



Master of Laws: LL.M. (1 Year)

(Constitutional and Administrative Laws)

ORDINANCE NUMBER: A-06

Established under Uttar Pradesh Private Universities (Amendment) Act, 2023

(UP ACT No. 10 of 2023)

PREFACE

To ensure seamless education and to achieve academic excellence in the University, the rules and regulations for the “**Master of Laws (LL.M. 1 Year)**” course in specialization ‘**Constitutional and Administrative Laws**’ are hereby published vide **Ordinance No. A06**. These regulations are framed to maintain high academic standards and to promote a comprehensive understanding of legal education and research at the postgraduate level.

These Regulations will be in addition to the norms set by the regulatory body from time to time. The University aims to provide a robust academic framework that encourages critical thinking, research aptitude, and professional competence among students pursuing the LL.M. program.

FACULTY OF LAW
Ordinance for Master of Laws (LL.M.)
Duration: 1 Year

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MASTER OF LAWS (LL.M.)

INTRODUCTION:

LL.M. in (Constitutional and Administrative Laws) is a One-Year Postgraduate Program designed to develop an understanding of legal principles and enhance knowledge in academics dealing with constitutional and administrative law research.

The Program enlightens students with the study of contemporary debates in both constitution and administrative fields at an advanced level. It prepares students to have a deep knowledge of traditional and changing constitutional spheres with a global outlook so the implementation will bridge the gap between law & society.

The Program encompasses an advanced study of key policies and laws related to areas such as “**Fundamental Rights and Directive Principles of State Policy, Administrative Law, Comparative Public Law, Centre-State Relations and Constitutional Governance, Media Law etc.**”

Under this Program, students gain an analytical mind-set which helps them in answering hypothetical legal questions involving current issues of the country and their solution through constitutional Law which is the main Law of the Land.

The Program is also based on experiential learning by means of writing legal essays, research papers and most importantly paper presentation in seminar and conferences as a part of its curriculum.

COURSE STRUCTURE:

Candidate admitted to **One Year LL.M. Degree program** at **T.S. Mishra Law School, T.S. Mishra University** can pursue specialized **Master in Laws (LL.M.)** Students admitted to the program have to pass three core papers and six subject specialization papers including two electives and a dissertation in order to complete the program. At present the following specializations are offered at T.S. Mishra Law School are as under:

- 1) Criminal and Security Laws**
- 2) Constitutional and Administrative Laws**
- 3) Corporate and Cyber Laws**

University reserves the right to offer the specializations subject to the exegeses of faculty in any given academic year. The University may expand the number of specializations if merited by the faculty expertise.

Definitions:

- **Credits:** The Course is total of **24 Credits divided in 12 credits** for each semester.
- **Elective Courses:** Elective courses are which students choose to study exercising the options available and include both optional and seminar papers.
- **Core Courses:** Students admitted to this program is required to study and complete the mandatory courses as per each of the mandatory course requirements.
- **Semester:** Semester means **18 weeks of teaching.**

The **One year LL.M. Degree Program** requires the students to complete their mandatory papers, Specialization paper and Dissertation.

PROGRAM OUTCOMES (PO'S):

- 1) **PO01:** To explore and improve the logical reasoning by applying the legal knowledge of the specialization in the post graduate context.
- 2) **PO02:** To synthesize the legal acumen of the students and to provide extensive training for becoming successful academicians and inspiring learners.
- 3) **PO03:** To create an in depth understanding of the Constitutional and Administrative Laws with a complete analysis of various facets of Constitution, its contemporary issues and challenges and administrative law in the light of the good governance.
- 4) **PO04:** To develop experimental and experiential learning among the students by providing them the platform to further academic research or a doctoral program in Constitutional and Administrative Laws.

PROGRAM SPECIFIC OUTCOMES (PSO'S):

The Students will be able to achieve specific outcomes from the program which are as under:

- 1) **PSO01:** To Possess specialised and in depth knowledge on the subjects of Constitutional and Administrative Laws through traditional and contemporary approach.
- 2) **PSO02:** To Study the application of Legal Principles and Doctrines with a globalized perspective and do a comparative study of the Indian law with other countries.
- 3) **PSO03:** To Study and acquire knowledge about appropriate justice delivery system and application of Constitutional and Administrative Provisions in critical and contextual approaches of specialized areas according to the present situations.
- 4) **PSO04:** To understand the working of the lower courts by readings the case laws, finding the lacunae of the law, the error in the judgment and to know the legal mechanism for the protection and preservation of rights and means to get relief/remedy through constitutional dimensions.

CREDIT AND EVALUATION SCHEME
LL.M. (1 Year)
CONSTITUTIONAL AND ADMINISTRATIVE LAWS
First Year/Ist Semester

S. No.	Course Code	Course	L	T	P	C	CIE	ESE	Total
		THEORY							
1.	LMCS101	Research Methods and Legal Writing	3	1	-	3	40	60	100
2.	LMCS102	Law and Justice in Globalized World	3	1	-	3	40	60	100
3.	LMCS103	Administrative Law	2	1	-	2	40	60	100
4.	LMCS104	Constitution and New Challenges in India	2	1	-	2	40	60	100
5.	LMCS105	Optional-I (To be Chosen from the list of Courses as per annexure)	2	1	-	2	40	60	100
Total			12	5	0	12	200	300	500

L – Lecture

T –Tutorial

P – Practical

CIE - Continuous Internal Evaluation

ESE – End Semester Exam C- Credit

CREDIT AND EVALUATION SCHEME
LL.M. (1 Year)
CONSTITUTIONAL AND ADMINISTRATIVE LAWS
First Year/IIInd Semester

