APPENDIX 14 (viii) (b) (R)

UNIVERSITY OF MADRAS

M.L., Constitutional Law and Legal Order

(Under CBCS pattern from the academic year 2015 - 2016)

REGULATION

M.L (CONSTITUTIONAL LAW AND LEGAL ORDER)

FIRST SEMESTER

PSI C 501 - Law and Social Transformation - I
PSI C 502 - Law and Social Transformation - II
PSI C 503 - Introduction to International Law
PSI C 504 - Constitutionalism, Pluralism and Federalism
PSI E 501 - Introduction to Constitution
PSI E 502 - Mass Media
UOM S 001 - Soft Skill

SECOND SEMESTER

PSI C 505 - Indian Constitutional Law - The New Challenges - I
PSI C 506 - Indian Constitutional Law - The New Challenges - II
PSI C 507 - Judicial Process
PSI C 508 - Public Utility Law
PSI E 503 - Private International Law
PSI E 504 - Environmental Law
UOM S 002 - Soft Skill
THIRD SEMESTER
PSI C 509 - Research Methodology and Legal Education
PSI C 510 - Science Technology and Law
PSI C 511 - Union State Financial Relations
PS1 E 505 - National Security and Public Order
PSI E 506 - Human Rights
UOM S 002 - Soft Skill
UOM I 001 – Internship

FOURTH SEMESTER
PSI C 512 - Practical Training
PSI C 513 - Dissertation and Viva-voce
PSI C 514 - Introduction to IPR
PSI E 507 - Right to Information
UOM S 002 - Soft Skill
PSI E 501 - INTRODUCTION TO CONSTITUTION

UNIT I - INTRODUCTION


UNIT II - LEGISLATURE


UNIT III- EXECUTIVE

Union Government - President - Vice President - Prime Minster-Council of Ministers -State Government - Governor - Chief Minister- Council of Ministers - Election Commission.

UNIT IV - JUDICIARY

Jurisdiction of Supreme Court - Original, Appellate, Advisory and Writ Jurisdiction - High Courts - Comparison between Art.226 and Art.32 - Court of Record - Contempt of Court - Power to punish Contempt of Court- Tribunals

UNIT V - FEDERAL PRINCIPLES

Central State Relationship - Legislative, Financial and Administrative Relations - Full faith and Credit Clause - Disputes relating to water. - Cooperative Federalism - Freedom of Trade and Commerce- Judicial Interpretation of List - Doctrine of Repugnancy - Doctrine of Pith and Substance - Doctrine of Occupying Field.

PRESCRIBED BOOKS:

- Dr.S.A.Karandikar & Dr.V.Bindu, Constitutional and Administrative Law, Arati & Co, Mumbai
- H.M.Seervai, Constitutional Law of India, Universal Law Publishing Co
PSI E 502- MASS MEDIA

UNIT I - MASS MEDIA-TYPES OF MEDIA

Definition of Mass Media - Kinds of Media - Technology and Media-Privatisation and growth of media.

UNIT II- CONSTITUTION AND MEDIA


UNIT III- FILMS AND FREEDOM OF SPEECH AND EXPRESSION

Film as Media-H Cinematograph Act, 1952 - Mechanism under the Act -Constitution- Power and function.

UNIT IV: RADIO, TELEVISIONS AND OTHER ELECTRONIC MEDIAS

Government’s power to Control these Medias- Government Monopoly over this media- influence of LPG on these Medias- Cable T.V. regulations- Broadcasting Bill of India Information Technology Act- Internet and other social Media.

UNIT V: LEGISLATURE AND JUDICIARY

Power of Parliament to enact Laws - Seventh Schedule - Role of Judiciary and Media.

PRESCRIBED BOOKS:

- Madhavi Goradia Divan, Facets of Media Law, Eastern Book Company
- Mark Pearson, Media Law, Allen & Unwin
- A Vikram Raghavan, Communications Law in India, Lexis Nexis Butterworths
UNIT I - INTRODUCTION
Scope and Nature - Definition – Theories - Historical Development of Private International Law - Relationship between Private International Law and Public International Law - Classification.

