



माँ शाकुम्भरी विश्वविद्यालय, सहारनपुर  
Maa Shakumbhari University, Saharanpur

**LL.M II YEAR COURSE  
CODE -781**

**MAA SHAKUMBHARI UNIVERSITY , SAHARANPUR**  
**Syllabus for Pre - LL.D. Course Work**

**LAW**

**Programme Structure**

The Pre - LL.D. Course shall comprise of only one semester (i.e six months) in which there will be **three** compulsory papers.

All the above three papers in Pre - LL.D. course work in law will be evaluated on the basis of credit points of 04 + 06 + 06 = 16 Total Points as per UGC Norms.

<u>S.n</u> <u>o</u>	<u>Code</u>	<u>Paper</u>	<u>Credit</u>	<u>Internal</u> <u>Marks</u>	<u>External</u> <u>Marks</u>	<u>Total</u> <u>Marks</u>	<u>Min Marks</u> <u>(Int+Ext)</u>
1.		<b>PAPER - I</b> Legal Research Methodology and Computer Application	4	25	75	100	55
2.		<b>PAPER - II</b> Recent trends in Law	6	25	75	100	55
3.		<b>PAPER - III</b> Environmental Law and Judicial Activism	6	25	75	100	55
4.		<b>PAPER-IV</b> Project/ Proposal of Research	Qualifying			100	Qualifying

● **Objectives of Paper - I (Legal Research Methodology and Computer Application)**

To enable researches to:

1. Understand the Fundamental Principles and techniques of Methodolgy concerning research.
2. Prepare research tools applications to development issues.
3. Develop skills in Documentation.
4. Understand meaning, Process and importance of research in Law.
5. Select Problem tools and methods of conducting research.
6. Interpret Laws, judicial pronouncements, and relevant data keep in view the changing norms of the society.

7. Develop inclination in preparing report, project proposals, and writing of research thesis.
8. Motivation for the use of Computers, Internet etc. In research for socio-legal issues.

### ● Objectives of Paper - II (Recent trends in Law)

To enable researches to:

1. To understand the changing dimensions of socio-legal issues.
2. To understand the philosophical approach of law.
3. To understand the gap between law in book and law in action.
4. To understand the legislative and judicial approach on the socio-legal issues.
5. To develop an analytical skill on legislative, executive, and judicial approach in the light of changing social norms.
6. To give the solution to the existing social issue with the help of legal tools, etc.

### Objectives of Paper - III (Environmental Law and Judicial Activism):-

To enable researches to:

To understand the current problem of Environmental pollution and to provide their own creative solution to mitigate increasing Environmental Pollution.

This Paper places paramount importance on Environmental concerns. Today, no other matter is greater in Importance than that of Polluted Environment, Climate change and Global warming. Hence, It becomes laible on legal Fraternity to rise to the occassion and feel deeply to the cause of Environment. Moreover it's a bounden duty of Law Researcher not only to ethuse themselves for environmental cause but also to contribute constructively to this cause by conceptualizing in their own way to devise newer ways and suggestions for the sake of mitigation of environmental degradation.

**The second part** of this paper relates to Judicial Activism in relation to different classes of problems and providing their Judicial solutions and Remedies. Judicial Activism is that approach of higher Judiciary in particular, that thinks out of the box, and interpret the very given Law with a creative view to provide socio-legal Justice to the people concerned, leaving aside all the procedural niceties. Furthermore, Public interest Litigation is another very important part of Judicial Activism that liberalises the Rule of "Locus Standi" and facilitates particularly the poor class to access to Socio-legal Justice through courts of Law.

## PAPER-1

### LEGAL RESEARCH METHODOLOGY AND COMPUTER APPLICATION

1. **Introduction:** Legal Research - Evolution, Changing Emphasis and Contemporary Trends in general and specific to India. 2. Different Kinds of Legal Research: Doctrinal, Non- Doctrinal/Empirical/Socio-Legal, Inter/Multidisciplinary, Historical.
3. **Research:** Meaning, Objectives, Motivations, Types and Significance, Method and Methodology, Scientific Method, Research Process. 4. Formulating Research Problem: Literature Review, Hypothesis, Research Design.
5. **Sampling Procedures:** Probability and Non-Probability Sampling. 6. Quantitative Method: Use of quantitative method of research, Types and Sources of Data - Primary and Secondary data, Data analysis for specific type of data, Observation, Interview, Questionnaire, Schedules, Case Study.
7. Organisation, Interpretation and Analysis of Data.
8. **Communication and Evaluation of Research:** Report writing and writing of research papers, Presentation of research proposals, Evaluation of Research Report, Oral and written presentation of research (abstracts / synopsis), How to write a Thesis, Use of Citations, Foot Notes, References, Bibliography, Indexes, Appendices etc.
9. **Tools of Legal Research:** Library, Books, Journals, Law Reports, Law Commission Reports, Legislative and Constitutional Assembly Reports, Computer/Internet. 10. Legal Research and Law Reforms: Role of Judges and Jurists, Recommendations of Commissions and Committees etc.
11. **Computer Application for Research:**  
Basic characteristic of computer, M.S. Windows, Word processing, Use of M.S. Word, M.S. Power Point, Adobe Acrobat, M.S. Excel, Data processing, Graphical processing, Use of Internet, Use of web tools for research, use of data analysis software -SPSS, Use of graphical software, use of multimedia tools.

### References

Black Thomas, Understanding Social Science Research, Sage Publication. India Ltd.  
New

Delhi. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences*, Allyn and Bacon, Buckinghamshire. 1973. C.R. Kothari, *Research Methodology: Methods and Techniques*, Wiley Eastern Ltd., New Delhi

## PAPER-II

### RECENT TRENDS IN LAW

#### 1. Human Rights and Values in Education

**Meaning and Definition and Concept of Human Rights.** • The Role of NGOs in protection of Human Rights in India.

- Custodial death: A Crude Action of Human Rights. ● Human Rights and Women: Problems and Perspectives.
- Protection of Refugees in India.