S. No.	Subject Code	Subject	L	T	P	CIE	ESE	Total	C
THEORY									
1.	LMCS201	Comparative Public Law and Governance	3	1	-	40	60	100	3
2.	LMCS202	Centre-State Relations and Constitutional Governance	2	1	-	40	60	100	2
3.	LMCS203	Fundamental Rights and Directive Principles of State Policy	2	1	-	40	60	100	2
4.	LMCS204	Optional-II (To be Chosen from the list of Courses as per annexure)	2	1	-	40	60	100	2
PRACTICAL/TRAINING/PROJECT									
5.	LMCS205	Dissertation and Viva-Voce	-	-	3	50	50	100	3
Total			9	4	3	210	290	500	12

L – Lecture

T –Tutorial

P – Practical

CIE - Continuous Internal Evaluation

ESE – End Semester Exam C- Credit

CREDIT AND EVALUATION SCHEME
LL.M. (1 Year)
CONSTITUTIONAL AND ADMINISTRATIVE LAWS

Annexure
List of Optional
OPTIONAL -I

S.NO	SUBJECTS	SUBJECT CODE	SEMESTER
1.	National Security, Public Order and Rule of Law	LMCA105A	I
2.	Local Self Government and Federal Governance	LMCA105B	I

OPTIONAL-II

S.NO	SUBJECTS	SUBJECT CODE	SEMESTER
1.	Media Law	LMCA204A	II
2.	Right to Information	LMCA204B	II

L – Lecture

T –Tutorial

P – Practical

CIE - Continuous Internal Evaluation

ESE - End Semester Exam

C- Credit

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/I Semester

Research Methods and Legal Writing

LMCA101

L T P C
3 1 0 3
(36 HOURS)

Course Learning Objectives:

- To **state** the objectives of the research
- To develop the **understanding** of independent research pertaining to any specific legal issue
- To **analyse** the Design a research, justifying use of various methods/tools to carry out the same
- To **examine**, analyse and interpret both quantitative and qualitative data.

UNIT - I

(10 HOURS)

Research and Legal Research

- Research: Meaning, Characteristics and types
- Legal research: Meaning, Characteristics and types
- Objectives of Research and Legal research
- Methods of research for law Reform-Analytical research method, Historical research method, Comparative research method, Ethical research method, statistical research method, critical research method
- Doctrinal and non-doctrinal, Relevance of empirical research

UNIT – II

(08HOURS)

Formulation of Research Problem and Hypothesis

- Identification Problem of research, Formulation of research problem
- Hypothesis- Meaning and importance
- Criteria to form a good hypothesis
- Sources of hypothesis
- Types of hypothesis
- Formulation of hypothesis for legal Research

UNIT – III

(10 HOURS)

Research Design and Data Collection

- Legal Research Design: Meaning and its significance
- Good research design: Aspects and contents of a research Design
- Types of research design
- Sampling Design for legal research- Types of sampling, Merits and demerits of sampling methods, Characteristics of a good sampling unit
- Socio Legal Research- Tools & Techniques of Collection of data:
- Primary and secondary sources of data.
- Analysis of data.
- Scaling Techniques.

UNIT – IV**(8 HOURS)****Legal Writing: Including Thesis and Dissertation**

- Essentials of Good Legal Writing, Structured Legal Writing
- Citation, Reference and Footnoting
- Editing and Proof reading
- Writing of Research Proposal
- Dissertation/ Thesis Writing
- Legal Report writing- Bibliography.
- Use of library and Internet sources in legal research

TEXT BOOKS:

- Dr. H.N. Tiwari, Legal Research Methodology, Allahabad law Agency
- N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow
- S. K. Verma and Afzal Vani, Legal Research and Methodology, ILI, New Delhi

REFERENCE BOOKS

- M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978), ILI *Publication*
- William J. Grade and Paul K. Hatt., Methods in Social Research, McGraw-Hill Book Company, London

Mapping of CO- POs/PSOs:

POs/PSOs	PO1	PO2	PO3	PO4	PSO1	PSO2	PSO3	PSO4
CO1	2	3	2	1	2	1	3	1
CO2	1	3	3	2	3	2	2	2
CO3	2	2	1	2	1	1	3	2
CO4	1	2	1	3	2	2	3	1

1-Slight (Low)**2-Moderate (Medium)****3-Substantial (High)**

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/I Semester

Law and Justice in Globalized World

LMCA102

L T P C

3 1 0 3

(36 HOURS)

Course Learning Objectives:

- To understand the process of globalization and its impact on law and justice in a historical perspective.
- To critically analyse the concept of global justice and the mechanisms designed to achieve it.
- To better appreciate the demands for change raised by different groups to the international legal order and institutions in the light of globalization.
- To acquire an understanding of the concept and theoretical background of globalization, and global justice.

UNIT-I:

(8 HOURS)

Globalization and International Law

- History, Making and Content of International Law
- History of International Law: The colonial origins Sources
- Continuity and change Alternative perspectives: Third World, Feminist, Marxist,
- Critical International legal theory

UNIT-II:

(8 HOURS)

International Economic and Human Rights Law

- Different dimensions of Globalization: Social, Political, and Economic Emergence of Transnational Law in a Globalizing World
- Globalization and Sovereignty of States
- International Economic Law: Brettenwood Institutions, WTO, Investment laws, RTAs, IPRs
- International Human Rights Law, Impact on welfare state
- Natural Resources and Environment; Displacement for Development.

UNIT-III:

(10 HOURS)

Human Rights and its Institutions

- Concept of Global Justice Humanitarianism as an element of the idea of global justice
- International Human Rights Law
- Institutions: UNHCR, OHCHR Global Poverty
- MDGs to SDGs Globalization and Social Justice/ Global Distributive Justice
- Role of International Mechanisms to control armed conflicts
- Crimes against humanity, environment and health, oppressive policies and the threat of terrorism; ICC

UNIT-IV:

(10 HOURS)

Labour and Trade Institutions

- Demand for change: from Third World, Women, Indigenous people etc.
- Role and impact of economic, labour and trade institutions
- MNCs, UN, WTO, ILO, ICC, etc.