UNIT II - DOMICILE
Domicile, Nationality, Residence.-Concept of Renvoi and Double Renvoi - Jurisdiction of Courts- English land Indian Practice — Actions in personam - Partnership -Companies - Jurisdiction immunities under Indian Law and English Practice -Waiver of immunities under Indian Law and English Practice

UNIT III — FAMILY LAW
Family Law- Marriage - Matrimonial Causes, Legitimacy and Legitimation

UNIT IV - SUCCESSION
Adoption - Administration of estates -Succession- Guardianship and Custody

UNIT V - JURISDICTION
Recognition and Enforcement of Foreign judgement and 2 Arbitral Awards - Limitation on Jurisdiction

PRESCRIBED BOOKS
• Atul TM Setalvad, Conflict of Laws, Lexis Nexis Butterworth
• Paras Diwan, Private International Law
UNIT - I INTRODUCTION

Dimensions of Environmental Problems - Meaning and definition of Environment and Pollution - Kinds of pollution - Sources and consequences of pollution - Significance of Environmental Law - Ancient Indian Philosophy relating to environment protection General rights and obligations of states

UNIT - II PROTECTIVE LAWS


UNIT - III GENERAL LAWS

Common Law & Criminal- Law Remedies for Environmental Problems - Nuisance, Negligence, strict liability and absolute liability - Provisions of IPC relating to environmental problems

UNIT - IV JUDICIARY AND ENVIRONMENT

Judicial Activism and Environment - Public interest litigation for environmental protection - landmark Judgments - Constitutional Provisions - Common Law & Criminal Law Remedies for Environmental Problems

UNIT - V INTERNATIONAL PROTECTION


PRESCRIBED BOOKS

S.C. Sastry, Environmental Law
- Tiwari, Environmental Law
- S.Shanta Kumar, Environmental Law
- Armin Rosencranz, Shyam Divan, Martha L. Noble: Environmental Law
- Leela Krishna, P, the Evolving Environmental Law and Policy in India
UNIT I - FEDERALISM

Creation of new states, Allocation and share of resources - Distribution of grants-in-aid, - The inter-state disputes on resources - Rehabilitation of internally displaced persons - Centre's responsibility and internal disturbance within states - Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes - Deployment of security forces etc.

UNIT II- SEPARATION OF POWER


UNIT III- THE EXECUTIVE

Constitutional status, Powers and functions of the President, Governor- Appointment of Governor- Council of minister- Collective Responsibility.

UNIT IV - THE LEGISLATURE

Parliament Legislative Privilege - Nature and Extent - Scope and Limitation on privileges

UNIT V- THE JUDICIARY

Appointment of Supreme Court and High Court Judges - Constitutional provisions - Judicial Accountability- Independence of Judiciary -Contemporary Developments - Subordinate Judiciary

UNIT VI- GOOD GOVERNANCE

PRESCRIBED BOOKS

- Granville Austin, Working a Democratic Constitution, Oxford University Press
- H.M. Seervai, Constitutional Law of India, Universal Law Publishing Co
- M.P. Jain, Indian Constitutional Law, Lexis Nexis Butterworth
UNIT I - FUNDAMENTAL RIGHTS

Definition of ‘State’-Need for widening the definition in the Wake of liberalization - Right to equality: Privatization and its impact on affirmative action - Empowerment of Women - Religious freedom - Secularism -. Right of minorities to establish and administer educational institutions of their choice.

UNIT II - EMERGING REGIME OF NEW RIGHTS AND REMEDIES

Compensatory jurisprudence- Right to education - Commercialisation of education and its impact - Brain drain by foreign education market.

