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ACADEMY OF HIGHER EDUCATION
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VELAGAPUDI DURGAMBA SIDDHARTHA SCHOOL OF LAW

LL.M. (CONSTITUTIONAL LAW & ADMINISTRATIVE LAW)

Syllabus

I - YEAR

I- SEMESTER

COURSE CODE: 26UCL101 COURSE NAME: INDIAN CONSTITUTIONAL LAW: EMERGING CHALLENGES			
Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	5-1-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:

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.

This course examines the Indian Constitution as a dynamic framework, addressing contemporary challenges in socio-political, economic, and technological domains. It explores federalism, the concept of the state, fundamental rights, judicial independence, and electoral reforms within the context of liberalization, privatization, and globalization.

Course Objectives:

To analyze the concept of the state in the context of liberalization and globalization.

To elucidate the structure and dynamics of Indian federalism.

To develop analytical skills for evaluating the impact of privatization and technological advancements on fundamental rights.

To foster critical assessment of judicial independence, activism, and accountability in constitutional democracy.

To enable evaluation of electoral reforms and their contribution to democratic governance.

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	

CO1	Articulate the concept of the state in the context of liberalization and globalization	
CO2	Analyze the complexities of Indian federalism, including cooperative and competitive models	
CO3	Apply constitutional principles to assess the impact of privatization and technological advancements on fundamental rights	
CO4	Critically evaluate the role of judicial independence and activism in constitutional democracy	
CO5	Assess the efficacy of electoral reforms in strengthening democratic institutions	

Course Content

Unit 1: Federal System

Creation of new states
Characteristics of unitary, quasi-federal, and federal systems
Central directives under Articles 356 and 365
Federal comity: Cooperation between Centre and States
Administration of Tribal and Scheduled Areas
Assignments/Seminars/Group Discussions:
Compare Indian federalism with global federal systems and propose solutions for contemporary challenges.
Analyze the implications of the 2019 Jammu and Kashmir reorganization on federalism.
Evaluate the impact of the 73rd and 74th Constitutional Amendments on decentralized governance.

Unit 2: Concept of the State

Concept and origin of the state
Elements constituting a state
Definition of the state under Article 12 of the Indian Constitution
Rationale for expanding the definition in the context of liberalization and privatization
Assignments/Seminars/Group Discussions:
Analyze judicial interpretations of the state under Article 12 in the context of privatization.
Discuss the transformative role of judicial decisions in redefining the state.

Unit 3: Right to Equality and Freedom of Speech

Description: This unit examines the constitutional guarantees of equality and freedom of speech, addressing challenges posed by privatization and technological advancements.
Contents:
Right to equality: Impact of privatization on affirmative action
Freedom of the press and challenges from technological developments
Freedom of speech and rights to broadcast and telecast
Assignments/Seminars/Group Discussions:
Evaluate a recent Supreme Court judgment on digital privacy or online censorship.
Assess the impact of privatization on affirmative action policies.

Unit 4: Emerging Regime of New Rights and Remedies

Integration of Directive Principles and Fundamental Duties into Fundamental Rights
Compensation jurisprudence
Right to education
Constitutional challenges in the era of generative artificial intelligence

Assignments/Seminars/Group Discussions:
Analyze judicial harmonization of Directive Principles and Fundamental Rights.
Evaluate the impact of artificial intelligence on constitutional rights through a recent case study.

Unit 5: Rights of Minorities and Judicial Independence

Constitutional protections for linguistic minorities
Rights of minorities to establish and administer educational institutions
Principles of judicial independence and accountability
Appointment, transfer, and removal of judges
Judicial activism versus judicial restraint
Locus standi and the evolution of PIL
Assignments/Seminars/Group Discussions:
Propose reforms to ensure responsible use of PIL while preserving its efficacy.
Analyze the impact of tribunals on judicial independence.

Unit 6: Electoral Reforms

Election Commission: Structure, powers, and functions
Role of the Supreme Court in advancing electoral reforms
Grassroots democracy: Local Self-Government institutions
Assignments/Seminars/Group Discussions:
Debate the feasibility of proportional representation in India's electoral system.
Evaluate recent electoral reforms, including EVMs, NOTA, and funding transparency.

Suggested Readings:

Jain, M. P. (2018). Indian Constitutional Law (8th ed.). LexisNexis.
Basu, D. D. (2021). Introduction to the Constitution of India (25th ed.). LexisNexis.
Seervai, H. M. (2017). Constitutional Law of India (4th ed., Vol. 1-3). LexisNexis.
Baxi, U. (1980). The Indian Supreme Court and Politics. Eastern Book Company.
Austin, G. (1999). The Indian Constitution: Cornerstone of a Nation. Oxford University Press.