TEXT BOOKS:

- Anghie, A. (2007). Imperialism, sovereignty and the making of International Law. Cambridge: Cambridge University Press. Ch. 1, 5 & 6.
- Pogge, T. (2002). World poverty and Human Rights: Cosmopolitan responsibilities and reforms. Cambridge: Polity Ch. 4 & 7.
- Fraser, N. (2010). Scales of justice: Reimagining political space in a globalizing world. New York: Cambridge University Press. Ch. 2 & 6.
- Buchanan, A. (2004). Justice, legitimacy, and self-determination: Moral foundations for international law. Oxford: Oxford University Press. Ch. 10 & 11.

REFERENCE BOOKS:

- Baxi, U. (2002). The future of human rights. New Delhi: Oxford University Press. Ch.1 & 7.
- Rajagopal B. (2003). International law from below: Development, social movements and third world resistance Cambridge: Cambridge University Press. Ch. 5 & 7.
- Sen, A. (2009). The idea of justice. Cambridge: Harvard University Press. Ch. 18.

Mapping of CO- POs/PSOs:

POs/PSOs	PO1	PO2	PO3	PO4	PSO1	PSO2	PSO3	PSO4
CO1	1	1	----	1	----	1	2	2
CO2	1	----	----	1	1	----	1	1
CO3	1	----	----	1	1	----	1	---
CO4	1	1	1	1	1	2	1	2

1-Slight (Low)**2-Moderate (Medium)****3-Substantial (High)**

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/I Semester
Administrative Law
LMCA103

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To **State** the nuances of Administrative law.
- To Develop the **understanding** of applicability Administrative Law.
- To **Analyse** the liability of government in tort cases.
- To **Examine** Remedies available under Indian Administrative Law & Foreign Administrative Laws (USA, France, UK).

UNIT - I

(6 HOURS)

Separation of Power, Delegated Legislation and Writs

- Impact of Rule of Law and Doctrine of Separation of Power upon Administrative Law
- Delegation of legislative power – Judicial review on the question of delegation
- Types of control over Delegated Legislation – Judicial and Parliamentary control
- Judicial Review of Discretionary Power through writs: Writ of Mandamus; Writ of Certiorari; Writ of Prohibition; Writ of Quo-Warranto.

UNIT– II

(6 HOURS)

Principle of Natural Justice

- Principles of Natural Justice – Principle of hearing, Components
- Effect of non-compliance – Rule against Bias
- Administrative Direction – Identification- Nature of enforceability, Role of Declaratory Decree as Public Law Remedy;
- Role of Injunction as Public Law Remedy.

UNIT– III

(6 HOURS)

Administrative Discretion

- Nature and Control over administrative Discretion
- Governmental liability for torts committed by public servant
- Doctrine of Legitimate Expectation – Its dimensions and application.
- Role of Administrative Tribunals; Domestic Inquiries; Administrative Finality.

UNIT– IV

(6 HOURS)

Administrative Law: Comparative Analysis

- Doctrine of Promissory Estoppels,
- Ombudsman – Powers and Functions
- Administration in France, U.S.A. and Great Britain- Merits of *French* Administrative Law
- Remedies available under French Administrative Law;
- Availability of Judicial Review in the United States of America.
- Doctrine of Primary Jurisdiction;

- Doctrine of Exhaustion of Administrative Remedies.

TEXT BOOKS:

- RNK Wade – Administrative Law
- K.C. Davis – Administrative Law
- M.P. Jain & S.N. Jain – Principles of Administrative Law
- M.P. Jain – Treatise on Administrative Law
- S.P. Sathe – Administrative Law

REFERENCE BOOKS:

- I.P. Massey – Administrative Law
- Michael Allen & Brian Thompson – Cases and Materials on Constitutional and Administrative Law
- Jerry L. Mashaw and et.al. Administrative Law – The American Public Law System (Cases and Materials)
- C.K. Thakar – Administrative Law
- D.D. Basu – Administrative Law

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CO1	3	3	2	2	1	2	2	1
CO2	3	3	2	2	1	2	2	1
CO3	2	2	3	2	2	1	3	2
CO4	2	2	3	2	2	1	3	2

1-Slight (Low)

2-Moderate (Medium)

3-Substantial (High)

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/I Semester

Constitution and New Challenges in India

LMCA104

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To make students well aware about the concept of Federalism, Separation of Power, democratic process and centre-state relations.
- To make students understand the Democratic process of the country through three main organs of the government.
- To acquire an understanding of the Concept of State, Right to Equality, Freedom of Press and Rule of Law.
- To develop the understanding of Fundamental Rights, Duties and Directive principles of state Policy.

UNIT- I:

(06 HOURS)

Federalism and Federal Comity

- 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.
- Separation of Power: Doctrine of Separation of Powers and checks and balances, Constitutional Framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL: Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary.
- Democratic Process: Election and Electoral reforms, Election Commission.

UNIT-II:

(06 HOURS)

Organs of Government

- The Executive: Constitutional status, Powers and functions of the President vis-a vis form of Government.
- The Legislature: Parliamentary/Legislative Privilege: Nature, Extent, Scope and Limitation on privileges.
- The Judiciary: Status, Power, functions and contemporary developments, Power of judicial review.
- Good Governance: Principle of good Governance-Administrative responsibility and Accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

UNIT- III:

(06 HOURS)

Equality and Rule of Law

- 'State'-Need for widening the definition in the wake of liberalization.
- Right to equality: Privatization and its impact on affirmative action.
- Freedom of Press and Challenges of new scientific development.
- The rule of law: The independence of judiciary as an aspect of separation of powers/Division of functions.

