

Introduction of Course structure

LL.M Constitutional Law

Programme Code: ILM

Duration – 1 Year Full Time

Programme Structure

2018-2019

**AMITY LAW SCHOOL
AMITY UNIVERSITY RAJASTHAN**

LL.M –I SEMESTER

Code	Course	Category	L	T	P/FW	Credit Units
ILM 101	Research Method & Legal Writing	CC	1	1	1	3
ILM 102	Comparative Public Law/ System Of Governance	CC	1	1	1	3
ILM 103	Law And Justice In A Globalizing World	CC	1	1	1	3
SPECIALIZED BRANCH (Constitutional Law)						
ILM 104CL	Fundamental Rights, Fundamental Duties and Directive Principles of State Policy		1	1		2
ILM 105CL	Local Self Government & Federal Government		1	1		2
Total			5	5	3	13

LL.M –II SEMESTER

Code	Course	Category	L	T	P/FW	Credit Units
ILM 205	DISSERTATION				3	3
ILM 206	TUTELAGE		1			1
Specialized Branch (Constitutional Law)						
ILM 201 C.L	Centre - State Relations and Constitutional Governance		1	1		2
ILM 202 C.L	Judicial Review		1	1		2
ILM 203 C.L	Comparative Administrative Law		1	1		2
ILM 204 C.L	Minorities Law		1	1		2
Total			5	4	3	12

RESEARCH METHOD & LEGAL WRITING

Course Code : ILM 101

Credit Units : 3

Course Objectives:-

Law is a social science. Therefore principles and methodologies generally applicable to social science research are applicable in legal research also with a difference. The difference is that decided cases of different courts, legislations and their background often become the main data for analysis. Lawyers or legal researchers often try to deduct social and political facts and situations from them. This may lead to unreliable results. Hence it becomes necessary to equip a legal researcher with techniques of legal as well as social research.

Module I : Understanding About Research Methods

Scientific method of research and its limitation in social science research, Theoretical Study and empirical study (Qualitative and quantitative research), Legal Research: Socio-legal, historical and comparative analysis methods. Case law analysis in legal research: Scientific or objective method (ratio and obiter), reading a case in social, political, economic and historical background

Module II: Methodology Of Research

Literature review, Theoretical context, Hypothesis, Research problem and Research questions, Empirical research methods: Sampling and Survey

Module III: Framing A Research Proposal

Planning a Research Project/proposal, Problem Identification, Objectives of the study, Formulation of Research Design, Research Process, Problems and limitations in framing research proposal.

Module IV: Ethics In Research And Report Writing

Ethical Conundrums: Plagiarism, Types of plagiarism, Consequences of Plagiarism, Fabrication, Informed Consent, Blind Hypothesis, Codes and policies for Research Ethics. Report Writing: Steps in report writing, Components of Research Report, Kinds of research report, Precautions for writing research report

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Texts & References:

1. Legal Research Methodology, Rattan Singh, Lexis Nexis
2. Research Methodology Methods and Techniques, C R Kothari, New Age International Publishers
3. Legal Research Methodology , H N Tiwari, Commercial Books House

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COMPARATIVE PUBLIC LAW/SYSTEM OF GOVERNANCE

Course Code : ILM 102

Credit Units : 3

Course Objectives

This course is designed to examine from a comparative perspective –legal structure and concepts that are found in Constitutions across the world.

Module 1:Introduction

Concept of comparative constitutional law and importance of the study of comparative constitutional law. Federalism : Concept, nature and meaning, Quasi- federalism, Co-operative federalism.

Module 2: Governance Structure in Comparative Perspective:

Separation of powers in UK, India and USA. Parliamentary democracy in UK and Britain, Parliamentary privileges in UK and India, parliamentary supremacy in UK, Role of Queen and Indian President in comparative perspective. Powers of the two houses in comparative perspective in India, UK and USA; Role of Judiciary and Judicial review in USA and India.

Module 3: Fundamental Rights in Comparative Perspective:

Comparison of fundamental rights in India and USA. Freedom of speech and expression, freedom of press, assembly and association, freedom of religion and protection of minority rights in India, freedom of religion in USA, Freedom of Profession and trade in India and USA.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Texts & References:

1. D.D.Basu, Comparative Constitutional Law, 2nd ed., Wadhwa Nagpur, 2008,
2. Mark Tushnet, The Possibilities of Comparative Constitutional Law (1999) 108 Yale.L.J. 1225.
3. M.P. Jain, Indian Constitutional Law, 5th Ed., Wadhwa, Nagpur, 2003.
4. V.N Shukla's Constitutional Law, (11th Ed.) Eastern Book Company.
5. Reimann, Mathuas and Zimmermann, Reinard, The Oxford Handbook of comparative Law, OUP, Oxford, 2006
6. Michael Burgess, Comparative Federalism, Theory and Practice, Routledge, NewYork, 2006.
7. Vicki C. Jackson and Mark V. Tushnet, Comparative Constitutional Law, Foundation Press.
8. M.V. Pylee – Constitutions of the world I,II. Universal law Publication Co.
9. M.V. Pylee – Selected constitutions of the world II Edition. Universal Law Publication co.

