



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

COMMON PAPERS

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

LL.M SYLLABUS

COMMON PAPERS FOR ALL DEPARTMENTS

COMMON PAPERS – 06

1. Legal Education and Research Methodology
2. Judicial Process
3. Constitutional Law: The New Challenges
4. Law and Social Transformation in India
5. Ability Enhancement Compulsory Courses (AECC)
6. Skill Enhancement Courses (SEC)

COMMON PAPER - I

LEGAL EDUCATION AND RESEARCH METHODOLOGY

OBJECTIVES OF THE COURSE

Globalization has called upon the law to execute numerous responsibilities in society and lawyers are expected to act as change agents and social engineers in governance and development. If law is a tool for social engineering and social control, it should be studied in the social content. This means integrating law subjects with social and behavioural sciences. This would enable the lawyer to solve problems in socially acceptable ways and assist in developing public. A post-graduate student of law should get an insight into the objectives of legal education. The LL.M course, being intended to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The pedagogy and andragogy method both at LL.B level and LL.M level has to be exposed to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner that brings an obligation to imbue future generations with an understanding of and appreciation for the rule of law, judicial system, and the role of a profession.

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

- To meet ever-growing demands of the society and be thoroughly equipped to cater to the complexities of the different situations.*
- To impart appropriate professional training to produce efficient lawyers.*
- To inculcate law students with the operative legal rules both substantive and procedural.*
- Equip the student with the necessary theoretical and practical skills to deal with the diverse and expanding world of legal practice.*

COURSE OUTLINE

MODULE I - LEGAL EDUCATION

- Aims and objectives of legal education
- Legal education and social change - Educational administration and infrastructure of law school

- c) Agencies of legal education - Legal education and special role of BCI - Challenges in Legal Education System

MODULE II - LEGAL PEDAGOGY AND RESEARCH

- a) Methods of Teaching, Evaluation and Supervision
- b) Legal Profession and Social Justice- Constitutional Philosophy of Social Justice- Obstacles and Impediments
- c) Ideas of Justice and Justice Education- Shift from Legal Education to Justice Education- Clinical Legal Education

MODULE III - GLOBALIZATION OF LEGAL EDUCATION

- a) Impact of Globalization on Legal Profession- Promotion of Exciting Research Frontier
- b) Global Curriculum and Programme- Global Faculty and Collaboration
- c) Ethical Implications of Globalization of Legal Profession- Standards of Professional Conduct and Etiquette- Comparative Legal Education

MODULE IV - TRANSFORMING LEGAL EDUCATION - INFORMATION AND COMMUNICATION TECHNOLOGIES

- a) Importance of ICT in Education
- b) ICT in Legal Education- Problems Associated with ICT use
- c) Application of ICTs in Legal Education- Electronic Books- E-Journals- Electronic Legal Data Bases

MODULE V - RESEARCH METHODOLOGY

- a) Doctrinal Research methods - Variations, Criticism, Refining the topic and planning the project
- b) Socio-legal studies: research methods, Researching tribunals from a socio-legal perspective, Policy-oriented research on tribunals, Curiosity-driven empirical socio-legal research
- c) Juristic writing – Literature review – Software Applications used in Legal Research.

MODULE VI - EMPIRICAL LEGAL RESEARCH

- a) Empirical Research-Research Design-Research Questions-Measurement: Measuring concepts, evaluation Measures and Measurement Methods.

- b) Collecting Data: Identifying the Target Population-Sampling and Statistical Inference-
Tools for Data Collection.
- c) Coding Data: Developing Coding Schemes.

