

**SARDAR PATEL UNIVERSITY  
VALLABH VIDYANAGAR**



**WITH EFFECT FROM 2017-18  
COURSE STUDY  
GROUP G  
LLM  
(CONSTITUTION AND LEGAL ORDER)  
SEMESTER II  
CORE SUBJECTS**

<b>Group B</b>	<b>Criminal Law</b>
<b>Group C</b>	<b>Business Law</b>
<b>Group E</b>	<b>Environment &amp; Legal Order</b>
<b>Group G</b>	<b>Constitution &amp; Legal Order</b>
<b>Group J</b>	<b>Human Rights Law</b>

<b>SEMESTER : II (w.e.f. July, 2017)</b>		
<b>Course Code : PL02CLCL21</b>	<b>Course Title:</b> Indian Constitution Law: the New Challenges–II	
<b>Course Credit :</b>	<b>Course Type :</b> Core compulsory Optional Paper	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

UNIT	DESCRIPTION IN DETAIL	Credit
<b>1</b>	<b>Emerging regime of new rights and remedies</b> Rights of life and personal liberty Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence under the constitution Right to education Commercialization of education and its impact. Brain drain by foreign education market.	
<b>2</b>	<b>Right of minorities to establish and administer educational institutions and state control.</b> Inter relation of Art-14,19 and 21 old and present view Inter relation of Art-32 and 226 Constitutional safeguards and minorities in India	
<b>3</b>	<b>Secularism</b> Secularism and religious fanaticism Right against exploitation	

	Right to freedom of religion Uniform civil code and new challenge	
<b>4</b>	<b>Separation of powers: stresses and strain</b> Judicial activism and judicial restraint. PIL: implementation. Judicial independence. Appointment, transfer and removal of judges. Accountability: executive and judiciary. Tribunals	
<b>5</b>	<b>Basic Structure , Amendment &amp; Constitution</b> The constitution and environmental justice Amendment of constitution Basic structure theory of constitution Emergency provisions under the constitution	

**Reference 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 (1982). Vikas, New Delhi.
4. U. Baxi (ed.) -Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi - A Journal about Women and Society.
6. Duncan Derret -The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai -Constitutional Law of India (1996), Tripathi.
8. D.D. Basu -Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi

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FACULTY: LAW LL.M. (CBCS)**

<b>SEMESTER : II (w.e.f. July, 2017)</b>		
<b>Course Code :</b> PL02CLCL22	<b>Course Title:</b> Jurisprudence	
<b>Course Credit :</b>	<b>Course Type :</b> Core compulsory	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

UNIT	DESCRIPTION IN DETAIL	CREDIT
<b>1</b>	Definition or Meaning , Nature & Scope of Jurisprudence School of Jurisprudence	
<b>2</b>	Concept of Law Kinds of Law Sources of Law – Custom, Legislation & Precedent State & Sovereignty Administration of Justice	
<b>3</b>	Legal Concepts Concepts of Rights & Duties Nature of Law Concepts of Ownership	
<b>4</b>	Concepts of Possession Concepts of Titles Concepts of Liabilities Concepts of Personality	
<b>5.</b>	Concepts of Law of Obligation Concepts of Property Theories of Negligence Wrongful Acts	

**REFERENCE BOOKS:**

1. Bodenheimer - Jurisprudence - The Philosophy and Method of Law (1996) Universal, Delhi.
2. Fetzgerald (ed) - Salmond on Jurisprudence (1999) Tripathi, Bombay
3. W. Frieridmarin- Legal Theory (1999) Universal, Delhi
4. V.D. Mahajan - Jurisprudence and Legal Theory(1996 Re-print), Eastern, Lucknow
5. M.D.A. Freeman (ed) -Lloyd's Introduction t Jurisprudence (1994), Sweet & Maxwell

6. Paton G.W.- Jurisprudence (1972) Oxford, ELBS
7. H.L.A. Hart - The Concepts of Law (1970) Oxford ELBS
8. Roscoe Pond -Introduction to the Philosophy of Law (1998 Re-Print) Universal, Delhi
9. Dias -Jurisprudence (1994 First Indian re-Print), Adithya Books, New Delhi
10. Dhyani SN. - Jurisprudence: A Study of Indian Legal Theory (1985) Metropolitan,  
New Delhi.

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**FACULTY : LAWLL.M. (CBCS)**  
**ELECTIVE SUBJECT**  
**(SEMESTER II)**

<b>SEMESTER : II</b> (w.e.f. July, 2017)		
<b>Course Code :</b> PL02ELCL21	<b>Course Title:</b> Mass Media Law-II	
<b>Course Credit :</b>	<b>Course Type :</b> Optional Paper 3	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

UNIT	DESCRIPTION IN DETAIL	CREDIT
<b>1</b>	<b>Difference between films and Press - why pre-censorship valid for films but not for the press?</b>	
<b>2</b>	<b>Censorship under the Cinematograph Act.</b>	
<b>3</b>	<b>Radio and Television - Government monopoly.</b> <ul style="list-style-type: none"> <li>• Why Government department?</li> <li>• Should there be an autonomous corporation?</li> <li>• Effect of television on people.</li> <li>• Report of the Chanda Committee</li> </ul>	
<b>4</b>	<b>Radio and Television - Government monopoly..</b> <ul style="list-style-type: none"> <li>• Government policy.</li> <li>• Commercial advertisement.</li> <li>• Internal Scrutiny of serials, etc.</li> <li>• Judicial Review of Doordarshan decisions: Freedom to telecast.</li> </ul>	
<b>5</b>	<b>Constitutional Restrictions</b> <ul style="list-style-type: none"> <li>• Radio and television subject to law of defamation and obscenity.</li> <li>• Power to legislate - Article 246 read with the Seventh Schedule.</li> <li>• Power to impose tax - licensing and licence fee.</li> </ul>	

**REFERENCE BOOKS:**

1. M.P. Jain -Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai - Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
3. John B. Howard - "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980).
4. Bruce Michael Boyd - "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).

