OF LAND

- a) Coastal regulations - Wet land management
- b) Usage of lands by Religious and charitable institutions- Regulations
- c) Conversion of agricultural land into non-agricultural land- Regulations

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LEARNING OUTCOMES

On successful completion of this course, students will be able to:

- *Understand the concept of real property and the various movements of India*
- *Determine the right to property under Indian constitution*
- *Evaluate various land reformatory systems exists in pre-independence*
- *Understand the doctrine of eminent domain and the power of acquisition of land by the government*
- *Analyze the circumstances under which land can be acquired for industrial purposes*
- *Understand the land rights of Tribal.*

PAPER - VII
LAW OF PUBLIC UTILITIES IN INDIA
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

Public utilities are a unique form of business undertakings which are engaged in the supply of essential public services in limited market area on a monopolistic basis. The public Utility Service refers to a set of services, provided by the public or the private organization, consumed by the public at large. The public utility service agencies provide services such as water, electricity, natural gas, transport services, telephone service and other essential services to the public. The Utility function is an important concept that measures preferences over a set of goods and services. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them.

After undergoing the study, the student will be able to understand the following,

- *To understand the government policy in regard to such utilities in general and to each utility in particular.*
- *To know about the growth and evolution of the public utilities.*
- *To discuss about the statutes of incorporation and judicial decisions given by courts.*
- *To understand powers, functions and liabilities of the public utility Services.*

COURSE OUTLINE

MODULE I - PUBLIC UTILITIES

- a) Public Utilities- Meaning and its necessity in modern State.
- b) Railways, Electricity, Gas, Road Transport, Telephone, Post and Telegraph Service, Police, Fire Brigade, Banking service, etc.
- c) Growth and Evolution of Public Utilities and their Legislation.

MODULE II - PUBLIC UTILITIES - WHY GOVERNMENT MONOPOLY?

- a) Government Control
- b) Parliamentary Control
- c) Constitutional division of power to legislate.

MODULE III - UTILITIES LEGISLATION

- a) Administrative Authorities.
- b) Structure of the Administrative Authorities.
- c) Subordinate legislation.

MODULE IV - PUBLIC UTILITIES AND FAIR HEARING

- a) Fair Hearing in Administrative rule making and its components.
- b) Quasi-Judicial Decision.
- c) Administrative Discretion.

MODULE V - PUBLIC UTILITIES AND CONSUMER PROTECTION

- a) Rights of consumers protected by the Consumer Protection Act.
- b) Rights arising from Law of Contract.
- c) Rights arising from Law of Torts.

MODULE VI - PUBLIC UTILITIES, THEIR EMPLOYEES AND FUNDAMENTAL RIGHTS

- a) The Right to Equality: The Airhostess Case - application of Art. 16 and 311
- b) Are the Public Utilities are "State" for the purpose of Article 12 of the Constitution? - Extension of the concept of State.
- c) Application of Industrial Law - Right to strike

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LEARNING OUTCOMES

After completion of the course the students will be able to-

- *Critically analyze the government policy in regard to such utilities in general and to each utility in particular.*
- *Analyze the growth and evolution of the public utilities.*
- *Examine the statutes of incorporation and judicial decisions given by courts.*
- *Discuss the powers, functions and liabilities of the public utilities' vis-a-vis their employees, consumers and others.*

PAPER - VIII

NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra- ordinary circumstances created by war or external aggression or armed rebellion. Although “amidst the clash of arms, the laws are not silent” they do not speak the same language in war as in peace. Extra- ordinary circumstances warrant the invocation of extra- ordinary laws and such laws are known as emergency laws. They put grater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers. After undergoing the study, the student will be able to understand the following,

- *Balancing Civil liberties and National security.*
- *Preventive Detention and effect of Human Rights.*
- *Major Internal Security challenges in India.*
- *Role of Judiciary in protecting Civil liberties during emergencies.*

COURSE OUTLINE

MODULE I - A BRIEF HISTORY

- a) Emergency Detention in England- Civil Liberties.
- b) Subjective satisfaction or objective assessment?
- c) Pre- Independence law; Martial Law: Provisions in English Law, Indian Law.

MODULE II - PREVENTIVE DETENTION AND INDIAN CONSTITUTION

- a) Article 22 of the Constitution.
- b) Preventive Detention and safeguards.
- c) Central Laws and State Laws Authorizing Preventive Detention.

