1. ELIGIBILITY FOR ADMISSION

Admissions are open to persons all over India. The minimum qualification for admission is 3 year BL or LL.B., 5 year BL or LL.B from any recognized University accepted by the Syndicate as the equivalent thereto.

2. DURATION OF THE COURSE.

The duration of the course will be 2 years under the non-semester pattern.

3. MEDIUM OF INSTRUCTION AND EXAMINATION

The medium of instruction and Examination will be English only.

4. COURSE OF STUDY

The course of study for the ML Degree shall consist of 10 theory papers and a Dissertation.

5. SCHEME OF EXAMINATIONS

<table>
<thead>
<tr>
<th>Paper</th>
<th>Title</th>
<th>Hours</th>
<th>Marks</th>
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<tbody>
<tr>
<td>Paper-I</td>
<td>Indian Constitutional Law: The New Challenges</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-II</td>
<td>Research Methodology and Legal Education</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-III</td>
<td>Public International Law</td>
<td>3</td>
<td>100</td>
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<td>Paper-IV</td>
<td>Comparative Constitution</td>
<td>3</td>
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<td>Paper-V</td>
<td>Private International Law</td>
<td>3</td>
<td>100</td>
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<td>Paper -VI</td>
<td>Introduction to Indian Constitution</td>
<td>3</td>
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<td>Paper</td>
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<tr>
<td>VII</td>
<td>International Institutions</td>
<td>3</td>
<td>100</td>
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<td>VIII</td>
<td>Law and Diplomacy</td>
<td>3</td>
<td>100</td>
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<tr>
<td>IX</td>
<td>Judicial Process</td>
<td>3</td>
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<td>X</td>
<td>Law and Social Transformation</td>
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<td>100</td>
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<tr>
<td>XI</td>
<td>Dissertation and Viva-voce</td>
<td>3</td>
<td>150 + 50</td>
</tr>
</tbody>
</table>

**Personal Contact Programme**

Compulsory P.C.P Classes will be conducted every year for a period of 10 days only at Chennai.

**Examination**

Examination will be conducted at the end of I year and II year (June) Supplementary Examination will be conducted in December.

**Eligibility to appear for Theory Examination**

Only if a candidate attends the P.C.P Classes. He/She is eligible to appear for the Theory Examination.

Dissertation and Viva

- Dissertation and Viva: 200 Marks
- Dissertation: 150 Marks
- Viva: 50 Marks

Viva will be conducted only in the Department of Legal Studies, University of Madras, Chennai.

**6. PASSING MINIMUM**

A candidate shall be declared to have passed in each paper / subject, if he / she secure Not Less than 50% of the marks prescribed for the examination.
7. CLASSIFICATION OF SUCCESSFUL CANDIDATES

Successful candidates passing the whole examinations and securing the marks (i) 60 percent above (ii) 50 percent and above but below 60 percent in the aggregate of the marks prescribed for the course shall be declared to have passed the examination in the FIRST and SECOND class respectively.

8. PATTERN OF QUESTION PAPER

Answer any five Questions out of 8 (5 x 20 = 100)

9. ELIGIBILITY TO GUIDE

A Full-Time Law Teacher/Lecturer working in any Law College/University Department and who has put in a minimum of 2 years teaching experience is eligible to guide.

Such guide who is working in a Law College and who is not a Ph.D recognized guide can guide only a maximum of 5 Dissertations in an academic year.

A Part-Time Law Teacher/Lecturer working in a Law College and who has put in a Minimum of 10 Years Teaching Experience is eligible to guide. Such Part-Time Law Teacher/Lecturer can guide only a maximum of 3 Dissertations in an academic year.

A University Law Faculty who is a recognised Ph.D Guide can guide only a maximum of 10 Dissertations in an academic year.
PAPER – I

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

UNIT I - FEDERALISM:

Democratic Process: - Nexus of politics with criminals - Democratic Process Election
commission status - Electoral Reforms - Coalition Government stability, durability - corrupt
practice. 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,
Full Faith & Credit, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary
disputes, Deployment of security forces etc.,- Principle of good governance - Administrative
responsibility and accountability - Liability of the State in Torts - Constitutional torts and
compensatory Jurisprudence. - Doctrine of Separation of Powers and checks and balances -
Constitutional framework - Judicial interpretation and practice, Judicial activism and judicial
restraining - PIL Implementation.

UNIT II - FUNDAMENTAL RIGHTS

'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 - Freedom of speech and right to broadcast and telecast - Information Technology -
Internet - Cyber defamation- Privacy and Electronic Media.

UNIT III- DIRECTIVE PRINCIPLES OF STATE POLICY

Reading Directive Principles and Fundamental Duties into Fundamental Rights - Implementation
of International Obligation: Human Rights, Environmental protection and International trade.