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10. Vishanu Bhagwan Vidiya Bhushan Worlds Constitutions a comparative study IX edition Sterling Publisher PVT. Ltd.
11. K.C. Wheare – Modern Constitution – Oxford University Press(1964)
12. Barendt. E.M. An introduction to Constitutional Law; Oxford University Press
13. Cane, Peter; Administrative Law; Oxford University Press
14. Finer, S.E. Comparative Government; Penguin Books.
15. Loughlin, Martin; The Idea of Public Law; Oxford University Press
16. K.C. Wheare – Federal Government; Oxford University Press IInd Edition (1966)

LAW AND JUSTICE IN A GLOBALIZING WORLD

Paper Code: ILM 103

Credit: 03

Course Objectives:

The main objectives of this course is to acquaint the students with historical background on the Law and Justice in the Globalized world & to understand the importance and interface of justice delivery system with the statutory and regulatory framework. Besides this to facilitate an understanding of the politics behind such legal framework and the emerging public policies concerning this field.

Module: I

Concept of law, Concept of Global Justice, Cosmopolitanism, Global distributive justice, Impact of Globalization in Judicial Process, Administration of Justice(Theories of Punishment).

Module : II

Globalization and Free Market: Natural Resources, Environment, Displacement for Development, Problem of Unemployment

Module : III

Globalization: Meaning, Reach and Form, Social, Political, and Economic Dimensions of Globalization, Impact of globalization on Human Rights and Trade Law, Impact of Globalization on Federalism and Democratic Law Making.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Suggested Readings

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006)
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
4. David Held, A Globalizing World? Culture, Economics, Politics (2004).

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**FUNDAMENTAL RIGHTS, FUNDAMENTAL DUTIES AND DIRECTIVE
PRINCIPLES OF STATE POLICY**

Specialization: Constitutional Law

Course Code: ILM 104 C.L

Credit-02

Course Objective

The Fundamental Rights, Directive Principles of State Policy and Fundamental Duties are sections of the Constitution of India that prescribe the fundamental obligations of the State to its citizens and the duties of the citizens to the State. Through this paper, relation between these will be discussed and also it will be shown that what is relevancy of Fundamental Rights, Fundamental Duties and Directive Principles of State Policy in interpretation of fundamental right.

Module 1: Concept of Fundamental Rights and Relation with Natural Rights

- i. Enforcement of Fundamental Rights
- ii. Definition of 'State' - Rights against state
- iii. Rights against non-state actors
- iv. Is there need to enlarge the definition of State?
- v. Reasonableness Test and Strict Scrutiny Test
- vi. Rights Test and Essence of Rights Test

Module 2 : Compensatory Jurisprudence

- i. Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights
- ii. Constitutional Torts
- iii. Remedies against Violation/Threat of Violation of Fundamental Rights
- iv. Significance of Directive Principles of State Policy and their Unenforceability
- v. Significance and Importance of Fundamental Duties
- vi. Use of DPSP and Fundamental Duties in Interpreting Fundamental Rights.

Examination Scheme

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Recommended Readings:

- I. H.M. Sheervai, Indian Constitution Of Law (Three Volumes)
- II. M.P. Jain, Constitution Law Of India (2008), Tripathi, Bombay
- III. D. D. Baus Commentaries Of Indian Constitution
- IV. Latest Judgments Of Supreme Court
- V. Comparative Constitutional Law, D.D. Basu, Lexis Nexis
- VI. Select Constitution, Anup Chand Kapur, K.K. Mishra, S. Chand
- VII. Legal System In The World, Dr. S.R. Myneni, Asia Law House
- VIII. Select Constitutions Of World, M .V. Pylee, Universal Law Publishing
- IX. A.C. Kapoor, Seluth Constitution
- X. Prabhu Datta Sharma, Vishwa Ke Pramukh Samvidhan

LOCAL SELF GOVERNMENT & FEDERAL GOVERNMENT

Specialized Branch (Constitutional Law)

Course Code: ILM 105 CL

Course credit: 02

Course Objective

With the introduction of the Constitution seventy third and seventy fourth amendments, India is moving towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formulation of new and pragmatic working methods

Module 1: Local Self-Government

- i. Federalism in India and Local Self Government
- ii. Evolution of Local Self Government in India
- iii. Gram Swaraj: the Gandhian concept
- iv. Concept of Sarvodaya
- v. 73rd and 74th Constitutional amendments
- vi. Subject matters of 11th and 12th Schedule of the Constitution of India
- vii. The Balvant Rai Mehta committee report
- viii. The Sarkariya Commission report

Module 2 Rural local and Urban local self government

- i. Rural local self government: Meaning and its significant
- ii. Organization of Rural local self government
- iii. Powers and functions of Rural local self government
- iv. Urban local self government: Meaning and significant
- v. Organization of Urban local self government
- vi. Powers and function of Urban local self government
- vii. Women's reservation in local self government and its effects
- viii. Finance and Local self Government..