MODULE VII - ANALYSIS AND INTERPRETATION OF DATA

- a) Analyzing Data - Summarizing Data – Variables - Tools for Summarizing Variables –
Displays - Descriptive Statistics
- b) Statistical Inference - The Logic of Statistical Inference - Confidence Intervals -
Hypothesis Testing - Cross-Tabulation and Tests for Tables
- c) Regression Analysis – Lines and Linear Relationships – Statistical Inference –
Introduction to SPSS

MODULE VIII - COMMUNICATING DATA AND RESULTS

- a) Communicating and Visualizing Data and Results
- b) Strategies for Presenting Data and Statistical Results
- c) Communicating Data and Presenting Results

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. Berelson B. : Content Analysis in Communication Research.
2. Beveridge WIR-Art of Scientific investigation.
3. Black & Champion-Research Methodology.
4. C. M. Coroll and Frederic Coroll : Methods of Sociological Research.
5. Campbell, Fox Kentey-Students guide to Legalwriting.

INDIAN JOURNAL OF SOCIAL WORK:

1. Qualitative research design : A interactive approach Maxwell, Joseph A, Sage
Publication, New Delhi, 1996.
2. Participatory research and evaluation : experiment in research as a process of liberation-
Fernandes Walter, Rajesh Tandon. Indian Social Institute, New Delhi, 1956.
3. Doing legal research : A guide for social scientists and mental health professionals,
Morris Roberta, Sales Bruce D, Shuman Daniel W. Sage Publication, London.

4. Research Methodology: A step by step guide for beginners-Kumar Ranjit, Sage Publication, London, 1996.
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JOURNALS/ ARTICLES

1. A.S. Anand, “Legal Education in India - Past, Present and Future”, 3 *SCC (Jour.)* 1 (1998).
2. A.Lakshminath, “Legal Education, Research and Pedagogy – Ideological perceptions”, *Journal of Indian Law Institute*, Volume 50:4, 2008
3. Wexler D.B and Winick B.J., “Essays in Therapeutic Jurisprudence”, by American Psychological Association available at <https://psycnet.apa.org/record/1991-98773-000>.
4. Norman J. Finkel, “Commonsense Justice, Psychology and the Law: Prototypes that are common, senseful, and not” *Journal of Psychology, Public Policy and Law*, Volume 3, No.2-3, pp.461-489 available at <https://doi.org/10.1037/1076-8971.3.2-3.461>.
5. D.C. Mukherjee, “Practical Side of Law Teaching”, 2 *Journal of Bar Council of India*, 1973.

FURTHER READING:

BOOKS

1. S.K. Sharma, “Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients”
2. S.S. Sharma, “ , Deep & Deep Publications, New Delhi, 1993.
3. David J. McQuoid-Mason (Ed.), “*Legal Aid And Law Clinics In South Law*”, Howard College, University of Natal, 1985.
4. P.L. Mehta, Sushma Gupta, “Legal Education and Profession in India” (2000).
5. Sigmund Freud, “The Essentials of Psycho-Analysis”, Vintage Classics. U.K
6. Jain S. N. : Legal Research and Methodology.
7. N. R. Madhava Menon (ed.) *A Handbook of Clinical Legal Education* (1988), Eastern Book Company, Lucknow.
8. S. K. Agrawal (Ed.), *Legal Education in India* (1973), Tripathi, Bombay.
9. Erwin C. Surrency, B. Fielf and J. Crea, *A Guide to Legal Research* (1959).
10. Festinger L. and Katz, Daniel : *Research Methods in the Behavioural Sciences*.

JOURNALS / ARTICLES

1. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All India Law Teachers Association, 1968.
2. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 Clinical Law Review 307 (2000- 2001).
3. Ralph Underwager&Hollida Wakefield, "Poor Psychology produces Poor Law", Journal of Law and Human Behaviour, 1992, Volume 16 No.2, pp.233-243 available at <https://doi.org/10.1007/BF01044800>.
4. Frank J. Macchiarola, "Teaching in Law School: What are we doing and what more has to be done?" 71 1994.
5. "Institutionalizing A Social Justice Mission for Clinical Legal Education: Cross-National Currents From India And The United States", 13 Clinical Law Review 165 (2006-2007).
6. Frank S.Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", Mic. J. Int'l. L. (1990).
7. JagatNarain, "Legal Aid - Litigational or Educational: An Indian Experiment", 28 JILI (1986).
8. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience, 2 Clinical Law Review 167 (1995).
9. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L. REV. 1461 (1997-1998).
10. Krishna Iyer, "Professions for the People: A Third World Perspective", XXII IBR (1995).

