



Master of Laws LL.M.

Semester – I

Paper: Core Course Code: LLM CC-101

Marks: 30 Internal + 70 End Sem

Course Title: LEGAL PHILOSOPHY I

Course Outcomes:

Credit- 4

C.O. 1: Grasp the fundamentals of different schools and their dominant ideas.

C.O.2: Understand the concept of law and legal order in the backdrop of the theories of different schools.

C.O.3: Apply their understanding of law in different legal systems;

C.O.4: Identify and analyze problems of legal order and their analysis with multiple perspectives.

C.O.5: To appreciate establishment of an egalitarian legal order.

Programme Outcomes

P.O.1: Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;

P.O.2: Demonstrate the ability scientific, critical and comparative inquiry of the theory and ideas;

P.O.3: Identify legal issues and application of legal ideas thereto;

P.O.4: Inculcating the value of research;

P.O.5: Demonstrate the ability to solve problems with an holistic approach

UNIT I Introduction: Jurisprudence & Legal Theory

(12 Lectures)

Definition, Scope & Utility of Jurisprudence

Jurisprudence and Legal theory distinguished

Jurisprudence: A priori & A posteriori, Deductive & Inductive method

Inter-relationship: Jurisprudence & other social sciences

Hindu Legal Theory- Theory of Dharma, Law & State, Conception of Law-Law as duty, Law & morality, Law & Equality

UNIT II Schools of Legal Theory- Natural Law school, Analytical School

(12 Lectures)

Natural Law School- Ancient theories, Renaissance Theories, Modern

Ancient theories-Socrates, Aristotle, Ancient Hindu system.

Renaissance Theories-Social Contract theory- Grotius, Hobbes, Locke, Rousseau.

Modern Theories- Hart, Finnis

Natural Law principles under the Indian Constitution.

Analytical Positivism- Austin, Kelsen & Hart

Austin's Imperative Theory of Law, Austin's Contribution to Law.

Pure Theory of Law – Kelsen's The Grund Norm, Normative Character of Law, Implication of Pure Theory, Contribution & Criticism

Hart's Conception of Law, Hart's view on Law & Morality

Analytical Positivism- An Indian Perspective.

UNIT III Schools of Legal Theory-Historical School, Sociological School & Philosophical School(12 Lectures)

Historical School- Savigny & Maine

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Savigny-Theory of Volksgeist; Henry Maine-Theory of Status to contract; Stages of Development of Law

Historical School-Indian Perspective

Sociological School- Ihering, Ehrlich, Duguit & Pound

Ihering- Theory of Interests

Ehrlich-Theory of Living Law

Duguit- Doctrine of Social Solidarity

Pound-Theory of Interests & Theory of Social Engineering

Doctrine of Social Justice-Indian Perspective.

Sociology of Law & Sociological Jurisprudence

Philosophical School -Kant, Hegel

Kant-Theory of Categorical Imperative

Hegel's philosophy of Law

Unit IV Realist school, Critical Studies & Feminism

(12 Lectures)

Basic features of Realist School

Karl Llewellyn, Jerome Frank, Cardozo- Their Contribution to Legal Realism

Scandinavian Legal Realism

Realism in Indian context

Critical Legal Studies

Feminism: Liberal & Radical Approach

UNIT V Modernism, Post Feminism and Post Modernism School

Modernism & Deconstructionism

Post Feminism and Post Modernism Discourse

Contemporary Discourse

Books:

1. Bodenehimer, Jurisprudence-The Philosophy & Method of Law, Universal, Delhi
2. R.W.M. Dias, Jurisprudence, Indian Reprint-Adithya Books, Delhi
3. Fitzgerald, Salmond on Jurisprudence, Tripathi, Bombay
4. Dhyani S N, Jurisprudence-A Study of Indian Legal Theory.
5. Wayne Morrison, Jurisprudence, Cavendish Publication.
6. Llyod, Introduction to Jurisprudence, Sweet and Maxwell.
7. N.E. Simmonds, Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition (Sweet & Maxwell) .
8. Brian Bix, Jurisprudence: Theory and Context, Carolina Academic Press, 1999.
9. Roger Cotterrell, Politics of Jurisprudence.