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Examination Scheme

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Recommended Readings:

- i. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
- ii. Dicey, Introduction to the Law of the Constitution,
- iii. Indian Law Institute, Government Regulation of Private
- iv. Dicey, Introduction to the Law of the Constitution,
- v. Ivor Jennings, Law and the Constitution

LL.M – II Semester

DISSERTATION

Course Code: - ILM 205

Credit Units: - 3

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TUTELAGE

Course Code : ILM 206

Credit Units : 1

Course Objectives:-

- 1 To enhance research and teaching capability
- 2 In depth study of the topic concerned to solve the students query
- 3 To develop confidence and also communication skills / presentation skills

Rules

1. The study material (prepared by student) has to be submitted to the concern faculty on the same day of presentation. Lecture notes will be kept as record and will be included in evaluation.
2. Each class will be calculated separately and will be of 10 marks each and will be included for final evaluation.
3. Each student will undergo 14 classes in total. Best 10 classes will be considered for scoring. The marking will be calculated accordingly.
4. Mode of teaching can be lecture method / PPT method.
5. Every Student will be given four days time for preparation(approx).
6. Schedule of the student class and faculty allotted will be intimated on every Friday for next week.
7. Student may take guidance from faculty member for further improvement.
8. If a student fails in tutelage program, he / she have to repeat the same in next semester only along with the subsequent batch since in supplementary exam it is not possible to conduct tutelage classes.
9. In case of ill health of the faculty / student, student needs to do mutual arrangement for the class session after informing the coordinator. If the student does not report even after being informed earlier, he'll be marked absent and no marks will be allotted for that class.

Examination Scheme

Components	EE	10 classes
Weightage (%)	100	10 (per class)

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CENTRE - STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE
Specialized Branch (Constitutional Law)

Course Code: ILM 201 CL

Credit-02

Course Objective

- To acquaint the student with centre state relations in India
- To acquaint them with role of Niti Aayog and Finance Commission
- To understand the co-operative federalism

N.B.: Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia, Canada and India

Module I: Scheme of Distribution of Legislative, Administrative and Fiscal Powers:
General Scheme of Distribution of Powers, Restrictions and Factors responsible for according paramount to the Centre. Distribution of Tax, Revenue and Financial Equilibrium Freedom of Trade and Commerce

Module II: Niti Aayog and Finance Commission.
Constitution, Function, Role and Work of the Aayog & Commission.

Module III: Co-operative Federalism :
Development from Competitive to Co-operative Federalism -Emerging Trends, Full Faith and Credit Clause, Inter-State Council, Zonal Councils, Inter-State Water Disputes, National Integration Council.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Recommended Books:

- 1) K.C. Wheare - Federal Government (4th Ed. 1963)
- 2) D.T. Lakadawala _ Union State Financial Relations (1967).
- 3) M.P. Jain - Indian Constitutional Law (1987)
- 4) H.M. Seervai - Constitutional law of India Vol.2,chap.-22.
- 5) Daniel J. Elazer- American Federalism Chap. 3&4. (1984)
- 6) Chandrapal, Centre - State Relations and Co-operative Federalism, Chap. 5 & 8 (1983)

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JUDICIAL REVIEW
Specialization: Constitutional Law

Course Code: ILM 202 CL

Credit-02

Course Objective

- To acquaint the student with Judicial Review in India & other countries
- To acquaint them with role of Judiciary in controlling Administrative Powers
- To know the New dimensions and challenges to Judicial Review

N.B.: Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

Module I: Judicial Control of Administrative Powers through Writs

Court as the Primary instrument of control of administrative action; Writ Jurisdiction & its limitations; Public Interest Litigation, Doctrine of Locus Standi and Compensatory Justice; Special Leave to Appeal to the Supreme Court and High Court's Power of Superintendence.