COURSE CODE :26UCL102
COURSE NAME : RESEARCH METHODOLOGY I

Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	4-2-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:
The Research Methodology course is designed to equip students with essential skills for conducting effective legal research and analysis. It offers an advanced understanding of legal research concepts, including the development of research designs and hypotheses, utilization of various research tools and techniques, identification and analysis of legal sources, and mastery in drafting and presenting legal research reports. Through a combination of theoretical instruction and practical assignments, students will be prepared to conduct and communicate legal research proficiently.

Course Objectives:

- * A postgraduate student of law should get an insight into the objectives of legal education. S/he should have exposure to programs like the organization of seminars, publication of law journals, and holding of legal aid clinics.
- * Law is taught in different ways in different countries. The LL.M. course, being intended to produce lawyers and future law teachers with better competence and expertise, requires the student to familiarize themselves with various systems of legal education.
- To develop legal research and analytical skills.
- To train students in using legal research tools and databases.
- To promote ethical practices in legal research and writing.

Course Outcomes:
At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	Understand the fundamental concepts of legal research, distinguishing between doctrinal and empirical methodologies, and appreciating the role of socio-legal studies in contextualizing law.	
CO2	Evaluate the effectiveness of legal research designs, construct and test hypotheses, and critically evaluate the robustness of research proposals in the legal domain.	
CO3	Acquire proficiency in employing various legal research tools and techniques, including sampling methods, data collection, statistical analysis, and content analysis, to conduct comprehensive legal studies.	
CO4	Gain expertise in identifying, accessing, and analyzing primary and secondary legal sources, enhancing the capability to conduct thorough comparative and international legal research	
CO5	Master the skills necessary for structuring and drafting coherent legal research	

	reports, employing proper citation and referencing styles, and upholding research ethics to effectively communicate findings.	

Course Content

Unit-I:LEGAL RESEARCH

1.1. Concept and Scope of Legal Research
1.2 Methods in Legal Research
1.3 Doctrinal and Empirical Approaches
1.4 Socio-Legal Research and Interdisciplinary Methods
1.5 Importance of Legal Research
1.6 Concepts, variables, and definitions
1.7 Role of Inductive and Deductive Reasoning

Unit-II : RESEARCH DESIGN AND HYPOTHESIS

2.1. Research Design: Meaning, Purpose, and format
2.2 Major steps in formulating a Research design
2.3 Meaning and Importance of Hypothesis in Legal Research
2.4 Criteria for a Good Hypothesis
2.5 Methods of Hypothesis Testing

Unit-III : SOURCES OF MATERIAL FOR LEGAL RESEARCH

31. Primary Sources: Statutes, Case Law, Constitutions, Treaties
3.2 Secondary Sources: Books, Journals, Reports, Commentaries
3.3 Research in Comparative Law and International Law
3.4 Case Law Research: Judicial Precedents and Their Impact
3.5 Statutory Interpretation and Legislative Research

Unit-IV : METHODS OF DATA COLLETION& ANALYSIS

4.1 Legal Research Tools: Observation, surveys, questionnaires, and Interviews
4.2. Sampling Techniques: Random and Non-Random Sampling
4.3 Data processing and analysis
4.4 Use of statistics in the analysis and interpretation of data
4.5 Content analysis and Case study method in legal research

Unit-V : RESEARCH REPORT

5.1. Structuring a Legal Research Report
5.2 Citation and Referencing Styles (Bluebook, OSCOLA, APA,ILI)
5.3 Drafting Legal Arguments and Analysis
5.4 Research Ethics and Plagiarism Avoidance
5.5 Presenting Research Findings Effectively

REFERENCE BOOKS:

Bruce L.Berg - Qualitative Research Methods for the Social Sciences
2. Beth Katayama - Research Design in Social Research
3. H.M.Hyman - Interviewing in Social Research
4.John Fox - Applied Regression Analysis and Generalized Linear Models
5.Irving Seidman - Interviewing as Qualitative Research
6.Don Dillman - Internet,phone,Mail,and Mixed- Mode Surveys:Tailored Design Method

COURSE CODE :26MLA103
COURSE NAME : CONSTITUTIONALISM: PLURALISM AND FEDERALISM

Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	5-1-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:

Constitutionalism essentially means a limited government. In a plural society, where different religious as well as linguistic groups require to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. However, where there is not only vertical pluralism, but also horizontal pluralism reflected by sub nations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The students of constitutional law should have adequate knowledge and understanding of the meaning of democratic values, core principles of constitutionalism, federalism and pluralism in terms of social justice, equality and democratic way of government functioning. The course content is therefore designed to provide exposure to the students to the philosophical foundations and attributes of constitutionalism, different patterns of federal structures, models of pluralism and constitutional governments with a special focus on Indian scenario.