REPORTS

1. American Bar Association, "Section of Legal Education and Admissions to the Bar, Legal Education and Profession Development - An Educational Continuum", Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, (ABA 1992). Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, "Report of Expert Committee on Legal Aid :Processual Justice to the People" (1973).

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3. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, “Report on National Juridicare: Equal Justice - Social Justice”(1977)
4. Law Commission of India, 14th Report on Reform of Judicial Administration” (1958).
5. Law Commission of India, 184th Report on The Legal Education and Professional Training and Proposal for Amendments to the Advocates Act 1961 and the University Grants Commission Act, 1956”.

COMMON PAPER – II

JUDICIAL PROCESS

OBJECTIVES OF THE COURSE

The Constitution, a living document is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. This course aims to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving political principles of governance in the comparative aspects. Another objective of this paper is the study comparative view of how the Judiciary manages itself for its effective productive results.

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

- *Nature of Judicial Process and its techniques.*
- *Role of Judges as Policy makers and as participants in evolving political principles of governance.*
- *Comparative aspects of Judicial Management and Administration.*
- *Legal progression and creativity through legal reasoning under statutory and codified systems.*

COURSE OUTLINE

MODULE I - NATURE OF JUDICIAL PROCESS

- a) Judicial process: Inquiry- Law, Justice, Ethics and Morality.
- b) Components of Legal Reasoning- Deductive, Inductive, Analogy and dialectical reasoning
- c) The tools and techniques- Judicial Polymics, Judicial Axiology.

MODULE II - DIMENSIONS OF JUDICIAL PROCESS

- a) Methods of interpretation- Constitutional Interpretation, Statutory Interpretation in Civil and Common Law Countries.
- b) Concept of Judicial Review, Judicial Activism and Judicial Self Restraint.
- c) Judicial Accountability, Transparency and Independence- Bangalore Principles

MODULE III - JUDICIAL PROCESS IN INDIA

- a) Structure of Judicial System in India- Alternative adjudication- Nyaya Panchayats
- b) Judicial Process and PIL/ Social Action Litigation and Development.

- c) Judicial Policy Making- Evolution of Doctrines and Principles-Brandies Brief, Jurimetrics.

MODULE IV - JUDICIAL PROCESS IN CONSTITUTIONAL AMENDMENT

- a) Doctrine of Prospective overruling- Colorable legislation- Harmonious interpretation.
- b) Doctrine of Basic Structure Theory and Recent its Developments
- c) Constitutional Amendment position in America.

MODULE V - JUDICIAL PROCESS IN USA

- a) Judicial Structure in USA- Jury System
- b) Due Process of Law- Judicial Review and American Democracy- the classic debate.
- c) Independence of Judiciary as aspect of Separation of Powers.

MODULE VI - JUDICIAL PROCESS IN UK

- a) Parliamentary Sovereignty and Judicial Supremacy- English Version of Judicial Review- Interpretation of Statues and Constitution by Judiciary.
- b) Common Law and Doctrine of Precedent.
- c) Fusion of Powers v. Separation of Power.

MODULE VII - JUDICIAL MANAGEMENT

- a) Case Management System in UK, USA, Australia and India- Master of Roaster in India.
- b) Lord Woolf's Report on "Case Management" (UK)- Australian Law Reform Commission on "Judicial and case Management" –
- c) National Case Management System (NCMS) in India- E- Courts- Court Manager.

MODULE VIII - JUDICIAL ADMINISTRATION

- a) Selection and Appointment of Judges- Transfer- manpower and Planning including finance.
- b) JIA- Mounting arrears and the reasons.
- c) Work load- Patterns of Court Management- Law Commission Recommendation.

