

**TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY**  
**M.L DEGREE**  
**COMPULSORY PAPERS**  
**PAPER – I**  
**INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

**UNIT – I: State:**

**The Executive:** Constitutional Status, powers and functions of the President vis-à-vis form of Government. **The Legislature:** Parliamentary / Legislative Privileges: Nature, extent, scope and limitations on the privileges. **The Judiciary:** Status, powers, functions and contemporary developments.

**UNIT – II: Centre State Relations:**

Doctrines of ‘Separation of Powers’ and ‘checks and balances’ – Constitutional framework Judicial interpretations and practices. **Latimer House Principles**  
**Distribution of Powers:** Distribution of Legislative Powers – Constitutional Scheme and practice - Administrative Relations – Constitutional Scheme and practice - Distribution of Revenue - Constitutional Scheme and practice - Directions of the Union to States - Centre-State relations and the impact of globalization - Inter-State River Water Disputes - Boundary disputes - Deployment of Security forces - Special status of certain States - Access and Control over Natural Resources

**UNIT – III: Good Governance:**

Principles of good governance – Administrative responsibility and Accountability of State – Liability of the State in torts – Governor – Article 356 – Ordinance making power – Pardoning Power – Discretionary Powers / functions – Regulating Instruction. **Democratic Process:** Elections and Electoral Reforms - Election Commission of India - State Election Commission - Coalition Government - Party System.

**UNIT – IV:**

**Implementation of laws** - Non-implementation of Union of Law by the Union - Non-implementation of Union of Law by the States - Non-implementation of State laws by the States - **Implementation of International Obligations:** - Human Rights - Environmental Protection - International Trade.

**UNIT – V:**

**Decentralized Governance:** - Part VIII – Union Territories - Part IX – Panchayats - Part IXA – Municipalities.

**Recommended Readings:**

1. Wadhwa, D C, Re-Promulgation of ordinances: A fraud on the constitution of India, Vedpal Law House, Indore, 1983.
2. Shukla, V N, Constitution of India, 11<sup>th</sup> Ed Rev by D K Sin, Eastern Book Co., Lucknow, 2008.

3. Saharay, H K, Cases and materials on the constitution of India, N M Tripathi Pvt. Ltd., Bombay, 1987.
4. Jain Kagzi, Mangal Chandra, The constitution of India, Vol.I, 5th Ed., Metropolitan Book Co., New Delhi, 1988.
5. Gajendragadkar, P. B, Secularism and the constitution of India, University of Bombay, Bombay, 1971.
6. Shukla, V N, Constitution of India, 10 Reprint, Eastern Book company, Lucknow, 2003.
7. Durga Das Basu, Shorter Constitution of India, Vol. I and II, 14<sup>th</sup> Ed., Lexis Nexis/Butterworths, Agra, 2009.
8. Durga Das Basu, Introduction to the constitution of India, 20th Reprint, Lexis Nexis/Butterworths, Nagpur, 2009.
9. Bhattacharjee, A M, Equality, liberty and property under the constitution of India, Eastern Law House, Calcutta, 1997.
10. Subash C Jain, The constitution of India: A commemorative edition on 50 year of Indian constitution, Taxmann Allied Services (P) Ltd., New Delhi, 2000.
11. Saharay, H K, The constitution of India: An analytical approach, 3rd Ed Eastern Law House, Calcutta, 2002.
12. Arvind P Datar, Constitution of India, 2<sup>nd</sup> Ed., Wadhwa and Co., Agra, 2007.
13. Durga Das Basu, Commentary on the constitution of India Vol I to Vol. VII, 8th Ed, Wadhwa and Co., Nagpur, 2010.
14. Sarbani Sen, The constitution of India: Popular sovereignty and democratic transformations, Oxford University Press, New Delhi, 2007.
15. O Chinnappa Reddy, The court and the constitution of India: Summits and shallows, Oxford University Press, New Delhi, 2010.

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## **PAPER-II**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

#### **UNIT-I: Legal Education**

Evolution of Legal Education - Objective of Legal Education - Bar Council of India Regulations, 2008 – Part IV – Role of the University Grants Commission – Role of the State and other institutions- NKS recommendation on Legal Education-184<sup>th</sup> Report of LCI-Recommendation of Committee and Commission.

#### **UNIT-II: Teaching and Examination**

Methods of Teaching - Problem Method -Discussion Method -Seminar Method -Socratic method - Case Method - Examination and Evaluation - Extension Activities (Clinical, Legal Aid, Legal Literacy and Law Reform)

#### **UNIT-III: Research**

Concept of Research – Objectives -Types of Research - Social Science Research - Legal Research – Socio- Legal research- Methods - Identification of the research problem – Framing of hypothesis – research questions

#### **UNIT-IV: Research processes**

Review of Literature -Formulation of Research Design - Data Collection - Sampling and Census Method - Legal material, Statutes, Subordinate Legislation, Notifications, Policy statements. Decisional material, Foreign Judgments, Legal databases, Reports of Commissions & Committees

#### **UNIT-V: Analysis and Report Writing**

Statistical and Legal analysis of data – Interpretation and implication of data - Hypothesis testing - Report Writing – Structure of the dissertation

#### **Recommended Readings:**

1. William J. Goode and Paul K. Hatt, Methods in Social Research,
2. Adam Podgorecki, Law and Society, Routledge & Kagal Paul, London, 1974.

