

FIRST SEMESTER (Common to all Branches of LL. M Course)

COURSE 1 LEGAL EDUCATION

Objective

The learning straits of a PG Course in Law need to develop a perspective on imparting instructions in the realm of legal education. This assumes importance as one of the intended outcome is to shape academicians in law, which requires shaping a forensic approach in the pedagogical approach to be adopted in the sphere of legal education. This can be achieved only if the Curriculum reflects the material to develop critical and profound insights at the PG level to mould generations of learners in law.

UNIT - 1

General Principles of Education- Curriculum Development- Preparation of Syllabus-Pedagogy- Committee Reports- Legal education in post globalised world

UNIT - 2

Objectives of Legal Education-Role of the Government, Universities and Bar Council-Legal Education for Professional Degree and other Degrees, Diplomas - Comparative perspectives, U.K, U.S.A and Japan - Distance Education- - Continuing Legal Education-SWAYAM Massive Open On-line Courses (MOOCS).

UNIT - 3

Methods of Teaching-Lecture method, Case method, Problem method-Tutorial Method-Discussion Method- Seminal method-Clinical Legal Education – Skill based learning in law - Law Library utilization - Learning Management System for legal education.

UNIT - 4

Student Work Assessment- Continuous evaluation – Accomplishments of practical components and evaluation- Accomplishment of Projects and its evaluation- Conduct of written Examinations- Modalities, Scope and Means of accomplishment. Participation in Para legal services, undergoing internships and grading and evaluation.

UNIT - 5

Post Graduate Legal Education-Objectives-Curriculum Development- Method of Teaching- Student Work Assessment – Evaluation – Research Oriented writing.

COURSE 2 JUDICIAL PROCESS

Objective

Learning judicial process is seminal for a PG student as a student has to get acquainted with the road undertaken and the milestones covered in the matter of arriving at a judgment by the courts of law while adjudicating disputes. Reading, learning and understanding judgments and

applicability of the principles of law expounded by the Courts in varied factual matrix and the methodologies adopted for the same is an essential matter of learning. Hence a forensic approach is called for and the same has to be tempered with analytical frame of mind.

UNIT - 1

Judicial Process as an instrument for resolving disputes – Judicial process in trial courts- Role of Doctrine of Precedent, *Ratio decidendi and Obiter dicta* – Doctrine of *Stare decisis* in different legal systems (common law and civil law) – Reconciling change with stability. Prospective overruling-Dissent - Structure of judicial opinion- Seriatim opinions.

UNIT - 2

Logic and growth in law (Civil law and Common law system) – Leeways for judicial reasoning – Categories of illusory references – Uses and abuses of logic – Rhetorics – Role of judicial discretion in judicial reasoning.- Judicial Recusal and accountability.

UNIT - 3

Nature of Judicial Process – Search for the legislative intention – Methods of judicial interpretation – Role of philosophy , logic , history , tradition and sociology – Judge as legislator – Judicial creativity and its limitations- judicially manageable standards-Judicial discipline.

UNIT - 4

Judicial process in Indian legal system – Operation of precedent in India – Judicial activism and creativity of the Supreme Court – Tools and techniques of creativity – judicial overreach-significance of judicial restraint.

UNIT - 5

Judicial process in pursuit of Constitutional values – New dimensions in judicial activism and structural challenges – Dynamic interpretations of constitutional values and features.

COURSE 3

LAW AND SOCIAL TRANSFORMATION

Objective

One of the fundamental properties of law and legal system is its ability to transform the society to the desired levels as time passes. Sometimes the legal system has to respond to the call from a dynamic society craving for a system change to meet the rapid strides towards transformation. A PG student has to address the functional mission of a legal system and be critical of its abilities to respond affirmatively from a transformative capability lens.

UNIT - I

Concept of law and legal system—Relationship between law and society—Law as an instrument of social change. Law and Morality- Public Morality and Constitutional Morality - Determinants of Social Transformation – Human Rights tempering Rights Discourse.

UNIT - 2

Historical and evolutionary theories - Sociological jurisprudence—Realistic jurisprudence—Law and social change—Utilitarianism, liberalism in law—Marxian and post Marxian approaches to law—Democratisation of law making and social transformation- participatory governance.