BIBLIOGRAPHY

RECOMMENDED READING:

BOOKS

1. A. Lakshminath, "Precedent in Indian Law: Judicial Process" EBC Publication (2009).

2. Aharon Barak, *The Judge in a Democracy* (Princeton University Press, 2008).
3. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2003).
4. Bernard C. Gavit, Ralph F. Fuchs, *Cases and Materials on an Introduction to Law and the Judicial Process* (1952).
5. Mauro Cappellletti, *The Judicial Process in Comparative Perspective* (Clarendon Press: Oxford, 1989).

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1. P. Puneeth, "Independence of Judiciary: In Search of Conceptual Clarity" 3 *Jindal Global Law Review* 87 (September 2011)
2. S. P. Sathe, "India: From Positivism to Structuralism" in Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006)
3. Upendra Baxi, "The Avatars of Indian Judicial Activism: Explorations in the Geographies of [In] justice" in S.K. Verma and Kusum (ed.), *Fifty Years of the Supreme Court of India: Its Grasp and Reach* (OUP, 2001).
4. David A. Nelson, "The Nature of Judicial Process Revisited" 22 *N. Ky. L. Rev.* 563 (1994 – 1995).
5. Thomas R. McCoy, "Logic vs. Value Judgment in Legal and Ethical Thought" 23 *Vand. L. Rev.* 1277 (1969 – 1970).

FURTHER READING:

BOOKS

1. Sudhanshu Ranjan, *Justice, Judocracy and Democracy in India: Boundaries and Breaches* (Routledge, 2012).
2. Upendra Baxi, *Courage, Craft and Contention: The Indian Supreme Court in the Eighties* (1985)
3. Shimon Shetreet and Christopher Forsyth, *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (MartinusNijhoff Publishers, 2011).
4. Rupert Cross, J W Harris, *Precedent in English Law* (Clarendon Law Series, 1991).
5. Rajeev Dhavan and Alice Jacob, *Selection and Appointment of Supreme Court Judges: A Case Study* (1978).
6. P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (2004).

7. Dr. Vijay Chitnis, *Judicial Process* (2013)
8. Cardozo, *The Nature Of The Judicial Process* (1921)
9. K.L. Bhatia, *Judicial Review and Judicial Activism* (1997)
10. Henry J. Abraham, *The Judicial Process* (1997)

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1. Arthur T. Von Mehren, *The Judicial Process: A Comparative Analysis*, *The American Journal of*
2. Dr. Justice B.S. Chauhan, *The Legislative Aspect of the Judiciary: Judicial Activism and Judicial Restraint*, *Tamil Nadu State Judicial Academy Journal*.
3. M. P. Singh, "Securing The Independence of the Judiciary-The Indian Experience", *Indiana Law Review*.
4. S.P Sathe "Judicial Activism: The Indian Experience" *Washington Journal of Law and Policy*, 2001.
5. Arthur L. Corbin, "The Judicial Process Revisited: Introduction" 71 *Yale L. J.* 195 (1961 – 62).
6. *Introduction to action research*, Greenwood, davydd J. Levin, Morten, sage Publication, London, 1998.
7. *Methodology in social research : Dilemmas and perspective essays in honour of R. Mukharjee*, Sage Publication, New Delhi, 2000.
8. Justice RanganathMisra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 *SCC Jour.* (1995).
9. MadhavaMenon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, *IBR* (1995).
10. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Book review) 19 *J.I.L.I.* (1977).

CASES FOR GUIDANCE

1. *Marbury v. Madison* 5 U.S. 137.
2. *The State of Madras v. SrimathiChampakamDorairajan* 1951 AIR 226.
3. *Indira Nehru Gandhi vs Shri Raj Narain&Anr* 1975 AIR 2299.
4. *D.M. Jabalpur v. S. Shukla* (1976) 2 *SCC* 521.
5. *Mohd. Admed Khan v. Shah Bano Begum* AIR 1985 SC 945.
6. *Olga Tellis v. Bombay Municipal Corporation* 1985 *SCC* (3) 545.