## PAPER – III

### LAW AND SOCIAL TRANSFORMATION IN INDIA

**UNIT – I:** Law and social change – Law as the traditions and culture – Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India – Need for social transformation – Non-legal strategies for social transformation (Gandhism, Sarvodaya, Marxist etc.,).

**UNIT – II:** Community and the law – Caste as a “divisive factor” – Non-discrimination on the ground of caste – Caste as a factor to undo past injustices – Protective discrimination – Reservation – Constitutional provision. Regionalism and the law – Regionalism as a ‘divisive factor’ – Concept of India as one unit – Right of movement, residence and business – Equality in matters of employment – Admission to educational institutions and preference to residents of a State.

**UNIT – III:** Women, child and the law – Crimes against women – Gender injustice and its forms – Empowerment of women – Constitutional and legal provisions – Child labor – Protection against exploitation – Right to education - Reform of family law

**UNIT – IV:** Modernization and the law – Modernization as a value – Constitutional perspectives reflected in the fundamental duties — Industrial reform – Free enterprise vs. state regulation – Industrialization vs. environmental protection – Judicial and institutional (NHRC, NCW etc.,) approaches to social transformation - Reform of court processes – Criminal law – Plea bargaining, compounding and payment of compensation to victims – Civil law – Concept of ADR – Mediation, conciliation and lok adalats.

**UNIT – V:** Issues of social transformation in contemporary India – Economic reforms and social change. Political changes and social change – Globalisation and social transformation in India – Status of the tribals - Social transformation in rural and urban societies of India – Local self governments (Panchayats and Municipalities) and their contribution to social change - Impact of MGNREGA, Bharath Nirman, NRHM, JNNURM, Infrastructure project, Educational programmes.

#### **Recommended Readings:**

1. Gandhi, J S, Ed., Law and social change, Rawat Publications, Jaipur, 1989.
2. Singh, S N, Law and social change: Essays on labour laws and welfare, Research methodology and environmental protection, P G Krishnan Memorial Foundation, Delhi, 1990.
3. Roach Anleu, Sharyn L, Law and social change, Sage Publications, London, 2000.
4. P. Ishwara Bhat, Law and Social Transformation in India, Eastern Book Company, Lucknow, 2009.
5. Marc Galanter (ed). – Law and society in Modern India (1957), Oxford
6. Robert Lingat – The Classical Law of India (1998), Oxford.
7. U. Baxi – The Crisis of the Indian Legal System (1982), Vikas, New Delhi
8. U. Baxi (ed.) – Law and Poverty: Critical Essays (1988), Tripathi, Bombay
9. Indian Law Institute – Law and Social Change: Indo – American Reflections, Tripathi.
10. Durga Das Basu, Shorter Constitution of India, Vol. I and II, 14<sup>th</sup> Ed., Lexis

**PAPER – IV**

**JUDICIAL PROCESS**

**UNIT – I: Introduction**

Constitutional scheme and practice – Rule of law and its importance – Independence of judiciary – separation of powers and checks and balances – role and status of judiciary (Constitutional courts) in a democracy – jurisdiction and powers of the court – structure of judicial system in India – Alternative adjudication – Nyaya Panchayats

**UNIT – II: Nature of judicial process**

Methods of judicial interpretation – Legislative intent – rule making powers of the court – judges as legislators versus ‘law declared’ by the Supreme Court of India – Constitutional provisions for judicial review – power to review – extra constitutional means and powers

**UNIT – III: Management**

Selection and appointment of judges – transfer of judges – manpower planning – Judicial impact Assignment- Mounting arrears and the reasons – work load – patterns of court management – Major recommendations by the Law Commission of India – Use of Information and Communication Technology by courts, its problems and solutions – training of judges – role of national and state judicial academies

**UNIT – IV: Process**

Interpretative techniques – judicial doctrines as tools of interpretation – Due process of law – procedure established by law – judicial review – activism – self restraint – public interest litigation – ratio decidendi – obiter dicta – precedent – stare decisis – political questions – prospective overruling – basic structure – colourable legislation – harmonious construction – jurimetrics – territorial nexus and the like – compensatory jurisprudence

**UNIT – V: Control**

Judicial accountability – constitutional scheme – subordinate judges – removal - disclosure of assets and liabilities – contemporary challenges to check judicial power of the courts and judges – transparency – Bangalore Principles – Contempt power and issues relating to the exercise of contempt power – post retirement positions

**Recommended Readings:**

1. Abhinav Chandrachud, Due Process of Law, Eastern Book Co., Lucknow, 2011.
2. Mamta Rao, Public Interest Litigation: Legal Aid and Lok Adalats, Eastern Book Co., Lucknow, 2011.
3. A. Lakshminath, Precedent in Indian Law, Eastern Book Co., Lucknow, 2009.