



# Sunrise University

Approved by Govt. of Rajasthan vide Sunrise University Act, 2011  
Recognized by UGC Act, 1956 u/s 2 (f)

## SunRise University Alwar

### LLM -CONSTITUTIONAL LAW

#### FIRST SEMESTER

PAPERS CODE	PAPERS NAME	INTERNAL	EXTERNAL	TOTAL
LLM1001	Legal Theory	40	60	100
LLM1002	Constitutional Law of India :New challenges	40	60	100
LLM1003	Legal Research Methodology	40	60	100
LLM1004	Law and social Transformation in India	40	60	100
<b>Total</b>		<b>160</b>	<b>240</b>	<b>400</b>

#### SECOND SEMESTER

PAPERS CODE	PAPERS NAME	INTERNAL	EXTERNAL	TOTAL
LLM201	Center- State Relations and Constitutional Lovernance	40	60	100
LLM202	Administrative Law and Administrative Process	40	60	100
LLM203	Mass-Media	40	60	100
LLM204	Comparative Constitutional Law	40	60	100
<b>PRACTICAL</b>				
OO5	Practical	60	40	100
<b>Total</b>		<b>220</b>	<b>280</b>	<b>500</b>

**THIRD SEMESTER EXAMINATION**

<b>PAPERS CODE</b>	<b>PAPERS NAME</b>	<b>INTERNAL</b>	<b>EXTERNAL</b>	<b>TOTAL</b>
LLM301	Constitution, Constitutionalism and Rule of Law : Principles and Applications	40	60	100
LLM302	Protection of Human Rights Under Indian Constitution	40	60	100
<b>Total</b>		<b>80</b>	<b>120</b>	<b>200</b>

**FOURTH SEMESTER**

<b>PAPERS CODE</b>	<b>PAPERS NAME</b>	<b>INTERNAL</b>	<b>EXTERNAL</b>	<b>TOTAL</b>
OO6	Dissertation (equal to 2 papers)		200	200
<b>Total</b>			<b>200</b>	<b>200</b>

## LEGAL THEORY

### UNIT - I

Positivism - Relation between Law and Morality, Analytical Positivism, Imperative Theory of Law, Pure theory of Law, the concept of Law.

### UNIT - II

Historical and Sociological approach to Law: Theory of Volkgeist, Anthropological approach to law, purpose theory, living law theory, social engineering;

### UNIT - III

Post sociological approach realism, Justice Cardozo: Judicial process, Justice Holmes, critical legal studies, Feminist Philosophy;

### UNIT - IV

Justificatory theories in shaping the concept of Human Rights, Theology, Natural law and natural rights, Utilitarianism - Right based theory and collective rights;

### UNIT - V

Modern theories of Human Rights, Rawls Theory of Justice: Nozick - Ronald Dworkin, Right to Solidarity, Global Justice: meaning and application;

### SUGGESTED READINGS :

- I. Bodenheimer – Jurisprudence : The Philosophy and Method of Law
- II. Dennis Lloyd - Jurisprudence
- III. Dias – Jurisprudence
- IV. Friedman – Legal Theory
- V. G.W. Paton – Jurisprudence
- VI. Rawls: Theory of Justice
- VII. Robert Nozick – Anarchy, State and Utopia
- VIII. Ronald Dworkin – Taking Rights Seriously
- IX. S.C. Kashyap, Human Rights and Parliament (1978)
- X. Salmond – Jurisprudence
- XI. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- XII. Upendra Baxi, "Law, Democracy and Human Rights": 5 Lokayan Bulletin 4 (1987)
- XIII. V.D. Mahajan – Jurisprudence

## CONSTITUTIONAL LAW OF INDIA AND NEW CHALLENGES

### UNIT - I

Making of the Constitution :Demand for a Constitution framed by a Constituent Assembly;

The Cripps' offer of 1942; The Wavell Plan of 1945; The Cabinet Mission Plan, 1946; The Mountbatten Plan, 1947; The Indian Independence Act, 1947; Constituent Assembly in India and framing of the Constitution; Formation of the Constituent Assembly of India; The issues before the Constituent Assembly; Passing of the Constitution; Dr. B. R. Ambedkar's contribution in the making of the Constitution; Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Forms and characters of various models of Constitution; Salient features of the Constitution of India;

### UNIT - II

Preamble - Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution?