Course Objectives:

- To learn the philosophical foundations of Constitutionalism, its characteristics and development over the years.
- To trace out the development of the concept of Transformative Constitutionalism
- To explore the modalities of plural society and various rules of accommodation and mutual recognition need to be existed in a pluralistic society like India
- To gain insights into principle of Federalism and federal structure of governments in different nations with a special focus on new trends of federalism in India
- To identify and analyse international conventions adopted to ensure pluralism

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	examine the existence of Constitutionalism in Indian polity through detailed analysis of constitutional provisions of equality, civil liberties and limitations on the powers of government.	
CO2	trace out development of Transformative Constitutionalism through judicial activism	
CO3	gain adequate knowledge to initiate legal actions including social action litigation to protect the rights and liberties of marginalized sections of the society.	
CO4	understand the working of federal structure of the government and to suggest remedial measures to ease out conflict between union and state governments.	
CO5	identify and analyse the status of religious and linguistic minorities and their constitutional rights to ensure smooth functioning of pluralistic society.	

Course Content

UNIT I: CONSTITUTIONALISM

- What is a Constitutionalism?
- Elements of Constitutionalism
- Transformative Constitutionalism and judicial approach
- Separation of powers: Montesquieu
- Rule of Law: Concept and new horizons
- Fundamental Rights and Human rights

UNIT II: FEDERALISM

- What is a Federal Government?
- Difference between confederation and federation
- Conditions requisite for federalism
- Patterns of federal government - U.S.A., Australia, Canada, India.
- Judicial review - for federal umpiring
- New trends in federalism: Co-operative v. Competitive federalism

UNIT III: PLURALISTIC VALUES – UNITY IN DIVERSITY

- What is a pluralistic society?
- Ethnic, linguistic, cultural, political pluralism
- Freedom of religion
- Rights of the religious and linguistic minorities
- Uniform Civil Code v. Personal Laws

UNIT IV: EQUALITY IN PLURAL SOCIETY

- Right to equality and reasonable classification
- Prohibition of discrimination on ground of religion, caste, sex, language.
- Abolition of untouchability

UNIT V: PLURALISM AND INTERNATIONAL CONVENTIONS.

- Universal Declaration For Human Rights
- International Covenant on Economic, Social and Cultural Rights, 1976
- International Covenant on Civil and Political Rights
- International Convention on Elimination of all forms of Racial Discrimination
- Protection of religious, ethnic and linguistic minorities

Text Books:

Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)
V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28,LLL 299 (1986)
M.A. Fazal "Drafting A British Bill of Rights" 27 J.LLL 423 (1985)
M.P. Jain Indian Constitutional Law (1994), Wadhwa
Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.LLL 198 (1985).
Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37LC.LD. 89-108 (1988)
S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby.
Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

COURSE CODE :26MLA104 COURSE NAME : ADMINISTRATIVE PROCESS			
Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	5-1-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:

This course provides a comprehensive, comparative study of Administrative Law, examining its meaning, growth, and relationship with Constitutional Law across India, England, the US, and France. Students will analyze foundational doctrines like the Rule of Law, Separation of Powers, and the French Droit Administratif, alongside the classification of legislative, judicial, and administrative functions. The curriculum places significant emphasis on Delegated Legislation evaluating its permissible limits, conditional legislation, sub-delegation, and essential judicial and legislative controls before concluding with a critical analysis of sovereign state powers, including the Doctrines of Police Power, Eminent Domain, and Taxing Power.

Course Objectives:

- Evaluate the historical evolution of the "administrative explosion" and changing state-citizen legal paradigms.
- Compare Anglo-American common law administrative strategies with Continental European systems of administrative control.
- Analyze how constitutional sovereignty and fundamental values shape standards of administrative behavior.
- Critique the expanding role of civil services and administrative agencies within modern welfare programs.
- Assess the impact of the technological revolution on contemporary administrative functions, digital governance, and procedural fairness.

