LL.M. 1ST SEM

101 Paper- I (Core Paper): Law, Social Transformation and Judicial Process in India

Max. Marks: 100
Credits: 5
Time: 3 Hours

Note: (1) *There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

Object: *The object of this paper is to make the students aware about principles of legislation, legislative and judicial process in India.*

Outcome: *The students shall be well versed about the impact of law on society in addition to judicial process in India.*

Unit-I

Principle of Legislation

1. Principles of Utility
2. Principles of Civil Code
3. Principles of Penal Code
4. Constitutional Utilitarianism, Modern Trends

Unit-II

Legislative Process in India

1. Legislative Procedure, ordinary and money Bills joint session, Assent to Bills.
2. Procedure in the House, Committees of the House, need for reforms.
3. Delegated Legislation- Need for delegated legislation, classification of delegated legislation. Constitutionality of delegated legislation and control mechanism of administrative rule making in India
4. Failure of the executive/Administration to enforce the law, civil disobedience of law.

Unit-III

1. Law and Social Transformation- Law as an instrument of social change- Law as the product of tradition and culture.
2. Responses of law to social institutions
    (a) Religion and Law
    (b) Language and Law
    (c) Community and Law
3. Women and Law
4. Children and Law
5. Modernization trends in different areas
    (a) Family Law
    (b) Local Self Government

(c) Court Processes- Civil Law and Criminal Law

Unit-IV

Judicial Process

1. Judicial Legislation as an instrument of social ordering.
2. Power of Judicial Review under the Constitution of India, Judicial activism, Dworkin's Theory of Adjudication.
3. Concept of Justice, Relation between law and justice, Equivalence theories, Dependence theories, Independence of Justice theories.

Select Bibliography:

Galanter, March (Ed.) : Law and Society in Modern India (1997), Oxford.

Lingat, Robert : The Classical Law of India (1998).

Baxi, U. : The Crisis of the Indian Legal System (1998), Vikas, New Delhi.

Baxi, U. (Ed.) : Law and Poverty Critical Essay (1988), Tripathi, Bombay.

Derret, Duncan : The State, Religion and Law in India (1999), Oxford University Press, New Delhi.

Seervai, H.M. : Constitutional Law of India (1996), Tripathi.

Basu, D.D. : Shorter Constitution of India (1996) Prentice-Hall of India(P.) Ltd.) New Delhi.

Destha, Sunil and Destha, Kiran : Law and Menace of Child Labour (2000). Anmol Publications, Delhi

Gunasekhere, Savitri : Children, Law and Justice (1997), Sage.

Indian Law Institute : Law and Social Change: Indo-American Reflections, Tripathi (1988)

Kripalani, J.B. : Gandhi: His Life and Thought (1970), Ministry of Information and Broadcasting, Government of India.

Jain, M.P. : Outlines of Indian Legal History (1993)

Flavia, Agnes : Law and Gender Inequality: The Polities of women's right in India(1999), Oxford.

102- Paper- II (Core Paper): Indian Constitutional Law and the New Challenges

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) *There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

Object: *The object of this paper is to make the students aware about each and every aspect of the Constitution of India particularly in the context of its federal structure, legislature, executive and the judiciary.*

Outcome: *The students shall be well versed about each and every aspect of the Constitution of India.*

Unit-I

1. The Executive- Union & States Parliamentary/Presidential form of Governments-Suitability. President/Governor & Council of Ministers-Relationship. Coalition government, Power Politics.
2. Parliament & State Legislatures Composition of Legislature, Elections, Corrupt Practices. Role of the Legislature, Elections, Corrupt Practices
3. Judiciary in India, Independence of Judiciary, Appointment, Removal of the Judges, Code of Conduct for Judges. Power of Judicial Review, Writ Jurisdiction & other powers of the court, Judicial Activism. Separation of Powers, Relationship of Executive, Legislature & Courts.

Unit-II

1. Fundamental Rights, Definitions of State and Law.
2. Right to Equality, Reverse discrimination.
3. Political Freedoms of the citizen reasonableness of restrictions.
4. Right to life & personal liberty, various dimensions of the right to life and personal liberty.

Unit-III

1. Secularism, right of the minorities.
2. Socio-economic rights, Directive principles of state policy-enforcement by the state relationship between directive principles & fundamental rights.
3. Doctrine of eminent domain, right to property
4. Parliamentary Privileges & Fundamental Rights.
5. Fundamental duties of the citizen.

Unit-IV

1. Federalism, Co-operative federalism.
2. Legislative and Administrative relations.
3. Distribution of financial resources, Inter-State trade and commerce.
4. Amendment of the Constitution, Basic structure theory.

Select Bibliography:

Seervai, H.M. : Constitutional Law of India (3 Volumes).
Jain, M.P. : Indian Constitutional Law
Shukla, V.N. : Constitution of India
Basu, D.D. : Constitution of India
Bar Council of India : Constitution of India
(Edited by Hidayatulla)
Ex. C.J. of India
Dr. Pal, Chander : Centre-State Relation and Co-operative Federalism.
Gupta, R.K. : Centre State Fiscal Relation under the Indian Constitutional Law
Wheare, K.C. : Federal Government (1963)

103- Paper- III (Core Paper): Principles of Statutory Interpretation

Max. Marks: 100
Credits: 5
Time: 3 Hours

Note: (1) *There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.*

Object: *This paper aims to discuss various principles of statutory interpretation with the help of case law.*

Outcome: *The students shall be well versed about various principles which are of utmost concern for the courts for the purpose of interpretation of statutes.*

Unit-I

1. Basic Principles of Interpretation:
   Meaning of Interpretation, Interpretation and Construction, Intention of Legislature, Statute must be read as a whole in its context, Presumption in favour of constitutionality of a statute. If meaning plain, effect must be given to it irrespective of consequences.
2. Rule of Literal Construction.
3. Golden Rule of Construction.
4. Mischief Rule of Construction

Unit-II

1. Internal Aids to Construction:
   Short Title, long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretations Clause, Proviso, Explanation, Schedules.
2. Maxims
   (i) Ejusdem Generis (ii) Expressio Unius Est Exclusio Alterius
   (iii) Noscituar A Sociis
3. Interpretation of Constitution.

Unit-III

1. External Aids to Construction
   Parliamentary History, Historical Facts and Surrounding Circumstances, Dictionaries, Text-books, Use of Foreign Decisions, Statutes in Pari-materia.
2. Codifying and Consolidation Statutes.
3. Mandatory and Directory Provisions.
4. Commencement and Repeal of Statutes.

Unit-IV

1. Beneficial and Liberal Construction.

2. Construction of Remedial and Penal Statutes.
3. Construction of Taxing Statutes.
4. Presumption as to Jurisdiction of the Courts.
5. Construction to Prevent, Evasion and Abuse.

Select Bibliography:

Maxwell : Interpretation of Statutes.
Craies : Statute Law.
Sutherland : Statutory Construction.
Singh, G.P. : Principles of Statutory Interpretation.
Swarup, Jagdish : Legislation and Interpretation.
Sarathi, V.P. : Interpretation of Statutes.
Bindra : Interpretation of Statutes.