UNIT IV:

(06 HOURS)

Emerging Regime of Rights and Remedies

- Emerging regime of new rights and remedies.
- Directive Principles and Fundamental Duties into Fundamental Rights.
- Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.
- Implementation of International Obligation: Human Rights, Environmental protection and International trade.

TEXT BOOKS:

- Durga Das Basu - Introduction to the Constitution of India.
- Durga Das Basu - Shorter Constitution of India.
- J.N. Pandey – The Constitutional Law of India.
- Dr. K.C. Joshi - The Constitution Law of India.

REFERENCE BOOKS:

- V.N. Shukla – The Constitution of India.
- H.M. Seervai - Indian Constitution.

Mapping of CO- POs/PSOs:

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CO1	3	3	2	2	1	2	2	1
CO2	3	3	2	2	1	2	2	1
CO3	2	2	3	2	2	1	3	2
CO4	2	2	3	2	2	1	3	2

1-Slight (Low)

2-Moderate (Medium)

3-Substantial (High)

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/I Semester

National Security, Public Order and Rule of Law

LMCA105A

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To make students aware about the elaborated concept of National Security, Rule of Law and Public Orders.
- To make students understand the concept of Preventive Detention and Emergency provisions under Indian Constitution.
- To give students in depth knowledge about Exceptional Legislations and due process of Law.
- To make students analyse about the concept of Civil Liberties, Public order and famous amendments of Indian Constitution.

UNIT- I

(06 HOURS)

National Security and Public Order

- National Security, Public Orders and Rule of Law
- Emergency Detention in England-Civil Liberties
- Subjective satisfaction or objective assessment
- Pre-Independence Rule on National Security, Rule of Law and Public Orders.

UNIT- II

(06 HOURS)

Preventive Detention

- Article 22 of the Constitution
- Preventive Detention and Safeguards
- Declaration of Emergency: 1962, 1965 and 1970 Emergencies
- Emergency Period, 1975

UNIT- III

(06 HOURS)

Special Legislations and Special Courts

- Exceptional Legislations: COFEPOSA and other legislation to curb economic offenders
- TADA -The Draconian Law, Comments of NHRC
- Special courts and Tribunals
- Due process and Special Legislation
- Martial law: Provisions in English, Provisions in the Indian Constitution.

UNIT-IV

(06 HOURS)

Suspension and Non-Suspension of certain Articles

- Civil Liberties and Emergency: Article 19 Meaning of 'Security of State' and 'Public Order'
- Suspension of Article 19 Rights on Declaration of Emergency
- President's Right to suspend right to move any court
- Article 21 Special importance: its Non-Suspendability, Suspendability- 44th Amendment
- Access to Courts and Emergency: Article 359-ups and downs of Judicial Review
- Constitution (44th) Amendment Act, 1978, Constitution (59th) Amendment Act, 1 988.

TEXT BOOKS:

- H.M. Seervai, The Emergency, Future Safeguards and the Habeas Corpus, 1978.
- International Commission of Jurists, Status of Emergency and Human Rights, 1984.

REFERENCE BOOKS:

- G.O. Koppell, The Emergency, The Courts and Indian Democracy 8 JILI 287 (1966)
- N.C.Chatterji and Parameshwar Rao, Emergency and the Law, 1966.

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CO3	2	2	1	2	1	1	3	2
CO4	1	2	1	3	2	2	3	1

1-Slight (Low)**2-Moderate (Medium)****3-Substantial (High)**

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/I Semester

Local Self-Government and Federal Governance

LMCA105B

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To **understand** the concept of federalism. Its historical perspective along with the Gandhian Swaraj Concept.
- To **analyse** with the emerging trends in financial relationship between centre and states. Constitutional perspective of Local Self Governance and 73rd constitutional amendment.
- To **examine** three tier working of the government
- To **understand** the working of Local Bodies.

UNIT- I

(06 HOURS)

Federalism and Local Self-Government

- Historical Perspectives: Early period, Gram Swaraj-the Gandhian Concept
- Federalism. and Local Self –Government,
- Financial Powers: Levying taxes, Licensing power, financial resources and powers

UNIT-II

(06 HOURS)

Constitutional Perspective

- Constitutional Scheme of Local Self –Government.
- Directive Principles.
- 73rd Constitutional Amendment Act.

UNIT- III

(06 HOURS)

Gram Sabha and Gram Panchayat

- Legislative Powers: Direct democracy and grass root planning.
- Municipalities and corporation, gram Sabha,
- Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws

UNIT- IV

(06 HOURS)

Local Bodies: Elections and Meetings

- Election to Local Bodies.
- Conduct of Meetings – Corporation, Municipal Council, Panchayat Committee and Gram Sabha.
- Institutional and Judicial Control, Judicial and Quasi-judicial powers of the Local Bodies

TEXT BOOKS:

- H.M. Seervai, The Constitutional Law of India

- Subhash Kashyap, The Constitution of India
- M.P. Jain's, The Constitutional Law of India
- M. Venketarangaiah Local Government in India & M. Pattabhiram Panchayat Raj Act
- Shiva Rao. B. The Framing of India's Constitution (6 Volumes)

REFERENCE BOOKS:

- Dicey, Introduction to the Law of the Constitution,
- Ivor Jennings, Law and the Constitution
- Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.

Mapping of CO- POs/PSOs:

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CO2	2	2	2	2	2	3	3	1
CO3	2	2	2	2	2	3	1	1
CO4	1	1	1	2	2	1	2	2

1-Slight (Low)

2-Moderate (Medium)

3-Substantial (High)

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/II Semester

Comparative Public Law and Governance

LMCA201

L T P C
3 1 0 3
(36 HOURS)

Course Learning Objectives:

- To **state** the ambit and importance of public law in effective governance of a State.
- To develop the **understanding** of the nature of limitations of Fundamental Rights in public law in USA, UK, and India.
- To analyse the basic principles underlying thereof in democratic countries like USA, UK and India and deliberate further thereupon
- To **examine**, analyse the judiciary and judicial process involved in resolution of various disputes under the Indian Constitution, including judicial review and will have a mass of material to deliberate further.