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	Trace the 19th-century historical factors that led to the expansion of administrative power in the common law world and how the shift toward a welfare state altered the legal role of the government from a mere regulator to a guardian of individual rights. and identify the changing legal norms governing state-citizen relationships over successive developmental eras.	
CO2	Differentiate between common law administrative mechanisms and Continental European legal strategies and analyze how foreign administrative control strategies have historically influenced or modified common law systems.	
CO3	Examine how constitutional values (such as the Rule of Law and Separation of Powers) serve as the foundation for administrative standards and evaluate the legal boundaries imposed by constitutional sovereignty onto discretionary executive actions.	
CO4	Appraise the expanding statutory powers, functions, and institutional growth of modern civil services and administrative agencies and formulate legal critiques regarding agency accountability when implementing public welfare	

	programs.	
CO5	Analyze the administrative aftermath of the technological revolution, including the rise of automated decision-making and algorithmic governance and critique how traditional principles of natural justice and procedural fairness adapt to a digitized administrative landscape.	

Course Content

Unit I : Introduction to Administrative law

Administrative Law – Meaning, Nature and Scope
Reasons for growth of Administrative Law
Theories of Administrative Law
The role and functions of Administrative Law
Constitutional Law and Administrative Law

Unit II : Basic Constitutional Principles

Rule of law and its changing dimensions (England, US and India)
Rule of law (England) - Droit administratif (France)
Theory of Separation of Powers and its application (England, US and India)

Unit III : Classification of Administrative Actions

3.1. Need for Classification
3.2. Legislative functions
3.3. Judicial functions
3.4. Administrative functions
3.5. Administrative instructions

Unit IV : Delegated Legislation

Delegated legislation meaning and Definition
Reasons for growth of delegated legislation
Forms of delegated legislation
Delegated legislation in England
Delegated legislation in US
Delegated legislation in India (Pre and Post Constitution)
Functions which may be delegated
Functions which may not be delegated
Valid delegated legislation
Conditional Legislation
Sub – Delegation
Controls and Safeguards (Judicial, Legislative and other controls)

Unit V : Power and Duty

Doctrine of Police Power
Doctrine of Eminent Power
Taxing Power

Reference Books:

1. Wade - Administrative Law
2. De Smith - Administrative Law
3. Foulkes - Administrative Law
4. Indian Law Institute - Cases and Material of Administrative Law
5. Markose - Judicial Control of Administrative action

6. Griffith and Street - Administrative Law
7. Report of the Law Commission - First Report, Second Report and Fourteenth Report
8. Report on the Committee of Minister's power Franks Committee report.

Books Prescribed:

1. M.P. Jain and S.N. Jain - Principles of Administrative Law
2. S.P. Sathe -Administrative Law
3. I.P. Massey - Administrative Law
4. C.K. Takwani - Administrative Law
5. Kailash Rai - Administrative Law



VELAGAPUDI DURGAMBA SIDDHARTHA SCHOOL OF LAW

LL.M. (CONSTITUTIONAL LAW & ADMINISTRATIVE LAW)

Syllabus

I - YEAR

II-SEMESTER

COURSE CODE :26UCL201 COURSE NAME : LAW AND SOCIAL TRANSFORMATION IN INDIA			
Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	5-1-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:

This course examines the role of law as a catalyst for social transformation in India, focusing on its interaction with traditions, social reform movements, gender justice, child rights, and modernization. It fosters critical awareness of the potential of law to address socio-economic disparities.

Course Objectives:

- To elucidate the role of law in addressing social and economic challenges.
- To analyze the impact of social reform movements and economic policies on legal frameworks.
- To develop skills in evaluating legal protections for gender justice and child rights.
- To examine the influence of modernization on reforms in criminal and civil law.
- To foster critical thinking on the potential of law to promote equitable social change.

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	Explain the relationship between law and social change and evaluate the role of legal institutions in social transformation.	
CO2	Analyze constitutional principles governing religion, secularism, minority rights, and the Uniform Civil Code in the Indian legal system.	
CO3	Examine the impact of socio-economic reforms and evaluate major regulatory legislations relating to corruption, money laundering, and foreign exchange management.	
CO4	Assess legal frameworks promoting gender justice, labour welfare, social security, and the protection of children's rights.	

CO5	Critically evaluate contemporary legal reforms, alternative dispute resolution mechanisms, victim-oriented justice, and modernization of the legal system.	