7. I.R Coelho and State of Tamil Nadu AIR 2007 SC 861
8. Aruna Ramachandra Shanbaug v. UOI (2011) 4 SCC 454.
9. Lily Thomas and Union of India (2013) 7 SCC 653.
10. Hussainara Khatoon (I) v. UOI.
11. M.C. Mehta v. Union of India A.I.R. 1987 S.C. 1086
12. Bandhua Mukti Morcha v. Union of India, AIR 1984 S C 802
13. Nandini Satpathy v. P.L. Dani A.I.R. 1978 S.C. 1025
14. M.H. Hoskot's case A.I.R. 1978 S.C. 1548.
15. Hussainara Khatoon's case A.I.R. 1979 S.C. 1377
16. Francis Coralie Mullin v. Administrator, Union Territory of Delhi A.I.R. 1981 S.C. 746
17. Vishaka v. State of Rajsthan (AIR 1997 SC 3011)
18. M.C. Mehta v. State of T.N., AIR 1997 S C 699
19. Sunil Batra v. Delhi Administration 1980 Cri.L.J. 1099.
20. Bhim Singh v. State of Jammu and Kashmir, 1985 (4) SCC 677

LEARNING OUTCOMES

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

- *Critically analysis the judicial creativity in the process of social ordering.*
- *Recognize the role of the judges as policy makers.*
- *Under the role of Judge in Democracy.*
- *Understand the intricacies of judicial creativity and judicial law making. Compare and Analysis the different methods of Judicial and Case management systems.*

COMMON PAPER - III

CONSTITUTIONAL LAW: THE NEW CHALLENGES

OBJECTIVES OF THE COURSE

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

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

- *The profound influence of the Indian Constitution through Preamble.*
- *The combination of Rigidity and Flexibility.*
- *People as the source of Authority.*
- *The impact of the Indian Constitution on Judicial Independence.*

The following syllabus prepared with this perspective will be spread over a period of one semester.

COURSE OUTLINE

MODULE I - FEDERALISM

- a) 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
- b) Centre's responsibility and internal disturbance within States - Directions of the Centre to the State under Article 356 and 365
- c) Federal Comity: Relationship of trust and faith between Centre and State - Special status of certain States - Tribal Areas, Scheduled Areas

MODULE II - CONCEPT OF "STATE" AND "EQUALITY"

- a) Need for widening the definition in the wake of liberalization
- b) Right to equality: privatization and its impact on affirmative action.
- c) Judicial expansion of "State" and "Equality"

MODULE III - FUNDAMENTAL RIGHTS, DIRECTIVE PRINCIPLES OF STATE

POLICY & FUNDAMENTAL DUTIES

- a) Freedom of press and challenges of new scientific development - Freedom of speech and right to broadcast and telecast - Right to Strike, Hartal and Bandh.
- b) Emerging regime of new rights and remedies - Reading Directive Principles and Fundamental Duties into Fundamental Rights.
- c) Empowerment of women.

MODULE IV - COMMERCIALIZATION OF EDUCATION

- a) Brain drain by foreign education market
- b) Right of Minorities to establish and administer educational institutions and state control.
- c) New Education Policy – Current challenges and proposal for reforms

MODULE V - JUDICIAL INDEPENDENCE

- a) Judicial activism and judicial restraint – Judicial independence - Appointment, transfer and removal of judges – Tribunals.
- b) PIL: implementation
- c) Compensatory Jurisprudence.

MODULE VI - SEPARATION OF POWERS

- a) Doctrine of Separation of Powers - Stresses and Strains
- b) Accountability: executive and judiciary
- c) Latimer House Principles

MODULE VII - SECULARISM

- a) Religious Fanaticism
- b) Essentials and Non-Essentials of Religious Freedom
- c) Transjudicialism of secular principles.