Citizenship (Articles 5-11) including relevant provisions of Citizenship Act, 1955(Sections 3 – 10); Union & State Executive (Articles 52-78 & 152-167); Union Judiciary, State Judiciary & Subordinate Judiciary (Articles 124-147 & 214-237); Writs (Article 32); Union and its Territory (Articles 1-4); Union & State Legislature (Article 79-123 & 168-213);

### UNIT - III

Legislative Relations between Union and States (Articles 245-255); State: Creation and Demand of new states; Need for widening the definition of State in the wake of liberalization; Accountability of State: Joint Parliamentary Committee & Public Account Committee; Emergency Provisions (Articles 352-360); Amendment of the Constitution (Article 368) with special reference to the Basic Structure Theory. Temporary provision (Article 370): Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu And Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects);

### UNIT - IV

Fundamental Rights; General (Articles 12 & 13); Right to Equality (Articles 14-18); Right to Freedom (Article 19); Fundamental Duties (Article 51A); Right to Freedoms (Articles 20-22)

Right against Exploitation (Articles 23 & 24); Freedom of Religion (Articles 25-28); Democratic Process-Grass Root Democracy: Democratic Decentralization and Local Self Government; Election: Mechanism and Procedure; Election Commission: Constitution and Status; Electoral Reforms: Transparency, Free, fair and fearless election; Coalition Government, Stability, Durability; Corrupt Practice; Nexus of politics with criminals and the business;

### UNIT - V

Cultural and Educational Rights (Articles 29 & 30); Right to property as constitutional

right (Articles 31A-31D & 300A); Right to Constitutional Remedies (Articles 32- 35A); Directive Principles of State Policy (Articles 36-51); Trade, Commerce and Intercourse within the Territory of India (Articles 301-307); Safeguards to Civil Servants (Articles 309-311); Public Service Commission's (Article 315-323); Election Commission (Articles 324-329);

#### SUGGESTED READINGS :

- I. Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- II. Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
- III. Basu, Durga Das : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- IV. Constitution of India as amended up to-date
- V. Constitution (Application To Jammu And Kashmir) Order 2019
- VI. Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- VII. H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- VIII. H.R. Khanna, Making of India's Constitution, Eastern Book Co., Lucknow Harper Collins Publication, India. 2019.
- IX. Jain, M.P. : Indian Constitutional Law- 5th Edition, Wadhwa, 2015.
- X. Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- XI. M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- XII. Seervai, H.M. : Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- XIII. The Jammu and Kashmir Reorganisation Act, 2019
- XIV. Various Amendments made to the Constitution of India

## **LEGAL RESEARCH METHODOLOGY**

### UNIT - I

Legal Education: Methods & Objective: 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, organizations of seminars, publication of journal and assessment of teachers; Clinical legal education – legal aid, legal literacy, legal survey and law reform;

### UNIT - II

Research Method:

Socio-Legal Research; Doctrinal and non-doctrinal research; Relevance of empirical research; Induction and deduction; Identification problem of research – what is a research problem; Survey of available literature and preparation of bibliography; Legislative materials including subordinate legislation, notification and policy

statements;

### UNIT - III

#### Research Materials:

Decisional materials including foreign decisions; methods of discovering the —rule of the casell; Juristic writings: A Survey of juristic literature, its relevance in selection of problems in India and foreign periodicals; Compilation of list of reports or special studies conducted relevant to the problems; Formulation of the Research Problem, hypothesis; Devising tools and techniques for collection of data; Methods for the collection of statutory and case material and juristic literature; Use of historical and comparative research material; Use of observation studies; Use of the Case Studies; Use of questionnaires/interview; Sampling procedures, design of sample, types of sampling to be adopted; Use of scaling techniques; Jurimetrics;

### UNIT - IV

#### Data Collection:

Computerized Research: A study of legal research programmes such as lexis and West law coding; Classification and Tabulation of Data: use of cards for data collection, Rules for tabulation, Explanation of tabulated data; Analysis of Data – Qualitative and Quantitative;