UNIT- I

(8 HOURS)

Introduction: Public Law

- Nature of Public Law
- Distinction between Public and Private law
- Scope of Public law
- Constitutionalism- Concept, Distinction between Constitution and Constitutionalism, Essential features of Constitutionalism
- Fundamental Rights, Independence of Judiciary and Judicial Review

UNIT- II

(8 HOURS)

Rule of Law and Separation of Powers

- Supremacy of Legislature in Law Making
- Rule of law
- Dicey's Concept of Rule of Law, Modern Concept of Rule of Law
- Social and economic rights as part of rule of law
- Separation of powers

UNIT- III

(10 HOURS)

Forms of Government and Comparative Analysis

- Presidential and Parliamentary forms of Government
- Federal and Unitary Governments- Features, Advantages and Disadvantages Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism
- Government under the U.S. Constitution

- Comparative and differentiating features of governance in India, U.K., U.S.A. and France

UNIT- IV

(10 HOURS)

Constitutional Review and Judicial Process

- Methods of Constitutional Review
- Political Review
- Basic principles of Judicial Process, Precedents, Stare decisis
- Evolution and functioning of Tribunals; *droit administratif*
- Theory of Basic Structure

TEXT BOOKS:

- D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
- Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
- M.V. Pylee, Constitution of the World (Universal, 2006)
- Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, (1989).

REFERENCE BOOKS:

- A.V. Dicey, Introduction to the Study of Constitution.
- E.S. Venkataramaiah, Federalism Comparative Study
- Jain M.P.; Indian Constitutional Law; LexisNexis
- K.C. Wheare, Modern Constitution.

Mapping of CO- POs/PSOs:

POs/PSOs	PO1	PO2	PO3	PO4	PSO1	PSO2	PSO3	PSO4
CO1	2	2	1	1	2	3	1	1
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CO3	2	2	2	2	2	3	1	1
CO4	1	1	1	2	2	1	2	2

1-Slight (Low)

2-Moderate (Medium)

3-Substantial (High)

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)
I Year/II Semester
Centre-State Relation and Constitutional Governance
LMCA202

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To **remember** the importance of three tier of government in governance.
- Students will **understand** the scope of administrative control as well of the judicial control over them.
- Students will be able to **analyze** and **evaluate** the impact of globalization on Centre State relationship.
- Students will be able to **understand, apply** and **analyze** the concept of Good Governance.

UNIT- I

(06 HOURS)

Constitutional Law and Constitutionalism

- Constitutional law---Constitutionalism, Concept of Federalism.
- Historical evolution of federal features in India.
- Nature of Indian Federalism –Dominant features of the Union over the States, Indian federalism.
- Judicial Perspective, Different forms of Governments- their features, merits and De-merits.

UNIT II

(06 HOURS)

Separation of Powers

- Doctrines of „Separation of Powers“ and checks and balances– Constitutional framework.
- Judicial interpretations and practices.
- Latimer House Principles.
- Distribution of Powers: Legislative Relations, Administrative Relations, Financial Relations.

UNIT- III

(06 HOURS)

Centre-State Relations

- Emergency Provisions.
- 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- IV

(06 HOURS)

Good Governance and Democratic Process

- Principles of good governance.
- Administrative Discretionary Powers, Liability of the State in torts.
- Governor – Article 356 – Ordinance making power – Pardoning Power.

- Democratic Process: Elections and Electoral Reforms - Election Commission of India - State Election Commission - Coalition Government - Party System.

TEXT BOOKS:

- H.M. Seervai: Constitutional Law of India
- M.P. Jain: Indian Constitutional Law
- Mahendra P. Singh: V. N. Shukla's Constitution of India
- D.D. Basu: Shorter Constitution of India
- K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism

REFERENCE BOOKS:

- Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014.
- A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley Sahney Programme for Training, 1972. Ashok Chandra, Federalism in India.
- Desai, Justice D.A. Prasad Anirudh, Centre and State Powers under Indian Federalism
- Dr. Subhash C. Kashyap, Commentary on Constitution of India

Mapping of CO- POs/PSOs:

POs/PSOs	PO1	PO2	PO3	PO4	PSO1	PSO2	PSO3	PSO4
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CO3	2	3	3	2	2	3	2	2
CO4	2	2	2	1	2	2	2	1

1-Slight (Low)

2-Moderate (Medium)

3-Substantial (High)

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/II Semester

Fundamental Rights and Directive Principles of State Policy

LMCA203

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To **state** the concepts of institutions of Constitution and their working.
- To develop the **understanding** of separation of power in practical sense.
- To **analyse** the fundamental law, as an insight into new trends is essential for a meaningful understanding of the legal system and processes.
- To **examine** fundamental rights along with Directive Principles of State policy and reasonable restrictions on them.

UNIT- I

(6 HOURS)

Evolution of Fundamental Rights

- Fundamental Rights: A conceptual analysis
- Evolution of Fundamental Rights
- Concept of Fundamental Rights and Relation with Natural Rights
- Rights against state
- Is there need to enlarge the definition of State?