Course Content

Unit-I- Law and Social Change

1.Law as a reflection of traditions,customs and culture
2.Impact of the common law system under colonial rule
3.Role of Law as an Instrument of Social Change
4.Social Reform Legislation and Social Transformation in India
5.Role of Judiciary in Social Transformation

UNIT-II-Religion and The Law

1.Freedom of religion and non-discrimination
2.Constitutional guarantees for minorities
3.Secularism as a solution to the problem
4.Uniform Civil Code

Unit-III -Socio Economic Transformation and Alternative approaches to law

Influence of Social reform movements on labour legislation -Code on Wages, 2019 and Code on Social Security, 2020
2.Impact of economic policy reforms on economic laws
3.Anti-Corruption Laws: Prevention of Corruption Act, 1988
4.Anti-Money Laundering Regime: Prevention of Money Laundering Act, 2002
5. Foreign Exchange Management Act, 1999 (FEMA)

Unit-IV- Gender Justice, Equity, and Children's Rights

1.Constitutional provisions for women’s empowerment
2.Role of the National Commission for Women
3.Legal protections for the LGBTQ+ community
4.Legal framework and enforcement against child labour
5.Laws addressing sexual exploitation of Children and implementational challenges

Unit-V- Modernization and the Law

1.Modernization and Fundamental Duties
2.Plea bargaining & compounding of Offences
3.Victim Compensation Scheme
4.Alternative dispute resolution, mediation, and Lok Adalats

Reference Books:

Kapur, R., & Cossman, B. (1996). Subversive Sites: Feminist Engagements with Law in India. Sage Publications.
Muralidhar, S. (2004). Law, Poverty and Legal Aid: Access to Criminal Justice. LexisNexis.
Baxi, U. (1982). The Crisis of the Indian Legal System. Vikas Publishing House.
Jacobsohn, G. J. (2005). The Wheel of Law: India’s Secularism in Comparative Constitutional Context. Princeton University Press.

COURSE CODE :26UCL202
COURSE NAME : JURISPRUDENCE AND LEGAL THEORY

Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	5-1-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Prologue:

At the postgraduate level, the study of Jurisprudence transcends the memorization of legal doctrines, demanding a rigorous, critical engagement with the foundational philosophies, structures, and moral justifications of legal order. As advanced legal scholars, postgraduates must critically examine how law intersects with power, justice, morality, and social change across diverse theoretical traditions, ranging from legal positivism and natural law to sociological jurisprudence, realism, and contemporary critical legal studies. This course provides a sophisticated intellectual framework for evaluating the theoretical underpinnings of legal systems and mastering advanced legal reasoning.

Course Description:

This course engages the principal traditions of legal philosophy and their bearing on the practice of law in India. It examines the analytical, natural law, historical, sociological and realist schools, the fundamental concepts of legal reasoning, contemporary critical traditions and the Indian jurisprudential inheritance.

Course Objectives:

- To develop a critical understanding of the nature, function and sources of law.
- To examine analytical positivism and the leading debates on law, morality and adjudication.
- To explain the natural law tradition and its modern revival.
- To equip students to apply the fundamental legal concepts with analytical precision.
- To enable critical evaluation of contemporary legal theory and of Indian jurisprudence.

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	Explain the nature and scope of jurisprudence and distinguish the principal schools of legal thought	
CO2	Apply positivist, natural law and realist frameworks to Indian constitutional and statutory material	
CO3	Analyse the leading debates on law, morality and judicial discretion	
CO4	Critically evaluate contemporary critical legal theories	
CO5	Construct and defend a reasoned theoretical position in scholarly writing	

Course Content

UNIT–I: INTRODUCTION AND NATURAL LAW THEORIES

1.1 Meaning, nature, and scope of jurisprudence.

1.2 Classical natural law: Historical development in the Ancient, Medieval, and Renaissance periods.

1.3 Aquinas and the scholastic tradition; Social contract theorists.

1.4 Twentieth-century natural law revival: Fuller and the morality of law, alongside Finnis and the restatement of natural law.

1.5 Modern theories of justice: Rawls, Nozick, Dworkin, and Sen.
1.6 Natural law perspectives in the Indian Constitutional framework (e.g., due process under Article 21, expansion of fundamental rights, and the Basic Structure Doctrine).

UNIT–II: HISTORICAL, ANTHROPOLOGICAL, AND ANALYTICAL SCHOOLS

2.1 The German Historical School: Savigny and the concept of Volkgeist.
2.2 The English Historical School: Sir Henry Maine and the transition from status to contract.
2.3 Jeremy Bentham's Utilitarianism and Analytical Positivism, alongside Austin's theory of law.
2.4 The Pure Theory of Law: Kelson's normative theory.
2.5 H.L.A. Hart: The concept of law and positivism.
2.6 Analytical positivism and its application to the Indian Legal System; The Historical school's relevance to the codification of Indian customary practices and personal laws.