Prof. C.P. Singh

Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi



Master of Laws LL.M.

Semester – I

Paper: Core Course Code: LLM CC-102

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: LAW AND SOCIAL TRANSFORMATION

Course Outcomes:

- C.O. 1 :** To assess the concept of social transformation and its impact on the legal culture.
- C.O. 2 :** To evaluate the social problems affecting the Indian nation state and its legal solutions.
- C.O. 3 :** To critically evaluate the existing legal structure and its efficacy in solving the current social evils of the nation state .
- C.O. 4 :** To assess the legal culture of India in a post globalized era

Program Outcomes

P.O.1: To foster an inter disciplinary approach in order to assess the social reality of law in India **P.O.2:** To assess the changing nature of law in India in the era of „Right Based Jurisprudence“. **P.O.3:** To encourage a Critical method of thinking among the students to assess the legal situation **P.O.4:** To assess the social impact and outcome of law.

UNIT I : Law and Social Change

(12 Lectures)

1. Meaning of Social Change and Social Transformation.
2. Relation between Law and Society : The Consensus and Conflict model
3. Social, Economic and Educational Corollary
4. Law and Morality.

UNIT II: Constitution and Social Change

(12 Lectures)

1. The normative method and sociological mode of change.
2. Constitutional Amendments and Social change
3. Basic Structure theory as a balancing factor
4. Women Empowerment and Social Dichotomy
5. Liberty and Social Acceptance

UNIT III: Globalization and Constitution of India (12 Lectures)

1. Impact of Globalization on the vision of Article 38 and Article 39 (b), (c) of the Constitution.
2. Impact of Globalization on the legal aspects of Industries and Agriculture in India.
3. Impact of Human Rights on Indian Legal Culture.
4. Status of Welfare state in a Globalized Economy.

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UNIT IV: Social Transformation & Modern India (12 Lectures)

1. Regionalism and Law : Right to Movement, Residence and Business
2. Language Policy and Indian Constitution : Official, State and Court Language
3. Freedom of Religion and Religious Minorities
4. Reservation Policy in India : Schedule Caste, Schedule Tribe and Backward Class

UNIT V: Contemporary Issues in Indian Legal Culture(12 Lectures)

1. Citizenship Law of India and Identification Documents in India .
2. Right to Privacy and Supreme Court of India.
3. Alternate Dispute Resolution Mechanism and Social Upliftment
4. Good governance and RTI

Resources:

1. Marc Galanter (ed.) Law and Society in Modern India, Oxford.
2. Robert Lingat, The Classical Law of India,
3. U. Baxi, The Crisis of the Indian Legal system,
4. Duncan Derret, The State, Religion and Law in India,
5. H.M.Seervai, Constitutional Law of India.
6. Tarngini Sriraman, *In Pursuit of Proof: A History of identification Documents in India* , Oxford publications
7. Chris Thornhill, *A Sociology of Constitutions: Constitution and State legitimacy in Historical – Sociological Perspective* ,Cambridge Publications .
8. Anupama Roy, *Mapping Citizenship in India*, Oxford Publication.
9. Gautam Bhatia, *The Transformative Constitution : A Radical Biography in Nine Acts* , Harper Collins India

Prof. C.P. Singh

Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi



Master of Laws LL.M.

Semester – I

Paper: Core **Course Code:** LLM CC-103

Credit- 4 **Marks: 30 Internal + 70 End Sem**

Course Title: CONSTITUTIONAL LAW- NEW CHALLENGES

Course Outcome:

- C.O. 1: The objective of this paper is to study the nature of constitutional governance.
- C.O. 2: It is intended to highlight the role of constitution to face new challenges of society.
- C.O. 3: This paper further intends to expose the intricacies of challenges of constitutional governance.
- C.O. 4: To Understand the concept of Constitutional Morality.