MODULE III - DECLARATION OF EMERGENCIES AND CIVIL LIBERTY

- a) 1962 Emergency (Indo – China War) - 1971 Emergency (Indo – Pakistan War) – 1975 Emergency.
- b) Article 19- Meaning of “Security of State”, “Public Order” and “Rule of Law”- Suspension of Article 19, rights on declaration of emergency.
- c) President’s right to suspend right to move any court- Article 21 – special importance – its non suspendability- Effect 44th amendment- Access to courts and Emergency- Article

MODULE IV - MAINTENANCE OF INTERNAL SECURITY

- a) Internal Security in India.
- b) Role of the Union in maintaining Internal Security- Present division of power between Union – State with respect to security.
- c) Suo – motu deployment of Forces of the Union.

MODULE V - NATIONAL SECURITY AND INTERNAL SECURITY

- a) Relationship between National Security and Internal Security.
- b) “Public Order” and “Law and Order” to maintain Internal Security.
- c) Contributory factors of major public order problem - Central Law Enforcement Agency- National Investigation Agency.

MODULE VI - EXCEPTIONAL LEGISLATION

- a) National Security Legislation- TADA: “the draconian law”- comments of NHRC.
- b) COFEPOSA and other legislations to curb economic offenders- Prevention of Black marketing and Maintenance of Supplies of Essential Commodities legislation (PBMSECA)
- c) Special courts and tribunals.

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19. Ghulam Sarwar v. Union of India 1967 SCR (2) 271
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LEARNING OUTCOMES

On the Completing of the Course, students will be

- *Appreciate the need for civil liberty to be protected under the Constitution.*
- *Understand the role played by the Judiciary in protection of civil liberty.*
- *Debate whether it is justifiable to violate civil liberties in the name of national security?*
- *Analysis the balance between the national security and civil liberties.*

PAPER - IX
CENTRE - STATE FINANCIAL RELATIONS
(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

This paper aims at giving the students an insight into the federal structure as envisaged in the Constitution of India and focuses upon educating them about the financial relationship between the Centre and State. The true essence of working of federalism lies with the proper division of powers and responsibilities in all arenas. The Indian Federalism has changed over the period of time from the concept of centralized federalism to the relative new concept of Cooperative federalism, one of the important factors for this change is increasing influence of regional parties in the Union Government, due the rise of coalition politics and the State Government has contributed to India's growth story, especially in the post liberalization era. This paper will examine the constitutional provisions relating to taxing powers and institutions for interstate governmental transfers to address the imbalances between the responsibilities and financial resources.

After undergoing the study, the student will be able to understand the following,

- *Insight into federal structure as envisaged in the Indian Constitution.*
- *Devolution of taxing powers between Union and the States.*
- *Tax Sharing and its problems.*
- *Concepts of Cooperative Federalism in India.*

COURSE OUTLINE

MODULE I - FEDERALISM ESSENTIALS

- a) Introduction- Federalism Meaning, Characteristics and scope of Indian Federalism.
- b) Evolution of federalism in India- Difference between Federalism and Confederation.
- c) Cooperative Federalism in India.

**MODULE II - DEVOLUTION OF POWERS BETWEEN UNION AND STATE UNDER
THE CONSTITUTION**

- a) Constitutional Provisions – Centre- State relations- Taxing powers- Expenditure responsibilities.

- b) Position of States in India- Factors responsible for subordination of Indian States.
- c) Extent of Union Power of Taxation – Inclusion of Residuary Power in the Fiscal Power – Restriction of fiscal powers- Inter – Government Tax Immunities – Fundamental rights- Double taxation.

MODULE III - INTERGOVERNMENTAL TRANSFERS

- a) Characteristics of Federal Economy and its Problem.
- b) Imbalance between the Functional Responsibility and Financial Resources- Vertical and Horizontal Imbalance.
- c) Tax sharing under the Indian Constitution from itemized sharing to Universal sharing- Introduction to GST- Tax sharing after GST.

MODULE IV - FINANCE COMMISSION AND ITS ROLE IN DEVOLUTION

- a) Finance Commission- Constitution, Responsibilities and Functions- CAA Debates on role of Finance Commission.
- b) Finance Commission and Commonwealth grants Commission- Role of Finance Commission- Distribution of tax in the divisible pool- Fiscal Grants in aids to the States.
- c) Various approaches and criteria adopted by the Union Finance Commission to devolve funds- Planning Commission as the trespass to functions of Finance Commission- Planning Commission replaced as NITI Aayog.