MODULE VIII - DEMOCRATIC PROCESS

- a) Election – Election Commission: Status – Electoral Reform Law
- b) Coalition government, 'stability, durability, corrupt practice'
- c) Nexus of politics with criminals and the business – Grass root democracy

Note:

No specific literature is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

COMMON PAPER - IV

LAW AND SOCIAL TRANSFORMATION IN INDIA

OBJECTIVES OF THE COURSE

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

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

- *The interdependence of the law with other social systems.*
- *That law is the reflection of the will and wish of the society.*
- *That law is binding because most people in society consider it to be.*
- *The role of law in transformation of the society.*

The following syllabus prepared with this perspective will be spread over a period of one semester.

MODULE I - LAW AND SOCIAL CHANGE

- a) Law as an instrument of social change
- b) Law as the product of traditions and culture
- c) Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

MODULE II - RELIGION AND THE LAW

- a) Religion as a divisive factor – Secularism as a solution to the problem – Reform of the Law on secular lines: problems and perspectives
- b) Freedom of religion and non-discrimination on the basis of religion
- c) Religious minorities and the law.

MODULE III - LANGUAGE AND THE LAW

- a) Language as a divisive factor: Formation of linguistic states - Constitutional guarantees to linguistic minorities.

- b) Language policy and the Constitution: Official language; multi-language system
- c) Non-discrimination on the ground of language.

MODULE IV - COMMUNITY AND THE LAW

- a) Caste as a divisive factor - Non-discrimination on the ground of caste - Acceptance of caste as a factor to undo past injustices.
- b) Protective discrimination: Scheduled castes, tribes and backward classes
- c) Reservation, Statutory Commissions, Statutory provisions.

MODULE V - REGIONALISM AND THE LAW

- a) Regionalism as a divisive factor - Concept of India as one unit - Right of movement, residence and business; impermissibility of state or regional barriers.
- b) Equality in matters of employment: the slogan "Sons of the soil" and its practice
- c) Admission to educational institutions: preference to residents of a state.

MODULE VI - WOMEN & CHILDREN

- a) Crimes against women - Gender injustice and its various forms.
- b) Women's Commission - Empowerment of women: Constitutional and other legal provisions.
- c) Child Labour - Sexual exploitation - Adoption and related problems - Children and education.

MODULE VII - MODERNIZATION AND THE LAW

- a) Modernization as a value: Constitutional perspectives reflected in the Fundamental Duties - Modernization of social institutions through law - Reform of family law - Agrarian reform - Industrialization of Agriculture.
- b) Industrial reform: Free enterprise v. State regulation - Industrialization v. environmental protection.
- c) 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 Decentralization and Local Self- Government.

MODULE VIII - ALTERNATIVE APPROACHES TO LAW

- a) The Jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave, Jayaprakash Narayan - Surrender of dacoits; concept of Grama Nyayalayas.
- b) Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
- c) Indian Marxist critique of law and justice - Naxalite movement: causes and cure.

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RECOMMENDED READING:

BOOKS

1. Marc Galanter (ed.), 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, Vikas Publishing House Pvt Ltd, New Delhi, 1982.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. U.Baxi, Towards A Sociology of Indian Law, Satvahan, 1986.
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7. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000)
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FURTHER READING:

BOOKS

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2. Sharyn L. Roach Anleu, Law and Social Change, Sage Publications, 2000
3. ElizabethKolsky, Colonial Justice in British India, White Violence and Rule of Law, Cambridge University Press, 2010,
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5. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford
6. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
7. M.N. Srinivas, Social Change in Modern India, Orient Longman India, 2000
8. William Gould, Hindu Nationalism and the Language of Politics in Late Colonial India, Cambridge University Press, 2004
9. Sage Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
10. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India

CASES FOR GUIDANCE

Cases such as ‘**Nirbhaya**’ which have had significant impact in the society, where the common was talking how the law must be, what kind of punishment must be imposed.