Programme Outcome:

- P.O. 1: To understand and distinguish the role of Constitution to tackle the problems of society
- P.O.2 : To understand the impact of Constitution in making public opinion.P.O.3: To Inculcate the value of legal research

Unit I: Indian Federal Structure

(12 Lectures)

1. Federalism : Creation of New States, Special status of certain States & Article 370,
2. Federal Comity-Relationship of trust and faith between Centre and State,
3. Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.
4. Separation of Power : Doctrine of Separation of Powers and checks and balances,

Unit II: Judicial Framework & Constitutional Governance(12 Lectures)

1. Constitutional framework-Judicial interpretation and practice, Judicial activism andjudicial restraining, PIL : Implementation, Judicial autonomy and independence,
2. Accountability of Executive, Legislature and Judiciary.
3. Democratic Process : Election and Electoral reforms, Election Commission.
4. The Rule Of Law: The independence of judiciary as an aspect of separation of powers/Division of functions.
5. Constitutional Morality, Right to Dissent, Doctrine of Legitimate Expectation, Inclusiveand Egalitarian Governance.

Unit III : State & Constitutional Governance

(12 Lectures)

1. The Executive : Constitutional status, Powers and functions of the President vis-a visform of Government.
2. The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation On Privileges.
3. The Judiciary: Status, Power, functions and contemporary developments, Power of Judicial Review.
4. Constitutional torts and compensatory Jurisprudence, Contractual Liability of State Fundamental Duties & Citizenship

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Unit IV: Equality, Liberty & Constitutional Governance (12 Lectures)

1. Liberalization & Social Justice
2. Right to Equality: Privatization and its Impact On Affirmative Action.
3. Empowerment of Women.
4. Freedom of Press and Challenges of New Scientific Development,
5. Data Protection & Privacy

Unit V: Constitutional Governance & Emerging Trends (12 Lectures)

1. Emerging regime of new rights and remedies.
2. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
3. Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.
4. Implementation of International Obligation : Human Rights, Environmental protection and International trade.

Books:

1. D.D. Basu, Shorter Constitution of India
2. M.P. Jain, Constitution of India
3. M.P. Singh, Comparative Constitutional Law
4. T.K. Tope, Constitution of India

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Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi



**Master of Laws LL.M.
Semester – I**

Paper: Core Course Code: LLM CC-104

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: CONSTITUTIONALISM, PLURALISM AND GOOD GOVERNANCE

Course Outcomes:

- C.O. 1 :** To Understand the concept of Constitution.
- C.O. 2 :** Understand the concept of Constitutionalism
- C.O. 3 :** Understand the concept of Constitution with relation to Federalism
- C.O. 4 :** Understand the concept of Constitution and Good governance.

Program Outcomes:

The Student will learn a critical and collaborative approach to constitution.

Unit I : Constitutionalism.

(12 Lectures)

1. Authoritarianism-Dictatorship,
2. Democracy-Communism,
3. Limited Government -concept, Limitations on Governmental Power,
4. What is a Constitution? Development of a democratic government in England-Historical, evolution of Constitutional Government.
5. Conventions of Constitutionalism-law and conventions,
6. Written Constitutions: : U.S.A., Canada, Australia, Sweden, South Africa and India.

UNIT II: Separation of Powers & Rule of Law.

(12 Lectures)

1. Separation of Powers: Montesquieu
2. Rule of Law: Concept and new horizons,
3. Marxist concept of constitutionalism,
4. Dictatorship of the proletariat,
5. Communist State from Stalin to Gorbachov,
6. Fundamental Rights and Rule of law.

Unit III: Federalism

(12 Lectures)

1. What is a federal government? Difference between confederation and federation?
2. Conditions requisite for federalism,
3. Patterns of federal government- USA, Australia, Canada, India, Judicial review-for federal umpiring
4. New trends in federalism: Co-operative federalism,

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5. India-Central Control v. State Autonomy,
6. Political factors influencing federalism,
7. Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam, Dynamics of federalism.

Unit IV : Pluralism

(12 Lectures)

1. What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism,
2. Individual rights, Right to dissent, Freedom of speech and expression, Freedom of the press,
3. Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities,
4. Compensatory discrimination for backward classes,
5. Scheduled Tribes,
6. Distinct identity- Protection against exploitation,
7. Uniform Civil Code-Non- State Law(NSLS) and State Law Systems - Problem of a Uniform
8. Equality in Plural Society : Right to equality and reasonable classification.
9. Prohibition of discrimination on ground of religion, caste, sex, language, abolition of untouchability .
9. Pluralism and International Concerns : International Declaration of Human Rights

Unit V: Good Governance: Rule of Law.