UNIT III - DIRECTIVE PRINCIPLES OF STATE POLICY


UNIT IV - DEMOCRATIC PROCESS


UNIT V - FREEDOM OF PRESS AND TECHNOLOGY

Freedom of speech and right to broadcast and telecast - Information Technology- Internet- Cyber defamation- Privacy and Electronic Media - Commercial Speech - Trial by Media

PRESCRIBED BOOKS

- M P Jain, Indian Constitutional Law, Lexis Nexis Buttersworth ,
- Granville Austin, Working a Democratic Constitution, Oxford University Press
- H.M.Seervai, Constitutional Law of India, Universal Law Publishing Co
- M.P. Iain, Indian Constitutional Law, Lexis Nexis Butterworth
PSI C 507 - JUDICIAL PROCESS

UNIT I: NATURE OF JUDICIAL PROCESS

Judicial process as an instrument of social ordering- Judicial process and creativity in common law model-Legal Reasoning and growth of law-change and stability, The tools and techniques ' of judicial creativity, Precedent-Kinds of Precedent-Obiter-Dicta- -Subsilentio-Per incuriam- Communis error Facit ius- Finding Ratio of a case

UNIT II: JUDICIAL PROCESS IN INDIA

Concept of Judicial Review- Review in Constitutional adjudication- Tools and techniques in policy making and creativity in constitutional adjudication-Judicial activism- Judicial self-restraint - Scope and limits- Problems of accountability -The independence of judiciary- Prospective over ruling

UNIT III: THE CONCEPTS OF JUSTICE

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought, Various theoretical’ bases of justice-the liberal. Contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

UNIT IV: RELATION BETWEEN LAW AND JUSTICE

Equivalence Theories-Justice as nothing more than the positive law of the stronger class, Dependency theories-For its realization justice depends on law, but justice is not the same as law, the independence of justice theories-means to end relationship of law and justice-the relationship in the context of the Indian Constitutional ordering, Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice- Idea of Justice.

PRESCRIBED BOOKS

• J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985

**PSI C 508 - PUBLIC UTILITY LAW**

**UNIT I - PUBLIC UTILITIES AND ITS IMPACT**

Government machineries and functioning - Impact of failure of Public Utility Service- Railways, Electricity, Gas, Road Transport, telephone, post and telegraph services, Police, Fire Brigade, Hospital etc.- Growth and evolution of public utilities and their legislation- Concept Essential services.

**UNIT II - PUBLIC UTILITIES AND FUNDAMENTAL RIGHTS**

The Right to equality: the Airhostess case - Are Public utilities and the concept of State under article 12 of the Constitution Public Utilities under changing market strategies-Liberalization & Privatization- Liabilities and special privileges of public utilities - In contract- In tort- In Criminal law.

**UNIT III - PUBLIC UTILITIES AND GOVERNMENT MONOPOLY**

Government and Parliamentary Control - Strategies to deal with dispute in Public Utility Services- Constitutional Division of power to legislate.

**UNIT IV - UTILITIES LEGISLATION AND FAIR HEARING**


**UNIT V- PUBLIC UTILITIES AND CONSUMER PROTECTION**


**PRESCRIBED BOOKS**

• C K Takwani, Lectures on Administrative Law,
• P L Malik, Industrial Law, Eastern Book Company,
• H.M.Seervai_, Constitutional Law of India, 1996 ' 
• M.P.Jain, India Constitutional Law, Lexis Nexis Butterworth.
PSI C 509 - RESEARCH METHODOLOGY 8: LEGAL EDUCATION

UNIT I
Meaning of Research- Legal research, Scientific Method-Kinds of Research: Socio-legal research, Doctrinal and non-doctrinal research, Quantitative and Qualitative research & Relevance of empirical research.

UNIT II
Formulation of research problem - Tools and techniques of data collection-Use of questionnaire and interview- Use of case study-Jurimetrics

UNIT III
Sampling procedure-design of sample, types of sample to be adopted-Classification and tabulation of data- Analysis of data- Art of thesis writing

UNIT IV
Legal Education - Objectives of Legal Education – Lecture Method of Teaching - Merits and demerits - The Problem Method - Discussion method and its’ suitability at postgraduate level teaching - The Seminar Method of teaching - Examination system and problems in evaluation – external and internal assessment- Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers

UNIT V
Clinical legal education - legal aid, legal literacy, legal survey and law reform Technology and Legal education-formal and informal legal education- Case study method- Head note writing- case Comments.