### UNIT - V

Report Writing; Research report & techniques of writing research work; Citation rules and modes of legal writing, Case Analysis, Impact of Decisions of the Court;

#### PAPER 1.5.(b)

### NON-DOCTRINAL RESEARCH AND VIVA-VOCE EXAMINATION (PRACTICAL) (20 marks)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed internally by a designated faculty member who are engaging LL.M. Classes regularly;

#### SUGGESTED READINGS:

- I. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
- II. S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- III. M.O. Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
- IV. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book
- V. Company, London
- VI. H. M. Hyman, Interviewing in Social Research (1965)
- VII. Payne, The Art of Asking Questions (1965)
- VIII. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)
- IX. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- X. Havard Law Review Association, Uniform System of Citations.
- XI. I.L.I. Publication, Legal Research and Methodology.

## **LAW AND SOCIAL TRANSFORMATION IN INDIA**

### **UNIT - I**

Law and Social Change: A Theoretical Perspective:

Relationship of Law with social change; Law as an instrument of social change; Law as the product of traditions & culture: Evaluation in the light of colonization & common law system; Impact of Social movements on social change.

Religion and the Law: Religion: Meaning, relationship with law; Religion as an integrative or divisive factor;

Secularism: meaning and its contribution in Indian society, Freedom of religion and non-discrimination on the basis of religion; Religious minorities and the law;

### **UNIT - II**

Languages and the Law:

Formation of linguistic States and its impact on policy in governance; Constitutional guarantees to linguistic minorities; Language policy and the Constitution: Official languages, multi language system; Non-discrimination on the ground of language.

Community and the Law: Caste System in Indian Society; Caste: Socio-Cultural reality as a divisive and integrative factor; Non-discrimination on the ground of caste;

Acceptance of caste as a factor to undo past injustices: An Analysis; Protective discrimination: Scheduled Castes, Tribes and Backward Classes; Reservation

Policy: Statutory Commission Statutory Provision;

### **UNIT - III**

Regionalism and the Law:

Regionalism: A Divisive or an integrative factor; Concept of India as one Unit;

Freedom of movement, residence and business, impermissibility of state or regional barriers; Equality in matters of employment: the slogan 'son of the soil' and its practice;

Admission to educational institutions: preference to residents of a State;

### **UNIT - IV**

Modernization and the Law:

Modernization as a value: Constitutional perspective reflected in Fundamental Duties; Modernization of Social Institution through Law; Reform of Family Law;

Agrarian Reform; Industrial Reforms: Free Enterprise v. State Regulation,

industrialization v environmental protection; Reform of Court Processes: i. Criminal

Law : Plea Bargaining, Compounding & Payment of Compensation to Victim ii. Civil Law: (ADR) Confrontation iii. Consensus,

Mediation & Conciliation, Lok Adalats Women, Children and the Law:

Status of Women in Indian Society; Crimes against Women; Gender injustice: forms, causes and remedies; Women's Commission; Empowerment of Women:

Constitutional and other legal provisions; Child Labour; Sexual Exploitation;

Adoption, maintenance and related problems; Child and Education;

## UNIT - V

Alternative approaches to Law: Jurisprudence of Sarvodaya, Gandhiji, Vinoba Bhave, Jai Prakash Narain; Socialist thought on Law & Justice: An enquiry through Constitutional debates on the right to property; Indian Marxist Critique of Law & Justice; Naxalite movement: Causes & Cure;

### SUGGESTED READINGS:

- I. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.
- II. D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India(P) Ltd., New Delhi.
- III. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- IV. India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
- V. J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting,
- VI. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
- VII. Manushi, A Journal about Women and Society.
- VIII. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
- IX. Robert Lingat, The Classical Law of India (1988), Oxford.
- X. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997), Sage.
- XI. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.
- XII. U. Baxi, The Crisis of the Indian Legal System (1982), New Delhi.