UNIT IV - THE LEGISLATURE AND EXECUTIVE

Parliamentary/Legislative Privilege: Nature, Extent, Scope and Limitation on privileges. -
Constitutional status, Powers and functions of the President, Governor - Appointment of
Governor - Council of Minister- Collective Responsibility.

UNIT V- THE JUDICIARY

jurisdiction of supreme court and high Court- Power- function and contemporary developments,
Power of judicial review- Subordinate Judiciary-appointment - Compensation jurisprudence-
Right to education - Commercialisation of education and its impact - Brain drain by foreign
education market- Judicial autonomy and independence, accountability- Judicial Self Restraint.
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
PAPER II
RESEARCH METHODOLOGY & 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:
- Blackstone Press Limited, London, S.K.Agrawal (ed.), Legal Education in India (1973), Tripathi, Bombay,
- M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978), Pauline V.Young, Scientific Social Survey and research, (1962)
- C.R.Kothari, Research Methodology, New Age International Publishers, Delhi.
PAPER III

PUBLIC INTERNATIONAL LAW

UNIT-I INTRODUCTION

UNIT-II INTERNATIONAL LAW AND MUNICIPAL LAW I

UNIT-III JURISDICTION

UNIT-IV SOVEREIGNTY
Sovereign Immunity - Immunity of States - Immunity of State Organs and Property - State Responsibility - General Principles - Responsibility for injuries to alien’s - Procedural enforcement of claims, espousal and Nationality of claims, and exhaustion of local remedies - Remedies.

UNIT-V AIRSPACE LAW AND STATE SUCCESSION

PRESCRIBED BOOKS:

- Ian Brownlie, Principles of Public International Law, Oxford University Press.
- Malcom N. Shaw, International Law, Cambridge
• Dan Sarooshi, International Organizations and Their Exercise of Sovereign Powers, 1st Edn, Oxford University Press.
• Starke’s International Law, I.A.Shearer, Oxford University Press
• David Harris, Cases and Materials on International Law, Sweet & Maxwell, London
PAPER IV

COMPARATIVE CONSTITUTION

UNIT –I

Nature of Constitution- USA, UK, Australia - Federalism – US, Australia – Unitary nature of Constitution – UK

UNIT –II


UNIT –III

Executive – US President - UK – King in Parliament – Cabinet of UK – Prime Minister of Australia – Treaty making power of US President

UNIT –IV

Judiciary – Hierarchy of Judiciary- Tribunals in UK - Judicial Review- in US, UK and Australia

UNIT –V


PRESCRIBED BOOKS:

- P.K.Tripathi, Comparative Constitutional Law, Eastern Book Company
- Mahendra Singh, Comparative Constitutional Law, EBC, Lucknow-2011
PAPER V

PRIVATE INTERNATIONAL LAW

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 and 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 Judgment and 2 Arbitral Awards – Limitation on Jurisdiction

PRESCRIBED BOOKS:

- Atul M Setalvad, Conflict of Laws, Lexis Nexis Butterworth
- Paras Diwan, Private International Law
PAPER VI

INTRODUCTION TO CONSTITUTION

UNIT I - Introduction

UNIT II – Legislature

UNIT III – Executive

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

PRESCRIBED BOOKS:
1. Granville Austin, Working a Democratic Constitution, Oxford University Press
4. M.P. Jain, Indian Constitutional Law, Lexis Nexis Butterworth
PAPER VII
INTERNATIONAL INSTITUTIONS

UNIT I - INTRODUCTION
Historical Evolution of International Organizations – League of Nations

UNIT II - REGIONAL INSTITUTIONS

UNIT III – UNITED NATIONS

UNIT IV – JUDICIAL INSTITUTIONS
The Judicial settlement of International Disputes – Permanent Court of International Justice – International Court of Justice – Organisation of Court- Contentious, Advisory and other jurisdiction of the Court –International Criminal Court

UNIT V - SPECIALISED AGENCIES

PRESCRIBED BOOKS

- Ian Brownlie, Principles of Public International Law, Oxford University Press.
- Jan Klabbers, An Introduction to International Law, 2nd Edn., Cambridge University Press.
- Dan Sarooshi, International Organizations and Their Exercise of Sovereign Powers, 1st Edn, Oxford University Press.
PAPER -VIII

LAW AND DIPLOMACY

UNIT I

Growth and Development of Diplomacy – the Changing nature of Diplomacy – Challenge of Diplomacy in the 21st Century

UNIT II


UNIT III

International Conventions – The Vienna Convention on Diplomatic and Consular Relations – Diplomatic Privileges and Immunities

UNIT IV

Diplomacy and Crisis Management – Sri Lanka – Nicaragua – Namibia – Palestine – Foreign Policy – Cold War