PRESCRIBED BOOKS:

- High Brayal, Nigel Dunean and Richard Crimes,
- Legal Education in India (1973), Tripathi, Bombay,
- N.R.Madhava Menon, (ed.) A Handbook of Clinical
• Legal Education, (1988) Eastern Book Company, Lacknow,
• M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978),
  Pauline V.Young, Scientific Social Survey and research, (1962)
• H.M.Hyman, Interviewing in Social Research (1965), Erwin C. Surrency,
  B.Fielfand J.Crea, A Guide to Legal Research (1959)
PSI C 510 - SCIENCE TECHNOLOGY AND LAW

UNIT I

UNIT II
Intellectual Property Rights-Competition Law-Anti Competitive Agreement - Anti Trust and unfair Trade Practice Regulation- Technology and Criminology-Regional Co-operation and Municipal Legislation- use and abuse of Science Technology

UNIT III

UNIT IV

UNIT V

PRESCRIBED BOOKS
- Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi
- Steven D Anderman, The Interface between Intellectual Property Rights
UNIT I - DEFINITION, MEANING AND SCOPE OF HUMAN RIGHTS


UNIT II - INTERNATIONAL BILL OF RIGHTS AND CORE INSTRUMENTS


UNIT III - HUMAN RIGHTS AND CONSTITUTION


UNIT IV - NATIONAL AND STATE HUMAN RIGHTS COMMISSIONS


PRESCRIBED BOOKS

PSI C 511 - UNION STATE FINANCIAL RELATIONS

UNIT I


UNIT II

Scheme of Allocation of taxing power - Extent of Union power of taxation - Residuary power - inclusion of fiscal power - Tax reforms.

UNIT III


UNIT IV

Source of borrowing - National and International-Borrowing by the Government of India- Borrowing by the States - Limitation -Freedom of Inter-State trade and Commerce- Restrictions on legislative power of the Union and States will trade and commerce-State Monopoly v. Barriers free trade, commerce and-occupation Constitutional provisions.

UNIT V

Planning Commission- National Development Council- Plan grants - Cooperative Federalism - Full faith and credit. Inter - State Council - Zonal Councils - Inter-State disputes.

PRESCRIBED BOOKS

- Chandrapal, Centre-State Relations and Cooperative Federalism, Chs 5 and 8 (1983)
- G. C. V. Subba Rao, Legislative Powers in Indian Constitution Law,
 PSI C 513  - DISSERTATION AND VIVA – VOCE
 PSI C 514  - INTRODUCTION TO IPR

UNIT I  -  INTRODUCTION

UNIT II  -  PROTECTION OF INTELLECTUAL PROPERTY

UNIT III  -  LAW OF PATENTS

UNIT IV  -  LAW OF COPY RIGHTS

UNIT V  -  TRADE MARK AND OTHER IPRs

- D.T. Lakadwala, Union-State Financial Relations.
Prescribed Books

- P.Narayanan, Law of Copy Right and Industrial Design, Eastern Law House, New Delhi, 2006
- Sarkar on Trade Marks, Kamal House, Kolkata, 2008
- Latha R Nair & Rajendra Kumar, Geographical Indications, Butterworth 2005
UNIT I

UNIT II
Doctrine of Public Interest and RTI – Public Accountability – Good Governance and RTI – Role of NGOs to make RTI.

UNIT III
E-Governance – Enhancing the efficacy of RTI through E-Governance – Recent Developments

UNIT IV

PRESCRIBED BOOKS

- Prof. (Dr.) S.V.Joga Rao, Law Relating to Right to Information, Pentagon Press, New Delhi.

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