MODULE V - BORROWING POWER OF THE UNION AND STATES

- a) Borrowing by the Government of India- Conditions under the Constitution.
- b) Borrowing by the State Governments- Analysis of Article 293- Scope and Conditions imposed under Cl (4).
- c) Larger Architecture of regulation on State Borrowing- Finance Commission- Reserve Bank of India- Central Fiscal Responsibility legislation (Fiscal Responsibility and Budget Management Act- 2003)- State Fiscal Responsibility legislations.

MODULE VI - INTER- STATE TRADE, COMMERCE AND INTERCOURSE AND COOPERATIVE FEDERALISM INSTITUTIONS

- a) Primary object and Aim of protecting freedom of trade in two tier polity, Constitutional provisions- Article 19(1)(g) and Article 301.

- b) Restriction on legislative power of the Union and States with regard to trade and commerce- saving clause- Need for authority under Article 307.
- c) Constitutional Bodies- GST Council- Constitution, Composition, Powers, Meetings, Voting patterns, Dispute adjudication. Inter- State Council- Composition- Powers, role- Extra Constitutional Bodies- Zonal Councils under State's Reorganization Act, 1955- Organization structure, Role and Objectives, Functions, Meetings. NITI Aayog- Composition- Functions.

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LEARNING OUTCOMES

On the Completion of this course, students will

- *Appreciate the Nature, Scope and Evolution of Fiscal Federalism In India.*
- *Understand the working of federalism in India.*
- *Learner will be able to comprehend the roles played by various Planning commission in Fiscal Interstate Transfer.*
- *Students will be able to analyze the issues and problems in Indian Federalism*

PAPER - X
LAW OF PUBLIC POLICY AND GOVERNANCE
(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The overarching aim of the course is to provide students with a solid grounding in key themes of public policy and Governance as well as the practical and issue-oriented knowledge which will prepare students for their future roles as policy-makers, administrator, advisors, and analysts in governmental and non-governmental organizations. Through the core curricula of this course, students will gain a detailed and systematic understanding of how policy-making processes are shaped and influenced by both, actors and political institutions, and how public policies operate at each level of governance. Indian Constitution provides legal framework for laws and policies framed. Law provides a framework within which public policy is developed, shaped and implemented. In the Law and Public Policy module Students will explore the key ideas which underpin how legal systems work.

After undergoing the study, the student will be able to understand the following,

- *Scope, Significance and types of Public Policy.*
- *Various stakeholders' contributions in policy making.*
- *Political, Financial and popular difficulties in the implementation of policy.*
- *Analysis the policy cycle.*
- *Initiatives for Good Governance.*

COURSE OUTLINE

MODULE I - INTRODUCTION

- a) Concept of Public Policy and Governance and its relationship.
- b) Nature, Scope and Significance of Public Policy- Definition, Types of Public Policy- Regulatory, Welfare, Distributive and Re-Distributive.
- c) Stages of Public Policy making- conceptualization, Formulation, Implementation and Evaluation- Importance of Public Policy making.

MODULE II - POLICY MAKING IN INDIA

- a) Constitutional framework of Policy Making in India- Institutional factors: Legislative, Executive Judiciary, NitiAayog, National Development Council, etc. and other forces in Policy Making.
- b) Public opinion, Political Parties, Non- Governmental agencies, Think tanks, Interest groups and Pressure Groups, Mass Media, Social Movements.
- c) External influencing agencies- UNDP, WHO, UNEP, World Bank, IMF etc in Public Policy making.

MODULE III - POLICY IMPLEMENTATION

- a) Public Policy delivery agencies and Implementations- Role of Governmental agencies in Policy Implementation.
- b) Need of Private and scientific agencies for implementation.
- c) Problems in Public Policy Implementation: Conceptual, Political and Administrative Problems, Conditions for Successful Implementation.

MODULE IV - POLICY IMPACT AND EVALUATION

- a) Meaning of Policy Impact and its importance.
- b) Dimensions of Policy Impact- Assessment of Policy Impact and feedback.
- c) Policy Evaluation: Role, Process and Criteria, Types of Evaluation, Evaluating Agencies – Problems and Dilemmas in Policy Evaluation

MODULE V - PUBLIC POLICIES

- a) Case study- Population Policies, Education Policies,
- b) Environmental Policies, Health Policies,
- c) Public Accountability Policies, etc.

MODULE VI - DEMOCRACY AND GOVERNANCE CONCEPTS

- a) Democracy – Types of Democracy: Direct and Representative.
- b) Basic Principles of Democracy: Pluralism, Citizenship and Respect for Human Rights- Federalism- working of federal system in India.