UNIT - II

(6 HOURS)

PART-III (Specific Fundamental Rights)

- Rights to Equality
- Right to Freedom
- Right against Exploitation
- Right to Life and Personal Liberty

UNIT – III

(6 HOURS)

Enforcement of Fundamental Rights

- Preventive detention Laws and Violation of Fundamental Rights
- Freedom of Religion and Secularism
- Fundamental Rights: Suspendability, Amenability and Limitations
- Enforcement of Fundamental Rights

UNIT - IV

(6 HOURS)

DPSP and Fundamental Rights: Judicial Response

- Directive Principles of State Policy and constitutional governance
- Development and Importance of Directive Principles of State Policy and their enforceability.
- Emerging Regime of New Rights and Remedies under the Garb of Directive Principles.
- Use of and Directive Principles, International Instruments in Interpreting Fundamental Rights.
- Fundamental Rights and Directive Principles of State Policy and Judicial Response

TEXT BOOKS:

- P. Ishwara Bhat, Interrelationship between Fundamental Rights
- M P Jain, Indian Constitutional Law
- H M Seervai, Constitutional Law of India
- V N Shukla, Constitution of India
- D D Basu, Shorter Constitution

REFERENCE BOOKS:

- B Sivarao, Constitutional Assembly Debates
- J. V R Krishna Iyer, Fundamental Rights and Directive Principles
- Paras Diwan, Human Rights and the Law

ACTS:

- The Constitution of India, 1950

Mapping of CO- POs/PSOs:

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1-Slight (Low)**2-Moderate (Medium)****3-Substantial (High)**

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/II Semester

Media Law

LMCA204A

L T P C

2 1 0 2

(24 HOURS)

Course Learning Objectives:

- To **state** principles and laws relating to Media Law.
- To develop the **understanding** of the laws which impact media and social change.
- To **analyse** the theoretical debates on media, law and ethics in the Indian context.
- To **examine**, analyse and interpret International aspect of media law, censorship on media and moral and legal ethics of Media.

UNIT-I

(6 HOURS)

Introduction: Media and its Types

- Introduction to evolution of Media
- Understanding the concepts of media
- Types of media: (i) Print (ii) Electronic (iii) E-Media
- Difference between Visual and non- Visual Media - impact on People

UNIT-II

(6 HOURS)

Freedom of Speech and Expression

- Evolution of Freedom of Speech and Expression Article 19 (1) (a)
- Freedom of Speech and Expression of media -Article 19 (1) (a)
- Evolution of Freedom of Press
- Restrictions to Freedom of Speech and Expression Article 19(2) under Constitution
- Advertisement & Ethics: Misleading Advertisement vis-à-vis Consumers rights
- Concept of privacy

UNIT-III

(6 HOURS)

Defamation through Media and Laws

- Law of defamation and obscenity
- Media & Criminal Law
- Media & Tort Law
- Media & Legislature, Executive and Judiciary.

UNIT-IV

(6 HOURS)

Media, Censorship and Legal Regulations

- Development of laws relating to Media *vis* International regime.
- Pre-censorship of films, Censorship under Constitution, Censorship under the Cinematograph Act
- Media and Ethics
- Self-regulation v. Legal Regulation

TEXT BOOKS:

- M.P. Jain, Constitutional Law of India Wadhwa, Nagpur
- H.M. Seervai, Constitutional Law of India 2002 Vol. 1 Universal
- John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Centre for law in Development 1980)
- Bruce Michael Boys, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression" 14 J.I.L.I. 501 (1972).
- Rajeev Dhawan, "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).

REFERENCE BOOKS:

- Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
- Soli Sorabjee, Law of Press Censorship in India (1976).
- Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
- D.D. Basu, The Law of Press of India.

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1-Slight (Low)**2-Moderate (Medium)****3-Substantial (High)**

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/II Semester
Right to Information
LMCA204B

L T P C
2 1 0 2
(24 HOURS)

Course Learning Objectives:

- To **state** the concepts of information and its significance in democracy.
- To develop the **understanding** of Right to Information as fundamental right.
- To analyse the basic rules and regulations for seeking and providing information.
- To **examine** transparency and accountability in governance and also the method of preventing the abuse of power.

UNIT-I

(6 HOURS)

Introduction: RTI Act

- History and Origin of Right to Information
- Historical Background Right to Information Act, 2005 (Freedom of Information Act, 2002)
- Significance in democracy
- Constitutional basis, Supreme Court on right to information

UNIT-II

(6 HOURS)

RTI: A Global Perspective

- Right to Information: A Global Perspective
- Freedom of information as a fundamental right
- Open governance and accountability of decision makers

UNIT-III

(6 HOURS)

RTI: Obligations and Types

- RTI Act- definitions; Right to information and obligations of public authorities
- Importance of Right to Information Act
- Type of Information
- Application about information & its formalities

UNIT-IV

(6 HOURS)

Information Commissions

- Central information commission
- State information commission
- Powers and functions of information commissions
- Appeals and penalties

TEXT BOOKS:

- Dr. R.K Verma & Dr. Anuradha Verma, Right to Information law and Practice, Taxmann's.
- Prof. S V Joga Rao, Law relating to Right to Information, Janin Book Agencet, 2009.
- Dr. Niraj Kumar, Right to Information Act, 2005, Bharat Law House Pvt. Ltd.
- Jus. Rajesh Tondon, Right to Information- Law and Practice 2015, Ltd., Lexis Nexis.

REFERENCE BOOKS:

- Loveland, Frontiers of Criminality, USA International Business Publications.
- Manheim H, comparative Criminology, London: Routledge & Kegan Paul.
- Walker, N. Crime and Criminology, Edinburgh University Press.

Mapping of CO- POs/PSOs:

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1-Slight (Low)

2-Moderate (Medium)

3-Substantial (High)

LL.M. (CONSTITUTIONAL AND ADMINISTRATIVE LAWS)

I Year/II Semester

Dissertation

LMCS205

L T P C
0 0 3 3
(12 HOURS)

Course Learning Objectives:

- To let the students, develop and improve research skills
- To let the students, collect data with the help of primary and secondary materials
- To let the students, frame a hypothesis
- To let the students, develop writing skills

A Legal topic related to the course will be deputed to the student. The student may also have an opportunity to explore the topic of its own. It enables the student to explore a topic in more depth than an assignment essay.