UNIT–III: SOCIOLOGICAL JURISPRUDENCE AND REALIST SCHOOLS

3.1 Sociological approaches: Ihering, Ehrlich, and Duguit .
3.2 Roscoe Pound's theory of social engineering and theory of interest.
3.3 American Realism: The nature of the judicial process (Holmes, Frank, Gray).
3.4 Scandinavian jurists and realism theories.
3.5 Mid-Century Jurisprudential Debates: The Hart–Fuller, Hart–Devlin, and Hart–Dworkin controversies.
3.6 Pound's social engineering applied to Indian constitutional goals (e.g., affirmative action, Directive Principles of State Policy); Realist approaches in Indian Judicial Activism and the evolution of Public Interest Litigation (PIL).

UNIT–IV: CONTEMPORARY THEORIES AND INDIAN JURISPRUDENCE

4.1 Economic School: Marxian theory and Neo-Marxian theory.
4.2 Feminist jurisprudence and Postmodern/discourse theories.
4.3 Critical Legal Studies and Critical Race Theory.
4.4 Law and economics.
4.5 Indian jurisprudence: Concepts of dharma, Kautilya, Ambedkar, and Gandhi.
4.6 Marxist and Feminist critiques contextualized within Indian legal reforms (e.g., agrarian land reforms, gender justice statutes, and anti-caste legislation).

UNIT–V: SOURCES OF LAW AND FUNDAMENTAL LEGAL CONCEPTS

5.1 Sources of law: Legislation, custom, and precedent.
5.2 The institution of adjudication: Ratio decidendi and obiter dicta.
5.3 Rights and duties: The Hohfeldian analysis.
5.4 Legal personality and status.
5.5 Concepts of Possession and Ownership.
5.6 Theories of liability: Fault liability, No-Fault liability, and Strict liability.
5.7 The doctrine of precedent and stare decisis under Article 141 of the Indian Constitution; the judicial evolution from strict liability to absolute liability in India.

PRESCRIBED AND REFERENCE BOOKS (LATEST EDITION):

R.W.M. Dias, Jurisprudence (LexisNexis Butterworths)
G.W. Paton, A Textbook of Jurisprudence (Oxford University Press)
P.J. Fitzgerald (ed.), Salmond on Jurisprudence (Universal Law Publishing)
H.L.A. Hart, The Concept of Law (Oxford University Press)
Lon L. Fuller, The Morality of Law (Yale University Press)
John Finnis, Natural Law and Natural Rights (Oxford University Press)
Ronald Dworkin, Taking Rights Seriously; Law's Empire (Harvard University Press)

John Rawls, A Theory of Justice (Harvard University Press) Amartya Sen, The Idea of Justice (Allen Lane) M.D.A. Freeman, Lloyd's Introduction to Jurisprudence (Sweet and Maxwell) Upendra Baxi, The Crisis of the Indian Legal System (Vikas Publishing) V.D. Mahajan, Jurisprudence and Legal Theory (Eastern Book Company)
PARTICIPATIVE LEARNING COMPONENTS: Case Analysis of the prescribed decisions read jurisprudentially Seminar applying one theoretical framework to a contemporary Indian controversy Group Discussion on whether an unjust law is law and whether judges make or declare law Structured debate reconstructing the Hart–Fuller and Hart–Devlin exchanges Research paper in OSCOLA format with viva voce Reading circle on prescribed extracts from Hart, Fuller, Dworkin and Ambedkar

COURSE CODE :26MLA203
COURSE NAME : UNION-STATE RELATIONS

Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	5-1-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:

This course provides an advanced constitutional analysis of the federal balance of power in India, examining the intricate legal mechanisms that govern the relationship between the Union and the States. It explores the distribution of legislative, administrative, and financial powers under the Constitution of India, while critically assessing the "strong-centre" bias inherent in the Indian federal model. Beyond the static constitutional provisions, the course delves into the dynamic tensions of federalism, including the role of the All India Services, the controversial application of emergency provisions, and the fiscal implications of modern economic frameworks like GST. A significant portion of the curriculum is dedicated to judicial interpretation and high-level policy analysis, evaluating the recommendations of landmark bodies such as the Sarkaria Commission, the National Commission to Review the Working of the Constitution (NCRWC 2002), and the Punchhi Commission, with the ultimate aim of proposing reforms to strengthen cooperative federalism.