- c) Governance: Meaning and Features - Government and Governance – Theories of Governance: Rational Choice, Systems and New Institutionalism- Good Governance - Features of Good Governance.

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LEARNING OUTCOMES

- *The learner will understand the nature and meaning public policy and its importance of public policy.*
- *Learner will be able to comprehend the roles played by various agencies in public policy making and implementation.*
- *Students will be able to list the political, financial and popular difficulties in the implementation of policy.*
- *Students will be able to analyze the cycle of selected public policies.*
- *On successful completion of the course, learner will describe the initiatives for good governance.*

PAPER - XI
PUBLIC SERVICE LAW: COMPARATIVE CONSTITUTIONAL
JURISPRUDENCE

(Generic Elective Paper)

OBJECTIVES OF THE COURSE

The service law jurisprudence in the country, owed its major growth from the English and American development is a recognized fact. Civil servants constitute a separate species of the labour force in India and are given rights as well as liabilities under the Constitution. Inevitably, the constitutional dimensions of these rights and obligations are to be studied in this course. The laws and regulations relating to their recruitment and promotion, conditions of service and the dispute settlement mechanisms form important components of the study. This course also contains Special Category Services such as Judicial Services, the Supreme Court and High Court Personnel and All India Services.

After undergoing the study the student will be able to understand the following:

- *To understand the historical, constitutional and legal framework governing the civil service in India.*
- *To understand the problems that civil servants are facing in service.*
- *To discuss the recruitment and promotion, conditions of service and the settlement of disputes over service matters.*
- *To familiar with Special Category Services such as Judicial Services, the Supreme Court and High Court personnel and All India Services.*

COURSE OUTLINE

MODULE I - CIVIL SERVANTS AND CONSTITUTIONAL DIMENSIONS

- a) Civil Servants and the Fundamental Rights - Historical and Comparative Perspectives - Equality and Protective Discrimination: Principles and Practices.
- b) Service Regulations - The Constitutional Bases - Formulation of Service Rules – Doctrine of Pleasure - Limitations on Doctrine of Pleasure.
- c) Opportunity of being heard and its exceptions.

MODULE II - RECRUITMENT AND PROMOTION

- a) Central and State agencies for Recruitment (UPSC & SPSC).
- b) Union Public Service Commission - Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.
- c) State Public Service Commission - Jurisdiction, Qualification, Functions, Immunities, Consultation with Commission.

MODULE III - CONDITIONS OF SERVICE

- a) Pay, Dearness Allowance and Bonus: Machinery for fixation and revision, Pay Commission.
- b) Social Security: Provident Fund, Superannuation and Retiral benefits, Medicare, Maternity benefits, Employment of children of those dying in harness, Compulsory insurance.
- c) Kinds of leave and conditions of eligibility - Civil and Criminal immunities for action in good faith.

MODULE IV - CIVIL SERVICE: AMALGAM OF PRINCIPLES, COMPROMISES AND CONFLICTS

- a) Neutrality - Commitment dilemma, Permanency, Expertise and Institutional Decision Making.
- b) Relaxation of Age and Qualification in Recruitment, Spoils System, Seniority-cum Merit Recruitment and Promotion - Frequent transfers, Education of Children, Housing and Accommodation.
- c) Civil Service and Politics, Politicization of government servants organization and inter-union rivalry

MODULE V - SPECIAL CATEGORIES OF SERVICES

- a) Judicial services: Subordinate Judiciary - Judicial officers and servants: Appointment and Conditions of Service.
- b) Officers and Servants of the Supreme Court and the High Courts: Recruitment, Promotion, Conditions of Service and Disciplinary Action.
- c) All India Services: Objects, Regulation of Recruitment, Conditions of Service and Disciplinary Proceedings.

MODULE VI - SETTLEMENT OF DISPUTES OVER SERVICE MATTERS

- a) Departmental remedies: Representation, Review, Revision and Appeal - Remedy before the Administrative Tribunal:
- b) Judicial Review of Service Matters – Jurisdiction of the Supreme Court and High Courts.
- c) Comparative Position in England, United States and France.

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LEARNING OUTCOMES

After completion of the course the students will be able to-

- *Analyze the historical, constitutional and legal framework governing the civil service in India.*
- *Highlight and critically analyze the problems that civil servants are facing in service.*
- *Examine the recruitment and promotion, conditions of service and the settlement of disputes over service matters.*
- *Identify the Special Category Services such as Judicial Services, the Supreme Court and High Court personnel and All India Services.*
- *Evaluate the latest developments and issues in the field of Service Law.*