In order to make a good dissertation a student should have the following ability:

1. Have an idea for an area of research.
2. Identify your research questions.
3. Decide how to undertake the research.
4. Analyse and write up the data critically.

A word limit for the Dissertation shall be between 100-125 pages with Font- 12 of Times New Roman, spacing 1.5, excluding table of content, table of cases, table of statutes, abbreviations, foot notes (Font-10), Bibliography, Appendix, etc. The Cover page, Supervisor's Certificate, Student's Declaration and the manner of giving Acknowledgement shall be given as prescribed by the Centre for Post-Graduate Legal Education.

A dissertation should be a piece of small- scale research which can be completed, start to finish, in the amount of time allotted to the student. A dissertation should be a sustained argument. This means that it should draw upon the results of students reading, thinking and information gathering in such a way that it could persuade readers to accept the student understanding of the topic.

Mapping of CO-POs/PSOs:

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1-Slight (Low)

2-Moderate (Medium)

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EXAMINATION REGULATIONS

CONSTITUTION OF DEPARTMENTAL POST GRADUATE LEGAL CENTRE:

- The Dean of the Department shall constitute the Centre.
- The Centre shall comprise all Professors, Associate Professors and such other faculty members who are assigned LL.M. Course teaching.
- The Dean shall nominate one faculty as Chairperson of the centre.
- The Centre shall supervise the overall functions of one year LL.M Degree Program and shall make necessary recommendations on academic, examinations and other academic related matters.
- Each subject will be evaluated on the basis of Continuous Internal Evaluation (CIA) and End Semester examination (ESE)
- The total Course is of 24 Credits with 1100 Marks allotted for whole course.
- Each Semester shall carry 12 Credits each.

SEMINAR PRESENTATION AND CLASSROOM TEACHING:

- The Internal Assessment of the LL.M. one Year Program basically includes Classroom Teaching and Seminar Presentation of 40 Marks each subject.
- Continuous Internal Evaluation would constitute 20 Marks for Classroom Teaching and 20 for Seminar Presentation. The Breakage of the above mentioned marks are as under:
 - 10 Marks for Assignment
 - 10 Marks for Assignment Topic Presentation
 - 10 Marks for Research Paper to be drafted by the students in each subject
 - 10 marks for the presentation of the research paper prepared.
- While assigning the topic of Teaching and Seminar Presentation to the students the teachers concerned shall fix the last dates for submission of draft/final files.
- Seminar Presentations shall be allowed only after submission of the final draft/ approved draft.
- Students are required to submit the hard copy of their Seminar Presentation topic as original work.
- The topic to be chosen for the teaching in the classroom can be from any law subject or as allotted by the supervisor.

ESE: End Semester Examination would be the external exam conducted by the T.S. Mishra Law School, T.S. Mishra University as per the examination rules and regulations of the University which is of 60 Marks Each subject (excluding Dissertation)

DISSERTATION: constitutes the submission of the dissertation to be evaluated by the external examiner appointed by the Dean, concerned department (T.S. Mishra Law School) of the T.S. Mishra University.

ESE OF DISSERTATION: The ESE Marks allotted to Dissertation is of 100 marks which would be based on the work done by student and duly evaluated by the department while taking into consideration with overall performance.

VIVA VOCE (CIA OF DISSERTATION): The Viva voce marks allotted is of 100 Marks to be conducted from dissertation by the internal supervisor appointed and one external examiner allocated for the same as per the examination rules and regulations of the University.

FORMAT OF DISSERTATION:

- The Word limit for the Dissertation shall be between 100-130 pages excluding table of contents, table of cases, table of statutes, abbreviations, footnotes, bibliography, appendix etc.
- The cover page, Supervisor's Certificate, Student's Declaration and the manner of giving Acknowledgements shall be given as prescribed by the Centre for Post-Graduation Legal Education.
- The Dissertation shall be sent to an outside expert nominated by the Vice- Chancellor from among the panel of experts suggested by the Dean however; the Vice Chancellor may add names of experts and send dissertation to such an expert.
- In case of emergency, the experts may be appointed from the department also.
- Students are required to submit their dissertation as original work. Plagiarism in dissertation shall constitute a serious academic malpractice which may result into cancellation of dissertation.
- The Examination, evaluation and other norms of improvement grades will be as per the norms of the choice based credit system of the University.

EXAMINATION / ASSESSMENT AND GRADING

Components of Evaluation: Each subject will be evaluated out of 100 marks. The Subjects will normally have two components of the evaluation:

- Continuous Internal Evaluation (CIE): 40 marks
- End-Semester Examination (ESE): 60 marks

Heads of Passing: Continuous Internal Evaluation (CIE) and End Semester Examination (ESE) shall be two separate heads for passing a subject:

<u>SUBJECTS</u>			
Head	Continuous Internal Evaluation (CIE) 40 Marks		End Semester Examination (ESE) 60 Marks
	Classroom Teaching (20)	Seminar Presentation (20)	ESE
Theory (Compulsory and Elective Both)	<ul style="list-style-type: none"> ○ 10 Marks for Assignment ○ 10 Marks for Assignment Topic Presentation 	<ul style="list-style-type: none"> ○ 10 Marks for Research Paper to be drafted by the students in each subject ○ 10 marks for the presentation of the research paper prepared. 	One ESE (Max. Marks 60)
Dissertation & Viva-voce	-	-	i. Dissertation File ii. Presentation/ Viva Voce Max Marks (200 Marks)

Promotion of Student:

the Student will be declared PASS if,

- ☐ He/she secures at least 40% marks in Continuous Internal Evaluation & End Semester Examination in a paper,
- ☐ If He/she secures 50% or more in the grand total (Continuous Internal Evaluation + End Semester Examination), he/she will be declared as pass.
- ☐ If He/she secures 50% or more in the grand total and less than 50% and above 40% in paper/papers he/she will be declared as pass.
- ☐ If he/she secures 40% marks in 3 papers (Continuous Internal Evaluation + End Semester Examination) and secures 50% or more marks in remaining papers and secures 50% marks in Grand total will be declared pass.