UNIT V

Emerging trends in UN diplomacy – diplomacy and energy security – the European Union – environmental diplomacy – economic diplomacy – cultural and media diplomacy – diplomacy in the face of unconventional threats – terrorism as diplomacy through other means- Media and Diplomacy

PRESCRIBED BOOKS

- I.A. Shearer, Starke’s International Law, 11th Edn, 2009, Oxford University Press.
- Henry Kissiner, Diplomacy, Published by Simon & Schuster.
- Hans J. Morgenthau, Politics among Nations, Published by Mc Graw-Hill
- Important Documents on Security Diplomacy, Manas Publication.
- Naunihal Singh, Diplomacy for the 21st Century, 1st Edn, 2002
PAPER IX

JUDICIAL PROCESS

UNIT I: NATURE OF JUDICIAL PROCESS


UNIT II: JUDICIAL PROCESS IN INDIA


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:

- Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
- J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
- A.Laksminath, Judicial Process Precedent in Indian Law, EBC, Lucknow, 2009
PAPER – X
LAW AND SOCIAL TRANSFORMATION

UNIT I: LAW AND SOCIAL CHANGE
Meaning and concept of Law- Law as a purposive device, Change or transformation-Social Change-Value orientation in social change-Theories of Social change: Evolutionary Theory, Cyclic Theory, Functional Theory & Conflict Theory - Relationship between law and morality-culture, social change and law, Law and development, Social change in the context of democracy. Law and social change in ancient India-Social dimensions of law and social concern for justice-Role of family, associations and charitable institution in ancient India- Interaction between law and custom, Social control during the Muslim conquest-Social reform during the medieval period, Law and Social Transformation in Modern India.

UNIT II- CONSTITUTION’S ORIENTATION AND SOCIAL TRANSFORMATION
Impact of sociological school in India - Constitutional evolution and the Constitutional Assembly's Role-Constitutional text as a mechanism for social change-the Constitutional amendments and social transformation-Basic structure theory as balancing continuity and change-The role of Governmental organs for social transformation-Working of the Constitution for Social Transformation-Constitutional interpretation as an effective tool for social transformation. Application of international law in the process of constitutional interpretation-Constitutionalism and social transformation.

UNIT III - RELIGION, LANGUAGE, COMMUNITY AND LAW
Religion as a divisive factor, secularism-Reform of the law on secular lines, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law. Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language. Language policy and the Constitution-Official Language, State Language, Court Language - Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective Discrimination-Scheduled castes, Tribes and Backward classes, Reservation: Statutory Commission, Statutory provisions.

UNIT IV- REGIONALISM, WOMEN, CHILDREN AND THE LAW
Regionalism as a divisive factor, concept of India as one unit, Right of Movement, residence and business, impermissibility of state or regional barriers, Equality in matters of employment-the slogan "sons of the soil" and its practice, Admission to educational institutions, preference to residents of a state - Crimes against women - Gender injustice and its various forms- Women’s Commission - Empowerment of women: Constitutional and other legal provisions - Child labour- Sexual exploitation – Child Pornography- Adoption and related problems - Children and education.

UNIT V - MODERNISATION OF SOCIAL INSTITUTIONS THROUGH LAW, REFORM OF COURT PROCESSES, ALTERNATIVE APPROACHES TO LAW AND SOCIALIST THOUGHT ON LAW AND JUSTICE
Constitutional perspectives reflected in the fundamental duties - Reform of family law - Agrarian reform - Industrialisation of agriculture- Industrial reform: Free enterprise v. State regulation -
Industrialisation v. environmental protection- Criminal law: Plea bargaining; compounding and payment of compensation to Victims - Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats - Prison reforms - Democratic decentralisation and local self-government - The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave Jayaprakash Narayan- Surrender of dacoits; concept of grama nyayalayas - Constitutional debates on the right to property- Indian Marxist critique of law and justice- Naxalite movement-causes and cure.

PRESCRIBED BOOKS:

- Savitri Gunasekharar, Children, Law and Justice (1997), Sage
- M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
- Agnes, Flavia, Law and Gender Inequality: The Politics of Women’s Rights in India (1999), Oxford.
- P. Ishwara Bhat, Law & Social Transformation, EBC, Lucknow, 2009
1. MARKS: Dissertation and Viva-voce – 200 Marks
   - Dissertation – 150 Marks
   - Vivo-voce – 50 Marks

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3. DISSERTATION RULES:

   The Dissertation must contain the following:
   - Cover Page
   - Guide Acceptance Certificate
   - Certificate
   - Acknowledgement / Preface
   - Abbreviations
   - Contents
   - Table of Cases
   - Chapters
   - Appendix
   - Bibliography