5. Rajeev Dhavan-"On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
6. Rajeev Dhavan - "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
7. Soli Sorabjee -Law of Press Censorship in India (1976).
8. Justice E.S. Venkaramiah - Freedom of Press: Some Recent Trends (1984).
9. D D. Basu -The Law of Press of India (1980).
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

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**LL.M. (CBCS)**

<b>SEMESTER : II</b> (w.e.f. July, 2017)		
<b>Course Code :</b> PL02ELCL22	<b>Course Title</b> Human Rights-II	
<b>Course Credit :</b>	<b>Course Type :</b> Optional Paper 4	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p><b>Development Agencies and Human Rights</b></p> <ul style="list-style-type: none"> <li>• Major international funding agencies and their operations in India</li> <li>• World Bank lending and resultant violation/promotion of human rights</li> <li>• Should development assistance be tied to observance of human rights (as embodied in various UN declarations)</li> </ul>	
2	<p><b>Comparative Sources of Learning</b></p> <ul style="list-style-type: none"> <li>• EEC Jurisprudence</li> <li>• The Green Movement in Germany</li> <li>• The International Peace Movement</li> </ul> <p>Models of Protection of the rights of indigenous peoples: New Zealand (Maoris) Australia, Aborigines and Canada (Indians)</p>	
3	<p><b>Freedoms</b></p> <ul style="list-style-type: none"> <li>• Free Press - Its role in protecting human rights</li> <li>• Right of association</li> <li>• Right to due process of law</li> <li>• Access and Distributive Justice</li> </ul>	
4	<p><b>Independence of the Judiciary</b></p> <ul style="list-style-type: none"> <li>• Role of the Legal Profession</li> <li>• Judicial appointments - tenure of judges</li> <li>• Qualifications of judges</li> <li>• Separation of judiciary from executive</li> </ul>	
5	<p><b>European Convention of Human Rights</b></p> <ul style="list-style-type: none"> <li>• European Commission/Court of Human Rights</li> <li>• Amnesty International</li> <li>• PUCL, PUDR, Citizens for Democracy</li> <li>• Minorities Commission</li> <li>• Human Rights Commission</li> <li>• Remedies Against Violation of Human Rights</li> </ul>	

### **REFERENCE BOOKS:**

- 1 M.J. Akbar - Riots After Riots (1988)
- 2 A.B. Robertson (ed), Human Rights in National and International Law (1970)
- 3 Menon (ed.) - Human Rights in International Law (1985)
- 4 J.A. Andrews - Human Rights in International Law (1986)
- 5 Moskowitz - Human Rights and World Order (1958)
- 6 S.C. Khare - Human Rights and United Nations (1977)
- 7 S.C. Kashyap - Human Rights and Parliament (1978)
- 8 Nagendra Singh - Human Rights and International Co-operation (1969)
- 9 H. Beddard -Human Rights and Europe (1980)
- 10 W.P. Gromley - Human Rights and Environment (1976)
- 11 Madhavtirtha -Human Rights (1953)



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<b>SEMESTER : II</b> (w.e.f. July, 2017)		
<b>Course Code</b> : PL02ELCL23	<b>Course Title</b> Constitutionalism: Pluralism And Federalism-II	
<b>Course Credit</b> :	<b>Course Type</b> : Optional Paper 5	
<b>Examination Marking Scheme</b>		
Internal(Marks)	External(Marks)	Total(Marks)
<b>30</b>	<b>70</b>	<b>100</b>

<b>UNIT</b>	<b>DESCRIPTION IN DETAIL</b>	<b>CREDIT</b>
1	<b>Rights to Separateness</b> <ul style="list-style-type: none"> <li>• Freedom of religion</li> <li>• Rights of the religious and linguistic minorities</li> <li>• Compensatory discrimination for backward classes</li> <li>• Women - rights to equality and right to special protection</li> <li>• Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS – Exclusion from Hindu Law.</li> </ul>	
2	<b>Uniform Civil Code</b> <ul style="list-style-type: none"> <li>• Non-State law (NSLS) and State Law Systems - Problem of a Uniform Code v personal lawsvertical federalism</li> </ul>	
3	<b>Equality in Plural Society</b> <ul style="list-style-type: none"> <li>• Right to equality and reasonable classification</li> <li>• Prohibition of discrimination on ground of religion, caste, sex, language.</li> <li>• Abolition of untouchability</li> <li>• Secularism - constitutional principles</li> <li>• Tribal Groups and Equality</li> </ul>	
4	<b>Pluralism and International Concerns</b> <ul style="list-style-type: none"> <li>• International Declaration of Human Rights</li> <li>• Conventions against genocide</li> <li>• Protection of religious, ethnic and linguistic minorities</li> </ul>	
5	<b>Human Rights</b> <ul style="list-style-type: none"> <li>• State Intervention for protection of human rights</li> <li>• Right of self-determination</li> </ul>	

### **References Books:**

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