Course Objectives:

- Deconstruct the specific Articles (Part XI, XII, XIV, XVIII) governing the legislative, administrative, and financial interfaces between the Centre and States.
- Examine the unique nature of Indian federalism, understanding why it tilts towards a unitary state during emergencies and how this affects state autonomy.
- Assess the mechanisms of revenue sharing, the role of the Finance Commission, and the impact of recent tax reforms on the financial independence of states.
- Study the evolution of Centre-State relations through the lens of major commission reports (Sarkaria, NCRWC, Punchhi) to understand historical grievances and proposed structural remedies.
- Critically evaluate the dual role of the Governor and the All India Services as vital links or potential friction points between the Union and State governments.

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	Articulate the precise constitutional boundaries of legislative competence (Doctrine of Pith and Substance, Repugnancy) and executive power between the Union and States.	
CO2	Demonstrate a critical understanding of fiscal federalism, capable of arguing the legal and economic implications of GST and the Finance Commission's devolution formulas.	
CO3	Critically appraise the legal validity and political use of Emergency Provisions (especially Art. 356), distinguishing between constitutional necessity and political misuse.	
CO4	Formulate evidence-based legal arguments for federal reform by synthesizing recommendations from the Sarkaria and Punchhi Commission reports.	

CO5	Construct advanced legal arguments regarding the "unitary bias" of the Indian Constitution, supporting their positions with case law and historical precedents regarding the office of the Governor and Civil Services.	

Course Content

Unit I: LEGISLATIVE RELATIONS

Doctrine of Territorial Nexus
Scheme of Distribution of Legislative Powers
Principles of Interpretation of Lists
Doctrine of Pith & Substance
Doctrine of Colorable Legislation
Doctrine of Harmonious Construction
Subsidiary Legislation
Residuary Powers

Unit II: ADMINISTRATIVE RELATIONS

Distribution of executive powers
Inter – Governmental delegation of powers
Centre's directives to State

Unit III: FINANCIAL RELATIONS

Distribution of fiscal power
Scheme of allocation of taxing power
Extent of union power of taxation
Residuary power – inclusion of fiscal power
Restrictions of fiscal power
Inter- government tax immunities
Distribution of tax revenues
Tax – Sharing under the Constitution
Finance Commission
Specific Purpose grants (Article 282)
Inter – State trade and commerce
Niti Aayog
National Development Council

Unit IV: SERVICES UNDER THE UNION AND THE STATES

- All India Services
- Recruitment and regulation of service conditions
- Doctrine of pleasure and restrictions thereon
- Constitutional safeguards to civil servants
- Public Service Commissions

Unit V: EMERGENCY PROVISIONS AND COMMISSION REPORTS ON REFORMS TO STRENTHEN FEDERAL RELATIONS

National Emergency
State Emergency
Financial Emergency
What reforms are necessary to strengthen federal structure?
Sarkaria Commission Report
Report of the Commission to Review the working of the Constitution – 2002
Report of the Commission of Centre – State relations 2010 (Justice M.M Punchii Commission).

Reference Books:

M.P. Jain, Indian Constitutional Law, 9th Edition, 2025, LexisNexis.
V.N. Shukla (Revised by Prof. Dr. Mahendra Pal Singh), Constitution of India, 14th Edition, 2022, Eastern Book Company (EBC).
Dr. D.D. Basu, Commentary on the Constitution of India (Multi-Volume Set), 9th Edition, 2022, LexisNexis.
H.M. Seervai, Constitutional Law of India (3-Volume Set), 4th Edition, 2015, Universal Law Publishing / LexisNexis.
Arvind P. Datar, Datar on Constitution of India, 3rd Edition, 2021, LexisNexis.
Dr. J.N. Pandey, Constitutional Law of India, 61st Edition, 2024, Central Law Agency.
Granville Austin, The Indian Constitution: Cornerstone of a Nation, Classic Edition, 1999, Oxford University Press (OUP).
M. Govinda Rao and Nirvikar Singh, The Political Economy of Federalism in India, 1st Edition, 2005, Oxford University Press (OUP).
Dr. Subhash C. Kashyap, Our Constitution: An Introduction to India's Constitution and Constitutional Law, 5th Edition, 2018, National Book Trust, India.
Prof. N.K. Jayakumar, Lectures on Constitutional Law, 3rd Edition, 2021, LexisNexis.