(12 Lectures)

Concept and Meaning of Good Governance. Significance of Good Governance

Evolution of Good Governance: Historical Perspective(Kautilya's Arthshashtra, Gandhi's concept of "Su Raj")

Elements of Good Governance: Participation, Transparency and Accountability, Rule of Law etc.

Indian Constitution and Governance Principles.

Good Governance Initiatives in Indian Context.

Governance Vs. Good Governance: Conceptual Distinctions.

Good Governance and Rule of Law.

References:

1. Baxi, Upendra, "Socio-Legal Research in India – A Program Schriff, ICSSR, Occasional Monograph 1975.
2. Cohen, Morris L., "Legal Research", Minnesota, West Publishing Co. 1985.
3. Ghosh, B.N., "Scientific Method and Social Research", New Delhi, Sterling Publishers Pvt. Ltd, 1984.
4. Johari J.C. (ed), "Introduction to the Method of Social Sciences", New Delhi, Sterling Publishers Pvt. Ltd, 1988.
5. Kothari C.K., "Research Methodology: Method and Techniques", New Delhi, Wiley Eastern Ltd., 1980.
6. Stone, Julius, "Legal System and Lawyer's Reasoning", Sydney, Maitland Publications, 1968.

Prof. C.P. Singh

Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi



Master of Laws LL.M.

Semester – I

Paper: Core Course Code: LLM CC-105

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: JUDICIAL PROCESS

Course Outcome:

C.O. 1: The objective of this paper is to study the nature of judicial process as an instrument of social ordering.

C.O. 2: It is intended to highlight the role of court as policy maker participant in the power process and as an instrument of social change.

C.O. 3: This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques.

C.O. 4: Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required.

C.O.5: This paper, therefore, intends to familiarize the students with various theories different aspects and alternative ways of attaining justice.

Programme Outcome:

P.O. 1: To understand and distinguish the law making process.

P.O.2 : To understand the impact of judiciary in law making.

P.O.3: To understand the role of judicial process in social order.

Unit I: Nature of Judicial Process

(12 Lectures)

1. Judicial process as an instrument of social change.
2. Judicial process and creativity in law-common law model,
3. Legal Reasoning and growth of law change and stability.
4. The tools and techniques of judicial creativity precedent.

Unit II: Legal Development And Creativity Through Legal Reasoning

(12 Lectures)

1. Legal development and creativity through statutory and codified systems.
2. Role of judiciary in constitutional adjudication-various theories of judicial role.
3. Judicial Behaviour and constitutional adjudication.

Unit III: Judicial Process in India :

(12 Lectures)

1. Judicial accountability-Problems and Prospects.
2. Indian debate on the role of judges and on the notion of judicial review.
3. The “Independence” of Judiciary “Political” nature of judicial process.


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Dr. Amit Singh


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Unit IV: Judicial Activism And Creativity Of the Supreme Court: (12 Lectures)

1. The tools and techniques of creativity.
2. Judicial process in pursuit of constitutional goals and values.
3. Judicial Delay, Docket Explosion, Court Management & Litigation Management, and Performance of the Judges.

Unit V: Development of Human Rights Jurisprudence By Judiciary: (12 Lectures)

1. New dimensions of judicial activism and structural challenges.
2. Institutional liability of courts scope and limits.
3. The expansion of Human Rights jurisprudence by Interpretational tools.

Resources

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1-8-16, Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process, Universal, New Delhi 21.
3. Henry J. Abraham : The Judicial Process , Oxford.
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth .
5. Butterworths W. Friedmann : Legal Theory , Stevens, London.
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law , Universal.
7. Delhi J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
9. Rajeev Dhavan : The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques .
10. Tripathi, Bombay John Rawls : A Theory of Justice , Universal, Delhi Edward.
11. H. Levi : An Introduction to Legal Reasoning , University of Chicago

Prof. C.P. Singh

Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi



Master of Laws LL.M.

