



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FIRST SEMESTER MASTER OF LAWS

(Session 2018-19)

PAPER – I (PAPER CODE - 41901) : (PAPER NAME – **LAW AND SOCIAL TRANSFORMATION IN INDIA**)

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit – I:

(A) Law and Social Change :

- i) Relations between Law and Public Opinion
- ii) Law as an instrument of social change
- iii) Law as the product of 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, Sociological school and its applicability in India, Principles of Social Legislation.

(B) Religion and the Law :

- i) Religion – its meaning and relationship with law
- ii) Evaluation of Religion as a divisive factor
- iii) Secularism as a solution to the problem
- iv) Reform of the law on secular lines : Problems
- v) Freedom of religion and non-discrimination on the basis of religion
- vi) religious minorities and the law

Unit-II :

(A) Language and the Law :

- i) Multi-linguistic culture and its impact on policy on nation
- ii) Language as a divisive factor : formation of linguistic states
- iii) Constitutional guarantee to linguistic minorities
- iv) Language policy and the Constitution ; Official language; multi language system
- v) Non-discrimination on the ground of language

(B) Community and the Law :

- i) Caste as a socio-cultural reality and role of caste as a divisive and integrative factor
- ii) Non-discrimination on the ground of caste
- iii) Acceptance of Caste as a factor to undo past injustices
- iv) Protective discrimination; Scheduled Castes, tribes and backward classes
- v) Reservation : Statutory Commissions, statutory provisions

Unit – III:

(A) Regionalism and the Law :

- i) Evaluation of Regionalism as a divisive and integrative factor
- ii) Concept of India as one unit
- iii) Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers
- iv) Equality in matters of employment; the slogan “Sons of the soil” and its practice
- v) Admission to Educational Institutions; Preference to Residents of a State.

(B) Women and the Law :

- i) Position and the Role of women in Indian society
- ii) Crimes against women – Codified laws
- iii) Gender injustice and its various forms, causes and remedies
- iv) Women’s Commission
- v) Empowerment of women; Constitutional and other legal provisions

Unit – IV:

(A) Children and the Law :

- i) Child Labour
- ii) Sexual Exploitation
- iii) Adoption, Maintenance and Related Problems
- iv) Children and Education – a Constitutional mandate

(B) Modernisation and the Law :

- i) Modernisation as a value : Constitutional perspectives reflected in the fundamental duties
- ii) Modernisation of social institutions through law
- iii) Reform of family law
- iv) Agrarian reform – Industrialisation of Agriculture
- v) Criminal Law : Plea bargaining; compounding and payment of compensation of victims
- vi) Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats
- vii) Democratic decentralisation and Local Self-government

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(Session 2018-19)

PAPER – II (PAPER CODE - 41902) : (PAPER NAME – **INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES**)

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit – I:

(A) **Federalism:**

- i) Creation of new states
- ii) Allocation and share of resources-distribution of grants in aid
- iii) The inter-state disputes on resources
- iv) Rehabilitation of internally displaced persons
- v) Centre's responsibility and internal disturbance within States
- vi) Freedom of Trade, Commerce and Intercourse
- vii) Directions of the Centre to the State under Article 356 and 365
- viii) Services under Union and State Emergency Provisions
- ix) Federal Comity : Relationship of trust and faith between Centre and State
- x) Special status of certain States
- xi) Tribal Areas, Scheduled Area

(B) "State" Need for widening the definition in the wake of Liberalization.

(C) Right to Equality: Privatization and its impact on affirmative action

Unit : II : Freedom of Press and challenges of new scientific development :

- i) Freedom of speech and right to broadcast and telecast
- ii) Right to Strike, Hartal and Bandh
- iii) Emerging regime of new rights and remedies – Right to Education; Right to Information and Right to Privacy
- iv) Reading Directive Principles and Fundamental Duties to Fundamental Rights
- v) Compensation jurisprudence
- vi) Right to education
- vii) Commercialization of education and its impact
- viii) Brain drain by foreign education market

Unit – III : Right of minorities to establish and administer educational Institutions and state control :

- i) Secularism and Religious fanaticism
- ii) Separation of Powers : Stresses and Strain
- iii) Judicial Activism and Judicial Restraint
- iv) PIL : Implementation
- v) Judicial Independence
- vi) Appointment, Transfer and Removal of Judges
- vii) Accountability ; Executive and Judiciary
- viii) Tribunals

Unit – IV : Democratic Process

- i) Nexus of Politics with Criminals and the Business
- ii) Election
- iii) Election Commission : Status
- iv) Electoral Reforms
- v) Coalition Government, Stability, Durability, Corrupt Practice
- vi) Grass Root Democracy

SELECTED BIBLIOGRAPHY:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

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FACULTY OF LAW

FIRST SEMESTER MASTER OF LAWS

(Session 2018-19)

**PAPER – III (PAPER CODE - 41903) : (PAPER NAME – LEGAL EDUCATION AND RESEARCH
METHODOLOGY)**

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit - I :

- i) Objective of Legal Education.
- ii) Lecture Method of Teaching – Merits and Demerits
- iii) The Problem Method
- iv) Discussion Methods and its suitability at post graduate level teaching
- v) The Seminar Method of teaching
- vi) Examination System and problems in evaluation – external and internal assessment
- vii) Student participation in law school programmes, Organization of seminars, publication of journals and assessment of teachers
- viii) Clinical Legal Education – Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit - II : **Research Method :**

- i) Socio-Legal Research
 - ii) Doctrinal and Non-doctrinal
 - iii) Relevance of Empirical Research
 - iv) Introduction and Deduction
- Identification of Problem of Research**
- v) Formulation of Research Problem
 - vi) Survey of Available Literature and Bibliographical Research
 - vii) Legislative Materials including Subordinate Legislation, Notification and Policy Statements
 - viii) Hypothesis

Unit - III :

- i) Decisional Materials including Foreign Decisions;
- ii) Methods of discovering the 'Rule of the Case' tracing the history of important cases and ensuring that these have not been over ruled;
- iii) Discovering Judicial conflict in the area pertaining to the research problem and the reasons thereof.
- iv) Juristic Writings – a survey of Juristic literature relevant to select problems in India and foreign periodicals
- v) Compilation of list of reports or special studies conducted relevant to the problem
- vi) Devising Tools and Techniques for Collection of Data : Methodology
- vii) Methods for the collection of statutory and case material and juristic literature
- viii) Use of Historical and Comparative Research materials
- ix) Use of Observation Studies
- x) Use of Questionnaires/Interview
- xi) Use of Case Studies
- xii) Sampling Procedures, Design of Sample, Types of Sampling to be adopted
- xiii) Use of Scaling Techniques

Unit - IV:

- i) Jurimetrics
- ii) Computerized Research – A study of legal research programmes such as Lexis and West Law Coding
- iii) Classification and Tabulation of Data – use of cards for data collection. Rules for Tabulations Explanation of Tabulated Data
- iv) Analysis of Data

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- i) Religion – its meaning and relationship with law
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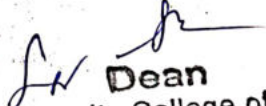
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