COURSE CODE :26MLA204
COURSE NAME :JUDICIAL CONTROL OF ADMINISTRATIVE POWERS

Course Category:	Program Core (PC)	Credits:	6
Course Type:	Theory	Lecture-Tutorial-Practice:	4-2-0
		Continuous Assessment: Summative Assessment: Total Marks:	40 60 100

Course Description:

This course provides a comprehensive analysis of Administrative Law as a dynamic, primarily judge-made legal system shaped by a continuous lineage of judicial decisions. The curriculum focuses on the expanding footprint of executive authority, specifically examining the surge in delegated legislation, such as rules, regulations, circulars, and general orders that directly impact civil liberties. Students will track the historical evolution of judicial agencies reviewing administrative actions, analyze grounds for challenging administrative choices, and evaluate the precise scope and limitations of judicial review. By emphasizing procedural fairness as the cornerstone of valid administrative action, the course equips students to scrutinize state actions, apply judicial remedies, and uphold the rules of administrative justice and public accountability.

Course Objectives:

The objectives of this course are to:

- Evaluate the historical evolution of Administrative Law as a judge-made legal framework built upon critical judicial precedents.
- Analyze the legal boundaries, constitutional burdens, and the scope of judicial review applied to regulatory delegated legislation.
- Deconstruct the jurisdictional aspects, operational grounds, and inherent limitations governing the judicial review of administrative actions.
- Formulate legal protections based on the principles of procedural fairness to ensure equitable administrative decision-making.
- Apply appropriate public law remedies to correct maladministration, rectify executive overreach, and secure administrative justice.

Course Outcomes:

At the end of the course, the students will be able to

CO	Course Outcomes	
CO1	Analyze the judicial evolution of Administrative Law and define the jurisdictional boundaries governing the judicial scrutiny of executive actions.	
CO2	Classify administrative instruments and evaluate the scope of judicial review applied to subordinate legislation affecting civil liberties.	
CO3	Analyze the legal grounds for challenging administrative acts and critique the constitutional limits of judicial review on executive discretion.	
CO4	Define the essential components of procedural fairness and assess their efficacy in safeguarding individual rights during institutional decisions.	
CO5	Distinguish among standard public law remedies, including extraordinary writs, and apply appropriate legal actions to enforce administrative justice.	

Course Content

UNIT I: JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

- Administrative discretion- Meaning, Nature and Need

- Judicial Review-Meaning, Nature, Scope and Limitations
- Judicial Review under English Law, American Law and Indian Law
- Judicial review and Administrative review distinction

Unit II: Grounds Of Review

A. Failure to exercise discretion
- Sub- delegation
- Imposing fetters on discretion
- Acting under dictation
- Non-application of mind

B. Excess or abuse of discretion
- Acting without jurisdiction
- Exceeding jurisdiction
- Arbitrary action
- Irrelevant considerations
- Leaving out relevant considerations
- Mixed considerations (Malice in fact and Malice in Law)
- Collateral purpose
- Colourable exercise of power
- Colourable legislation
- Non-observance of natural justice
- Unreasonableness/ Wednesbury rule
- Doctrine of Proportionality
- Doctrine of Legitimate expectations

Unit III: Procedural Fairness

- Concept, Parameters and application of the Principles of Natural Justice
- Rule against Bias
- Audi Alteram Partem or the Rule of Fair Hearing - Meaning, Object, Ambit and Ingredients of Fair Hearing, Institutional Decision, Post-Decision Hearing
- Reasoned Decisions
- Exceptions to the Rule of Natural Justice
- Effects of Breach of Natural Justice

Unit IV: Enforcement, Public Law Remedies, And Limitations

- Prerogative remedies (Extraordinary Writs)

The operational scope, jurisdictional requirements, and enforcement of constitutional writs (Habeas Corpus, Mandamus, Certiorari, Prohibition, and Quo Warranto), Judicial Review by the Supreme Court and High Courts under Articles 226, 227, 32 and 136

Unit V: Statutory Remedies

- Private Law remedies in public law

Civil Suits, Appeals to courts, appeals to tribunals

- Equitable remedies

Declarations, Injunction

Books Prescribed:

1. M.P. Jain and S.N. Jain - Principles of Administrative Law
2. S.P. Sathe -Administrative Law
3. I.P. Massey - Administrative Law

4. C.K. Takwani - Administrative Law
5. Kailash Rai - Administrative Law

Reference Books:
1. Wade - Administrative Law
2. De Smith - Administrative Law
3. Foulkes - Administrative Law
4. Indian Law Institute - Cases and Material of Administrative Law
5. Markose - Judicial Control of Administrative action
6. Griffith and Street - Administrative Law
7. Report of the Law Commission - First Report, Second Report and Fourteenth Report
8. Report on the Committee of Minister's power Franks Committee report.