Semester – I

Paper: Value Added Course Course Code: LLM VC-101

Right to Information and Good Governance

Credit- 4 Marks: 30 Internal + 70 End Sem

A Common man or an Activist or an Academician requires knowledge of access to justice and this paper in LL.M course is an endeavor in this direction. The objective of this paper is to understand that Right to Information is an effective tool of Good Governance. Right to information (RTI) Act 2005 have been implemented for subtle change in the administration of the governmental process. Across the world, there are many initiatives which are implemented for realizing the need of Good Governance. Right to information (RTI) is being recognized as potential tool of empowerment. Right to information Act 2005 has been enacted with a view to promote openness, transparency and accountability in public administration. To achieve these objectives, this paper in LL.M is a right step in this direction. This paper highlights the importance of right to information as a tool to achieve good governance. It also discusses that a government which operates in greater secrecy is more prone to corruption as compared to a government which operates in greater openness. This paper tries to explain the conception of Right to Information and its utility in good governance. Hence, this course is being added as a Value Added Course in the Curriculum.

UNIT- 1

Right to Information Act, 2005

- Definitions.
- Right to information and obligations of public authorities.
- How can a person obtain information under the Act?.
- What information may not be given?.
- The Central Information Commission.
- The State Information Commission.
- Powers and functions of Information Commissions, Appeal and Penalties.

UNIT-2

Drafting RTI

- RTI application drafting, drafting of right questions, filling and submitting of application.
- Role of judiciary and Central information Commission in implementation of the Act.
- Public Authority.

UNIT-3

Good Governance and Challenges.

- Right to Information as an instrument of change.
- Role of RTI in reducing corruption in India.
- Challenges in attaining good governance by way of RTI

UNIT-4

RTI and Activism

- Challenges and obstacles faced by RTI activists.
- Policy framework for their protection.
- Right to Information Amendment Act, 2019.

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Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi



UNIT-5

Misuse of RTI

- RTI not a means of Grievance redressal.
- RTI and File Notings.
- Misuse of Right to Information.

Bibliography:

1. Brooks, Heather., *"Your Right to Know: A citizen Guide to the Freedom of Information Act"*, Pluto Press (U.K.) 2006.
2. Brady Ronan and Smithpatrik., *"Democracy Blindfolded: The Case of a Freedom of Information Act"*, Cork University Press, 1994.
3. Carey, Peter and Turle, Marcus., *"Freedom of Information Handbook"*, The Law Society; 2nd Revised Edn., 2008.
4. Dhaka, R.S., *"Right to Information and Good Governance"*, 2010.
5. Martin, Shanon E., *"Freedom of Information: The News the Media Use"*, Peter Lang Inc., 2008.
6. Mishra, S.S., *"Right to Information (RTI) and Rural Development in India"*, New Century Publications, 2009.
7. Mustafa, Faizan., *"Constitutional Issue in Freedom of Information: International and National Perspective"*, Kanishka Publishers and Distributors, 2003.
8. Sathe, S.P., *"The Right to Know"*, 1991.
9. Seervai, H.M., *"Constitutional law of India"*, 3 Vols., Universal Law Publishers, 2007.
10. Singleton, Susan *"The Freedom of Information Act"*, Thorogood Publications 2010.
11. Shukla, V.N., *"Constitution of India"*, 11th Edition, Eastern Book Company, Lucknow, 2008.
12. Smith, Kelvin, *"Freedom of Information: A Practical Guide to Implement the Act"*, Facet Publishing 2004.
13. Wadia, Angela., *"Global Sourcebook on Right to Information"*, Kanishka Publishers and Distributors, 2006.
14. Chhachhar. Varun, *"Right to Information and Administration of Justice"*, Published by ACUMEN Publishers, The Netherlands, First Edition (2019), ISBN: 978-9-83024-21-9.
15. Chhachhar. Varun, *"Misuse of Right to Information in India"*, Published in the Journal of the Campus Law Centre, University of Delhi, Vol IV & V of 2017, ISSN : 2321-4716. P.86-99.

Prof. C.P. Singh

Dr. Amit Singh

Prof. Masood Alam

Dr. Piyush Kumar Trivedi