Module II: Judicial Review

History, Jurisdiction, grounds, Procedural fairness, Remedies & Limits of judicial review in India and comparative study with U.S.A, Canada & Germany

Module III: New dimensions and challenges to Judicial Review and Judicial Activism a. Judicial Activism b. Matter not subject to Judicial Review c. Impact of Judicial Review d. Judicial Review and prospective & Retrospective overruling.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Recommended Books

1. M.P. Jain – Indian Constitutional Law, Wadhwa & Co, Nagpur, 2005
2. V.N.Shukla – Constitutional Law of India.
3. Jain & Jain, Principles of Administrative Law
4. Hanks Peter: Australian Constitutional Law, Butterworth, Sydney, 1980
5. Jagdish Swarup: Constitution of India, V.2, Modern Law Publications, New Delhi, 2006.
6. Jennings, Ivory: The Law and the Constitution, University Press, London 1959.
7. De Smith, Judicial Review of Administrative Action (1995)
8. Jennings, Ivory: The British Constitution, Cambridge University, Cambridge, 1968.

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COMPARATIVE ADMINISTRATIVE LAW

Specialization: Constitutional Law

Course Code: ILM 203 CL

Credit-02

Course Objective:

The very objective of studying of Administrative law is to understand nature of the administration available in the country. This will definitely ensures the better administration not only for those who study but also for others. The goal of ideal state is not depending upon the how best the state ensures the good administration but it is depending upon how best the people will take part in the administrative process.

N.B.: Students are expected to be familiar with relevant provisions of the Constitution of the world – England, USA and France

Module I: Introduction

Evolution and Significance of Administrative Law in Various Systems of Governance-From Ancient to Modern, French system, England, US and development in Indian context.

Module II: Doctrine of Separation of Powers & Delegated Legislation

Doctrine of Separation of Powers - Comparative study - common law from the perspective English, US, French, German and Indian.

Delegated Legislation-Comparative approaches: widening contours: classification,

Doctrine of Natural Justice

Rule of Law

Separation of Power

Excessive Delegation

Procedural Fairness.

Module III: Control over Administrative Court, delegated legislation and Ombudsman

Controls over Administrative Court,

Controls over delegated legislation &

Ombudsman and its administration

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

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Recommended Books:

1. M. P. Jain & S. N. Jain -Principles of Administrative Law, Lexis Nexis Butterworth's Wadawa Nagpur .
2. P. Massey -Administrative Law,7Edition 2008. Publication-Eastern Book Company, Lucknow.
3. H.W.R. Wade and C.F. Forsyth -Administrative Law, Publication-Oxford University Press, Newyork.
4. Garner's –Administrative Law, Oxford University press
5. De Smith -Judicial Review of Administrative Action, Sweet and Maxwell Publication.
6. S. P. Sathe -Administrative Law, 7Edition 2006. Lexis Nexis, Butterworth's Publication.
7. Richard J Pierce & Kenneth Culp Davis Administrative law treatise

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MINORITIES LAW

Specialization: Constitutional Law

Course Code: ILM 204 CL

Credit-02

Course Objectives

- To make the students aware of the importance of rights of minorities
- To familiarize them with the constitutional provisions related to minorities
- To acquaint them with the rights of minority educational institutions and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

Module I. Minorities In Indian Society

Secularism Concept of Minorities, Linguistic Minorities, Religious Minorities .

Module II . International Norms For Protection Of Minorities

Universal Declaration of Human Rights and Minorities, Minority Rights under the International Covenant on Civil and Political Rights 1966, International Covenant on Economic, Social and Cultural Right 1966 and its protocol.

Module III Minority Rights & Rights Of Minority Educational Institutions

Right to religion, Linguistic rights, Right to culture and traditions & National Commission for Minority **Rights Of Minority Educational Institutions** Educational rights of Minorities, Right to administer Minority educational institution, Aided and Unaided Minority, Educational Institutions and Governmental Controls & National Commission for Minority Educational d

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Examination Scheme:

Recommend Books

1. M.P.Jain, Indian Constitutional Law
2. D.D.Basu, Commentary on the Constitution of India
3. A.P.Datar, Commentary on the Constitution of India
4. H.M. Seervai, Constitutional Law of India
5. Brolmann, C. and others, eds., Peoples and Minorities in International Law
6. Phillips, A. and A. Rosas, eds., The UN Minority Rights Declaration
7. Reddy, Jagmohan, Minorities and the Constitution

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8. Sheth, D.L. and Gurpreet Mahajan, ed., *Minority Identities and the Nation State*
9. Thornberry, Patrick, *International Law and the Rights of the Minorities*

TUTELAGE

Course Code : ILM 206

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16. Student may take guidance from faculty member for further improvement.
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18. In case of ill health of the faculty / student, student needs to do mutual arrangement for the class session after informing the coordinator. If the student does not report even after being informed earlier, he'll be marked absent and no marks will be allotted for that class.

Examination Scheme

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