## CENTER-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

### UNIT - I

Concept of Federalism:

Constitutional Law: Constitutionalism; Meaning and Nature of Federalism, Features of a Federal Polity, Mode of Formation of Federation, Forms of Governments: Unitary, Federal and Confederation, Their Features, Merits, De-Merits and Distinction between them; Historical Evolution of Federal Features in India; Nature of Indian Federalism: Dominant Features of the Union over the States; Judicial Perspective over the Indian Federalism  
Citizenship and State: Citizenship in a Federation, Citizenship in India: Relevant Provisions of Citizenship Act, 1955 as amended by The Citizenship (Amendment Act) 2019, Basic Features and Effects;

### UNIT – II

Legislative Relations:

Scheme of Distribution of Legislative Powers between Union and States; Principles of Interpretation of Lists: Doctrine of Territorial Nexus; Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Doctrine of Harmonious Construction; Ancillary Legislation; Residuary Powers; Parliament's Power to Legislate on the State List; Repugnancy between Laws passed by Parliament and State Legislature;

### UNIT - III

Administrative and Financial Relations:



Directives by the Union to the State Governments: Power of President's Rule; Take-over Functions of State Government and the Power Vested in Governor; Delegation of Union Functions to the States: Power of Parliament to use the State Machinery; Inter-State Council: Inter-state River Water Dispute: Duties on the Centre to Protect Every State Against External Aggression and Internal Disturbances; Financial Relations: Allocation of Taxing Powers, Tax Sharing between Centre and States, Grant-In-Aid, Specific Purpose Grants, Fiscal Federalism and G.S.T.; Co-operative Federalism: Meaning of Cooperative and Competitive Federalism, Agencies of Co-Operation and Coordination: Inter-state Council, Inter-state Commerce Commission, Inter-state River Board and Tribunals;

#### **UNIT - IV**

Amendments and Emergency Provisions in the Constitution:

Power of Parliament to Amend the Constitution; Emergency Provisions: Centre-State Relations: National Emergency; State Emergency; Financial Emergency; Judicial Responses Temporary Provision (Article 370):Re-organization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu and Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects);

#### **UNIT - V**

Doctrine of Pleasure and Procedural Safeguards:

Creation of All India Services: Constitution of Joint Public Service Commission for Two or more States: Recruitment and Regulations of Conditions of Services; Doctrine of Pleasure; Restrictions on Doctrine of Pleasure; Constitutional Safeguards to Civil Servants; Public Service Commission; Appointment of Member of Public Service Commission; Functions of Public Service Commission;

#### **SUGGESTED READINGS\*:**

- A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley Saehney Programme for Training, 1972.
  - De Jatindra Ranjan, Development of Federalism in India, Gauhati: Bani Prakashani,1974.
  - Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014..
  - Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004.
  - Monica David, Indian Legal and Constitutional History, 1600-1949, Vimala Publications, 1968.New Delhi: Deep & Deep Publications, 1981.
  - Pal, Chandra Centre-State Relations and Cooperative Federalism, New Delhi: Deep & Deep Publication, 1983.
  - Samaraditya Pal, India's Constitution—origins and evolution (Constituent Assembly debates, Lok Sabha debates on constitutional amendments and Supreme Court Judgments,2014
- \*Suggested readings are not exhaustive. It may be supplemented with additional readings and case-laws.

# ADMINISTRATIVE LAW AND ADMINISTRATIVE PROCESS

## UNIT - I

Nature and Scope of Administrative Law:

Concept and Basic Objectives of Administrative Law; Conceptual Relationship between Administrative Law and Constitutional Law; Basic Tenets of Administrative Law: Rule of Law: Dicey's Principle of Rule of Law: Theory of Separation of Powers; Classification of Administrative Functions: Delegated Legislation: Meaning, Nature, Scope, Forms, Necessity for Delegation of Legislative Power and Control; Parliamentary Control, Procedural Control, Sub-Delegation of Legislative Powers; Quasi-judicial, Administrative and Ministerial Functions;

## UNIT - II

Power of Judicial Review and Administrative Action:

Principles of Natural Justice; Administrative Discretion and its Control; Writ Jurisdiction of High Court's and Supreme Court: Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto Writs; Grounds and Scope of Judicial Review; Jurisdictional Error/Ultra Vires, Abuse and Non-Exercise Jurisdiction, Error Apparent on the Face of the Record; Violation of Principles of Natural Justice: *Rule against Bias (Nemo Judex In Causa Sua)*; *Audi Alteram Partem* (or *Audiatur Et Altera Pars*) Right to Consult a Lawyer, Reasoned and Speaking Decision; Judicial Responses;