1. Vishaka v State of Rajasthan 1997
2. Sharaya Bano v Union of India 2017
3. Shankari Prasad v Union of India 1951
4. Golak Nath v State of Punjab 1967
5. Keshvananda Bharti v State of Kerela 1973
6. Minerva Mills v UOI 1980
7. AK Gopalan v State of Madras 1950
8. Maneka Gandhi v UOI 1978
9. K. Puttuswamy v UOI 2017
10. M.R. Balaji v State of Mysore 1962
11. Indira Sawhney v Union of India 1993
12. Ajit Singh v State of Punjab 1999
13. M. Nagraj v Union of India 2006
14. Ashok Thakur v Union of India 2008
15. Mohini Jain v State of Karnataka 1992
16. Unni Krishnan J.P. v. State of Andhra Pradesh 1993
17. L. Chandra Kumar v UOI 1997
18. Waman Rao v Union of India 1981
19. Gian Kaur v State of Punjab 1996
20. Aruna Shanbaug v UOI 2011

LEARNING OUTCOMES

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

- *Understanding the importance of Law as an instrument of Social Change.*
- *Understanding that law is a product of traditions and culture.*
- *Understanding the common law system and institutions in India.*
- *Understanding the development of law and legal institutions in India.*

ABILITY ENHANCEMENT COMPULSORY COURSES (AECC)

2 CREDITS

COMPULSORY FOR ALL COURSES

APPLIED RESEARCH METHODOLOGY (FIELD BASED RESEARCH)

OBJECTIVES OF THE COURSE

Legal Research is the process of identifying and retrieving information necessary to support legal decision-making. It begins with an analysis of the facts of a problem and it concludes with the results of the investigation. Legal research skills are of great importance for lawyers to solve any legal case, regardless of area or type of practice. The most basic step in legal research is to find a noteworthy case governing the issues in question. As most legal researchers know, this is far more difficult than it sounds.

Whether you are a Lawyer, a paralegal or a law student, it is essential that Legal research is done in an effective manner. This is where the methodology comes into play. Different cases must be approached in different ways and this is why it is important to know which type of legal research methodology is suitable for your case and helpful for your client. Applied Legal Research is one such methodology used to find a solution to a pressing practical problem at hand. It is a straightforward practical approach to the case. It involves doing full-fledged field research work on a specific area of law followed by gathering information on all technical legal rules and principles applied and forming an opinion on the prospects of solution to the problems.

COURSE WORK

In this course the student will be asked to do a field work research in law with applied research methodology and present it to the faculty (Guide). The course will carry 2 credits. The student will earn one credit for the field work and one credit for the Viva voce conducted by the faculty.

SKILL ENHANCEMENT COURSES (SEC)

6 CREDITS

COMPULSORY FOR ALL COURSES

OBJECTIVES OF THE COURSE

Practice in Law is an ardent and noble profession. Lawyers to be so successful must have augmented skills that include presentation, advocacy, presence of mind and precise legal delivery. Lawyers need not become experts in each of these areas, but they must have a basic understanding of them. These are now tools for the lawyers. The profession is part of a broader, more diversified, and challenging profession in India. They must adapt to these because law is no longer about lawyers; it is about clients.

The "hard skills" required of lawyers are only part of their expanded profession. They must also possess "soft skills" which is equally important as hard ones. It includes emotional intelligence and an ability to communicate effectively with clients. Lawyers be a compassionate, empathetic human being and approach problem solving from the client perspective.

This course gives the right input for the post graduate student of law to acquire right amount of training to enhance the required skills to face the challenges in the court of law. In this Course the student will undergo FOUR types of training for skill enhancement. The first type is where the PG student will undergo training in teaching law to the Under Graduate programme. The second one will be a presentation of the seminar in law. The third one will be a field work which includes Fieldwork which is Subject oriented, where the student will visit Court, Forum, Tribunal, Law chamber, Academic Institutions, jail Visits, Etc. based on the field visit the fourth one, ie Viva voce will be conducted to test the knowledge acquired through the field visits. All the four components will have one credit each. Each student will earn 4 credit in this course.

Credit pattern for this course

2 credits for (Teaching)

2 credits for (Seminar)

1 credit for (Field Work)

1 credit for (Viva)

Total Credits = 6