Carry Forward of Marks: In case of a student who does not fulfil criteria mentioned above and fails in the Continuous Internal Evaluation and End Semester Examination in maximum 3 papers, then:

- He/she shall be eligible to appear in the Back Paper of those respective papers:
 - If he/she secures less than 50% marks fail in grand total.
 - If he/she obtain less than 40% marks in a paper.
 - If he/she fail in 3 or less than 3 papers (less than 40% marks) he/she will have entitled to appear for back paper in failed paper.
 - If he/she fail in 3 or less than 3 papers. He/she will be entitled back papers in less marks paper. If he/she secures equal marks in papers and failed in grand total, he/she is allowed to choose back paper in that respective paper/papers.
 - He/she shall be entitled for back paper/improvement paper with odd semester examination and even semester examination.
- If he/she fails in more than 3 Papers, then he/she shall be entitled to appear in the Re-Examination.

Number of Attempt of Back Paper: -

- He/she is entitled the maximum of 2 attempts in back paper/improvement.
- If he/she passed the back paper examination, he/she issued consolidated mark sheet of that

semester.

- If he/she failed to clear back paper in 2 attempts he/she will have re-appear in all the paper of that semester.
- He/she shall have to appear and clear the back paper within 7 years, if he/she does not clear by the end of 3 academic years he/she shall not be permitted in next semester

Duration of Course: -

- Duration of LL.M. Course is One Years.
- Maximum time period to complete this course is 3 years.

Promotion to 2nd Semester: -

- Maximum of 6 back paper (3 back paper for each semester) will be permitted for promotion to next semester.

Award of Grace Marks:

A Student may be awarded Grace Marks up to a maximum of total **5 marks**, in a maximum of **3 papers** including theory papers, and/or aggregate marks in each semester provided he/she can be declared to have passed the semester by the award of these marks. If a student fails in more than 3 papers, he/she will not be promoted in next semester.

Re-examination of Continuous Internal Assessment and End Semester Examination: -

(I). Re-examination for Continuous Internal Evaluation should be completed before the commencement of Next Semester Theory Examination.

Example: A Student who is supposed to reappear for Internal Evaluation in the Semester-I paper will appear for the Re-examination before the commencement of the End Semester Examination of Semester II. Re-examination of Continuous Internal Evaluation will be based on a single examination having the same marks as the original assessment. A Student who is supposed to reappear can be in the form of a paper project/assignment problem/test etc. A Student will do the submission of the assigned work in the predefined period. Records should be maintained properly for all the re-examinations as well as Continuous Assessments.

(II). Re-examination of the End Semester Examination will be conducted as per the schedule planned by the University.

GRADING OF PERFORMANCE-

Letter Grade and Grade Point Allocation: In LL. M. Program based on the combined performance in all Assessments in a particular Semester as per the Curriculum/Syllabus the Student is awarded a letter grade. These letter grades not only indicate a qualitative Assessment of the learner's performance but also carry a quantitative (numeric) equivalent called the Grade Point. The Letter Grades and their Equivalent Grade Point.

Percentage of Marks Obtained	Letter	Grade Point	Performance
85.00 and above	O	10	Outstanding
80.00 – 84.99	A	09	Excellent
75.00 – 79.99	B	08	Very Good
65.00 – 74.99	C	07	Good
60.00 – 64.99	D	06	Fair
55.00 – 59.99	E	05	Average
40 – 54.99	P	04	Pass
Less than 40	F	0	Fail

For a learner who remains absent in any form of evaluation/examination, the letter grade allocated to him/her should be AB and the corresponding grade point is zero. He/she should reappear for the said evaluation/examination in due course. The Papers will be adopted from other programs their grade will

be decided as per the ordinance of the respective program.

Re-admission to the University:

A Student who fails will have to take admission in next academic year as an exempted student. He / She will be allowed for re-admission on payment of prescribed fees provided he/she satisfies one of the following conditions:

- A student is declared failed.
- A student did not appear in the semester examination/failed in above 3 papers or failed in total marks and/or he/she was granted permission not to appear in the examination on his/her own request.
- A student has been detained by the University and has also been permitted to take re-admission.

Declaration of Result:

If a student passes all the examinations and fulfils all the requirements for the award of a degree his/her result will be shown as **“Pass”** mentioning the letter grade obtained by the student.

Rank / Positions will be determined at the end of the even semester. Only those students who fulfil the following conditions will be eligible for ranks/positions:

- They do not have any breaks in their studies;
- They have passed every scheduled subject in the first attempt;
- They have passed every subject on time as per the curriculum;
- They have earned credits as per the schedule given in the curriculum;
- They have not improved grades in any subject after passing the subject.

The students who violate any of the above conditions will not be awarded any rank/position. The ranks/positions will be determined on the basis of the Cumulative Grade Performance Index (CGPI)

Grace Marks:

A Student may be awarded Grace Marks up to a maximum of total **10 marks**, in a maximum of **3 subjects** including theory papers, and/or aggregate marks in each academic year provided he/she can be declared to have passed the academic year by the award of these marks.

Scrutiny:

- Scrutiny shall be allowed in all the papers as per the rules of the University.
- Re-evaluation is not permitted.

AWARD OF DEGREE:

On having successfully completed the program, the student shall be awarded Degree of **LL.M. (One Year Program)**.

CANCELLATION OF ADMISSION:

The Admission of Student at any stage of study shall be cancelled if:

- He / She is not found qualified as per state government norms and guidelines or the eligibility criteria prescribed by the University.
- He / She is found unable to complete the subject within the stipulated time as prescribed above.
- He / She is found involved in creating indiscipline in the University.
- He / She is found involved in any criminal case / has given any false statement.