## UNIT - III

Judicial Redressal of Citizens Grievances:

Liability of the State in Torts, Contracts and Constitutional Mandate; Doctrine of Promissory Estoppels; Government and Public Corporations; Administrative Adjudication: Reasons for growth, Structure and Procedure of Administrative Bodies: Tribunals; Finality of the Tribunal's Decisions; The Administrative Tribunals Act, 1985 as amended by The Administrative Tribunals (Amendment) Act, 2006: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment;(Forty Second Constitutional Amendment Act 1976); Judicial Responses;

## UNIT - IV

Ombudsman: Meaning, Nature, Jurisdiction of Ombudsman in India; Role and Relevance of Ombudsman in Administration and Democracy; Objectives of the Institution of Ombudsman; Characteristics of Ombudsman; Banking Ombudsman Scheme 2006 as amended in 2017: Basic Concepts and Future Effects; The Lokpal and Lokayuktas Act, 2013 Including The Lokpal And Lokayuktas Amendment)Act, 2016: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; Judicial Responses; Appointment of First Lokpal (Anti-Corruption) in India and Future Effects; Rajasthan Lokayukta and Up-Lokayuktas Act, 1973: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; History, Appointment, Qualification, Term, Removal, Positions of Persons Excluded From Jurisdiction of Lokayukt, Powers and Duties of Lokayukt;

## UNIT - V

The Commissions of Inquiry Act, 1952: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; The Central Vigilance Commission Act, 2003: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act; Judicial Responses; Right to Information Act, 2005 Including Right to Information (Amendment)

Act, 2019: Need, Importance, Objectives; Definitions, Concept, Key Features of the Act and Amendment; Transparency and Right to Information – Constitutional Imperative; Right to Information and Obligations of Public Authorities, Central Information Commission, State Information Commission, Powers and Functions of the Information Commissions, Appeal and Penalties; Hurdles in the Implementation of the Act; Judicial Responses;

### **SUGGESTED READINGS\*:**

- C. K. Takwani, Administrative Law, Eastern Book Company, 2016
- I. P. Massey, Administrative Law, 8<sup>th</sup> Ed Eastern Book Company, 2017
- J. J. R. Upadhyaya, Administrative Law, Central Law Agency, 2016
- M. P. Jain, Administrative Law, Lexis Nexis, 2017
- S.P. Sathe, Administrative Law, Lexis Nexis, 2010
- V. D. Sebastian, An Introduction to Administrative Law, Asia Law House, 2016
- Wade, Administrative Law (1977) p. 40S.
- S A. de Smith, Judicial Review of Administrative Action, Vol.8, No.4 pp, 775, Oct., 1959
- Kailash Rai, Administrative Law, pp.395, 5th edition 2006
- <http://lokayukta.rajasthan.gov.in/Default.aspx> (Lokayukt in Rajasthan)
- [https://m.rbi.org.in/Scripts/FAQView.aspx?Id=24#:~:text=The%20Banking%20Ombudsman%20is%20a,upto%20July%201%2C%202017\).](https://m.rbi.org.in/Scripts/FAQView.aspx?Id=24#:~:text=The%20Banking%20Ombudsman%20is%20a,upto%20July%201%2C%202017).)  
(For Banking Ombudsman Scheme, 2006) Also see: RBI amends Banking Ombudsman Scheme: Includes Complaints relating to Mis-selling and Mobile/ Electronic Banking: [https://www.rbi.org.in/Scripts/bs\\_viewcontent.aspx?Id=159](https://www.rbi.org.in/Scripts/bs_viewcontent.aspx?Id=159)

## **MASS MEDIA**

### **UNIT - I**

Freedom of Speech as a Human Right:

Philosophical Justification For The Protection of Free Speech Right; Constitutional Guarantee for Free Press; Reasonable Restrictions on Free Speech Media Freedom Public Interest ,Public order and free Speech ; Boundaries of a Free Press; Mass Media: Press, Films, Radio, Television; Ownership Patterns; Origins of Broadcasting; Regulation of Press and Broadcasting; Censorship of Broadcasting Media and Press; Evolution of Television and Impact of Films as Visual Media; Censorship of Films; Judicial View on Film Censorship: Standards of Censorship, Role of Media in Law Making Process;

### **UNIT - II**

Protection of Reputation:

Defamation: Overview; General Framework for Defamation Law; Role of Malice; IPC Provisions; Remedies and Damages; Decent Speech; Indecent Speech; Hate Speech; Racial Speech; Obscenity on Mass Media; Regulation and Control; Libel in Press: Regulation and Control; Slander through Broadcasting Audio-Video Defamation; Internet as a Platform of Free Speech; Regulation of Content on Internet Self-Regulation v. Government Regulation; Libel and Slander in Cyberspace; Cross Border Libel/Slander Jurisdictional Problems; Gutnick v. John Doe; Media: Judiciary and Legislature;

### **UNIT - III**

Media and Privacy:

Obscenity and Pornography; Historical Background; Hicklin Test; Contemporary Standards in Miller Case California; Child Pornography Blasphemy; Historical Overview; Censorship of Stage Productions; Violence; Legal Regulation of Blasphemy; Privacy: Historical Development of Private and Confidential Information: Media Practices and Human Rights; Photo Journalism in Public Places; Child Right to Privacy; Information Privacy and Reputation; Personal Data Protection; Abuse of Personal Information; Marketing of Personal Information; Internet Privacy;

#### **UNIT - IV**

Media, Ethics and Adjudication:

Copyright issues in mass media: protection for Copyrighted Work; Plagiarism; Pirated Music; Remedies for Infringement Media and Courts; Report of legal proceedings – Trail By Media – Sensitive Court Reporting and Human Rights Contempt of Court – Procedure And Punishment Corporate and Commercial Speech – Development of Commercial Speech Doctrine – Commercial Speech for Professionals and Corporations – Art.19(1)(A) Protection for Unsolicited Mail Advertising; Regulation of Commercial Speech Ethical Dilemmas, Issues and Concerns in Mass Communication; Foundation of Ethics; Different Aspects of Journalism's Ethical Issues; Reporters Privileges and Protection of Media Sources Trial by Media: Influence on Adjudicators;

#### **UNIT - V**

Regulation of Broadcasting Media:

Censorship over the Broadcasting Media; Press Censorship During Emergency; Censorship Over Broadcasting Media (Audio & Visual); C.B.F.C.: Cinematograph Act, 1952; Cable Television Network (Regulation) Act, 1995; TRAI Act, 1997; Communications Convergence Bill, 2001 & Broadcasting Services Regulation Bill, 2007; Media Ownership Patterns: Legal Issues; Media and Journalists: Working Journalists Act and Press Council & Human Rights; Extra- judicial Regulation of Media Content; Press Complaints and Editors Code of Practice; Broadcasting Standards Commission; Codes for Advertisement Standards; Film Censorship Board Internet Corporation for Assigned Names and Numbers (ICANN);

#### **SUGGESTED READINGS\*:**

- Singh, Arun and Kumar, Anil, Media Trials in India (December 1, 2014). Available at SSRN: <https://ssrn.com/abstract=2552426> or <http://dx.doi.org/10.2139/ssrn.2552426>
- Melville B Nimmer —Introduction-Is Freedom of the Press A Redundancy: What Does it Add To Freedom of Speech?|| 26 *Hastings Law Journal* 639 (1975).
- Joseph Raz —Free Expression and Personal Identification|| 11 *Oxford Journal of Legal Studies* 301 (1991).
- Edwin C. Baker, —Scope of First Amendment Freedom of Speech||, 25 *U.C.L.A. Law Review* 964 (1978).
- Harry H. Wellington —On Freedom of Expression|| 88 *the Yale Law Journal* 1105 (1979).
- John Stuart Mill, *On Liberty* (Penguin publishing, Harmondsworth, 1986 ) First published in 1859
- Vishwanath Iyer, *The Indian press* 45 (Padma Publications, Bombay, 1945).
- Shefali Bedi —Responsibility of media in a democracy||, 7 *International Research Journal* 235 (2009).
- Shafqat Munir, —Features of Print and Electronic Media|| *Law Resource of India*, Dec,

17, 2010.