UNIT - 3

Gender based social conflict and law- Significance of recognising Gender Identity - Role of law and gender based violence-Law and its enforcement - Social and economic status of women – women and personal laws- Empowerment of women political, economic and social- -Feminist critique of Indian jurisprudence.

UNIT - 4

Land and poverty- Agrarian reforms – Social Dialogue on Sustainable development- Addressing the cause of vulnerable sections of society- Backward Classes- tribals- migrant labourers- elder rights – Social exclusion and Untouchability- Knowledge Economy and social divide - Development Discourse and Social transformation. Human Development and Capabilities Approach.

UNIT - 5

Access to justice-Legal aid to the poor and indigent- Impact of the legal architecture-Objectives and programmes-Legal literacy and law reform - Judicial activism - Transformative constitutionalism - Dynamic interpretations of the Constitution in changing social settings – Public Interest Litigation and participatory justice initiatives – Influence of neo liberal policies in judicial interpretations – rights discourses and welfare state ideals.

COURSE 4 RESEARCH METHODOLOGY

Objective

The PG students in Law have to be purposively acquainted to the methods of legal research, its nuances and application in higher level learning in law. As they are intended to be engaged in exercises of legal research, writing and publishing articles, bring tangible changes through law reforms as well as to throw light on the fundamentals as well as functional aspects of law, a structured content learning assumes utmost relevance.

UNIT - 1

Definition and purpose of Research-Type of Research-The relative value-Significance of Legal Research-Doctrinal Legal Research-Social Science Research and Methods in Legal Process-Legislative Process-Judicial process-Administrative policy making –Law Reforms

UNIT - 2

Scientific method-Science-Theory and facts-Concepts- Variables and definitions- Objectivity value-Neutrality and Empiricism.

UNIT - 3

Research Problem-Formation of the Problem-Hypothesis-Sampling and its Role-Criteria of Good Hypothesis-Research Design, Forms and Techniques, Sampling techniques, Random sampling, Simple Random, Stratified Random, Systematic Random-Non-Random Sampling

UNIT - 4

Data Collection-Study of case law-Observations, Questionnaire, Schedules etc.. – Interviews, Surveys, Statistical methods in Legal Research, Processing of Data-Elements of Statistics, Averages, Co-relation and test of significance-Sealing, Projective techniques-Role of Computer and Internet in Legal Research

UNIT – 5

Research writing- Writing of Reports, Articles, Book Reviews and Case Comments- References and Citations- Techniques of presenting ideas-Drafting and synopsis, Foot notes, Bibliography, Case Lists etc...-Case analysis-Evaluation of Research studies and findings- Research and Publishing Ethics – Best Practices - Measures to check malpractices- plagiarism scrutiny.

COURSE - 5

PRACTICAL EXAMINATION 1 - Teaching Practice (External Evaluation)

(a) Assignment of the Topic

A Panel of Law Teachers of the institution constituted by the Principal having considerable PG teaching Experience including the teacher panel in charge of the PG Course, shall be entrusted with the task of selecting topics for the teaching practice session of the Students. It is preferable to have a topic bank for the same at the institutional level revised at regular intervals keeping in view the contemporary developments in the sphere of law. Every student has to be given a choice of two topics through lots of which one topic shall be selected by the student based on respective preference for the teaching practice session. The topics have to be assigned to the students, a minimum of 7 days prior to the day of teaching practice. A student has to deliver a Lecture, on a topic assigned, before the Board of Examiners constituted by the University with or without teaching aids. The duration of the teaching practice shall be 20 minutes and 5 minutes question/answer session, which may be extended with the approval of the Chairman of the Practical Examination Board.

COURSE – 6

Practical Examination II – Project Work (External Evaluation)

(a) Assignment of the Topic

Every student has to prepare a project on a topic duly finalized from among the choices of the student and submit within four months from the date of commencement of the first semester. The general Guidelines for the accomplishment of the component shall be as per the Guidelines provided in Annexure I (See Regulation and Scheme of Examination for the LL.M (P.G) Course.