- A Fog, —The supposed and the real role of mass media in modern democracy| 35 *Duke Law Journal* 63
- M. Ethan Katsh, *The Electronic Media and the Transformation of Law* (Oxford University Press, New York,1991)..
- S Siva Kumar, —Fourth Estate: A Shield or Sword of Human Rights?| 1 *Lanka Vigil* 34 (2005).
- Maitrayee Chaudhuri, —Feminism in Print Media| 7 *Indian Journal of Gender Studies* 264 (2002). See,
- S Sivakumar, *Press Law and Journalists: Watchdog to Guidedog*(Universal Law Publications, New Delhi,2015).
- Tilak Jha —Critique on Press Council of India| 92 *Bar Council of India Review* 38 (2012).

\*Suggested readings are not exhaustive. It may be supplemented with additional readings and case-laws.

## **COMPARATIVE CONSTITUTIONAL LAWS**

### **UNIT - I**

Modern Constitutions; Growth and Evolution; Nature and Classification; Unitary and Federal; Theory of Separation of Powers; Rule of Law; Independent Judiciary; Liberty Compatible to Equality; Political Policies of Government;

### **UNIT - II**

British Constitution:

Salient Features; Rule of Law; Executive, Legislature and Judiciary under the Constitution; Supreme Court of England and House of Lords; Appointment of Judges; Doctrine of Judicial Precedent; Conventions; Parliamentary Sovereignty; Emergency Powers; Bill of Rights;

### **UNIT - III**

U.S. Constitution: Evolution; Salient and Federal Features; Structure and Powers of Federal Executive, Legislature and Judiciary; Powers of Judicial Review; Amendment of Constitution; Distribution of Legislative Powers Swiss Constitution: Salient Features; Executive, Legislature and Judiciary under the Constitution; Direct Democracy; Amendments;

### **UNIT - IV**

Australian Constitution: Evolution; Salient features; Structure and powers of Commonwealth Legislature, Executive and Judiciary; Amendment of Constitution; Distribution of Legislature Powers; Canadian Constitution: Evolution and Partition of Constitution; Salient Features; Structure and powers of Dominion Legislature, Executive and Judiciary; Charter of Rights and Freedoms; Distribution of Legislative Powers; Amendment of Constitution;

### **UNIT - V**

Comparative Analysis with the Constitution of India:

Unitary and Federal; Legal Values of Democracy; Rule of Law; Liberty Compatible to Equality; Theory of Separation of Powers; Distribution of Powers between Union and State; Emergency Powers; Independent Judiciary; Appointments and Powers; Doctrine of Judicial

Precedent; Powers of Judicial Review; Political Policies of Government; Right Based Theory; Duty Based Theory; Goal Based Theory;

**SUGGESTED READINGS\*:**

- D.D.Basu, Comparative Constitutional Law, 2nd ed., Wadhwa Nagpur, 2008
- Emergency powers in Asia: exploring the limits of legality. Responsibility: edited by Victor V. Ramraj, Arun K. Thiruvengadam, Cambridge University Press, 2010.
- Hirschl R. Comparative Matters. The Renaissance of Comparative Constitutional Law. OUP 2014.
- Jan M Smits (ed), Elgar Encyclopedia of Comparative Law, Edward Elgar, Cheltenham, U.K., 2006, pp. 57-65, 187-199.
- M.P. Singh, V.N. Shukla's Constitutional Law, (11th ed.) Eastern Book Company, pp. A 52 – A 56, 482-536, 614-677.
- Michael Burgess, Comparative Federalism, Theory and Practice, Routledge, New York, 2006, pp 9-49.
- Sujit Choudhry, Globalisation in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation (1999) 74 Ind. L. J. 819.
- U. Baxi, Rule of Law in India: Theory and Practice in Randall Peerenboom (ed.), Asian Discourses of Rule of Law, Routledge, London, 2004, pp 324-345.