#### 2. Emerging Regime of New Rights and Remedies Under Constitution of India

Fundamental Right to Education, Commercialization of Education and its impact.

Reading Directive Principles and Fundamental duties into Fundamental Rights.

- Free Press and Independent Judiciary. Right to Information as a Fundamental Human Right: Constitutional,

**Legislative and Judicial Response.**

**Basic Structure of Indian Constitution:** Doctrine of Constitutionally

**Controlled Governance (From Kesavananda Bharti to I.R. Coelho).**

#### 3. Modern Approach of Legal Philosophy

**Relevance of following theories in modern Indian Legal System:**

1. Classical Natural Law Theory;
2. Austinian Philosophy of Law;
3. Kelsen's Pure Theory of Law;
4. Doctrine of Social Solidarity;
5. Doctrine of Social Engineering;
6. Modern American Realist Theory;
7. Marxist Economic Approach of Law.

#### 4. **Criminology and Penology** • DNA Profiling and the Forensic use of DNA Evidence in Criminal Proceedings.

- Crime, Punishments and Sentencing in Indian Perspectives.
- Criminal Justice in India: Primitivism to Post- Modernism.
- Rapist and Death Sentence.

#### 5. **Trends in Banking System in India**

- Information Technology Act, 2000.
- Automation and Legal Aspects.
- Smart Card.
- Use of Expert System.

#### **REFERENCES:**

Jain M.P., Constitution of India, Wadhwa & Company, Nagpur.

Jayapalan N., Women and Human Rights, Atlantic Publishers & Distributors. New Delhi. Kakri V.K., Law Related to Intellectual Property Rights, Atlantic Publishers & Distributors, New Delhi, 2009.

Leelakrishnan P., Environmental Law Case Book, LexisNexis, 2006 (Reprint 2010). Malik S.B. (Justice), Commentary on Arbitration and Conciliation Act, Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2011.

Markanda, P.C. et al, Law Relating to Arbitration and Conciliation, LexisNexis Butterworths. 2013.

- Mehling, Bansh, Bodle and Ralph, Climate Change and the Law, 2013.
- Paton G.W., A text Book of Jurisprudence, Oxford University Press, London.
- Rao P.C. and Sheffield William, Alternative Dispute Resolution.
- Sethi Jyotsna and Bhatia Nishwan, Elements of Banking and Insurance, PHI Learning, Delhi, 2012.
- Shabbir Mohd. (Ed.), Quest for Human Rights, Rawat Publications, Mumbai.
- Sharma R.K., Criminology and Penology, Atlantic Publishers and Distributers (P.) Ltd.. New Delhi.
- Shukla V.N., Constitution of India, Eastern Book Company, Lal Bagh, Lucknow.
- Sridhar Madabhushi, Alternative Dispute Resolution, 2006 (Reprint 2010).
- Sutherland Edwin, Criminology and Penology.
- Tannan, M.L., Tannan's Banking Law and Practice in India, Indian Law House, New Delhi

## PAPER - III

### ENVIRONMENTAL LAW AND JUDICIAL ACTIVISM

#### I Concept and Meaning of Environment:

Causes of Environment Pollution, Ancient India approach to Environment and Environmental Education .(Veda and Religious Philosophies).

#### II Importance of Environmental study in Legal Education:

The Environment (Protection) Act 1986, and the Rules made there under, The Water (Prevention and Control of Pollution) Act 1974, and the Rules made there under, the Air(Prevention and Control of Pollution Act, 1981) and the Rules made thereunder, The Forest Conservation Act 1980, The Indian Forest Act 1927, The Wild Life Protection Act 1927, The Prevention of Cruelty to Animals Act 1960, Environmental Tribunal Act 1995, Environmental Appellate Authority Act , 1997.

#### III Sustainable Development and International Scenario on Environment .

- a) The stockholm Declaration, 1972 - “The Magna Carta of our Environment”
- b) The United Nations Environment Program(UNEP).
- c) NAIROBI Convention or NAIROBI Declaration ,1982.
- d) Vienna Convention on Ozone layer Protection, 1987.
- e) Rio Summit, 1992 (Rio Declaration on Environment).
- f) The Biological Diversity Act, 2002 and the United Nation Convention on Bio Diversity, (CBD) 1992.

#### LEGAL REMEDIES & ENVIRONMENT PROTECTION:

- a) Remedies Under law of Tort.
- b) Remedies Under the Indian Penal code, 1860.
- c) Remedies Under the Code of Criminal Procedure code, 1973.
- d) Remedies Under the Code of Civil Procedure, 1908.
- e) Remedies Under the Indian Easement Act, 1882.
- f) Remedies Under the National Green Tribunal Act, 2010.
- g) Constitutional Protection to the Environment - “Writ Jurisdiction of the Supreme Court or other High courts.

# JUDICIAL ACTIVISM

## **I. Introduction:**

**Judicial Activism** - Evolution, Meaning and Definition , New Dimensions of Judicial Activism in General and Specific to India.

II. **Different Aspects of Judicial Function** - Judicial Power , Judicial Review , Judicial Policy making , Judicial Activism, Constitutionalism and Public Interest Litigation.

III. **Judiciary Under Different Countries**- Judiciary Under **Unitary Constitutions**, Judiciary Under **Federal Constitutions**, Judiciary Under **Indian Constitution**:  
**Position of the Supreme court** Under the Constitution.  
**Supreme court - Post - Keshavananda Bharti case.**

IV. **Judicial Activism** - Evolution of Judicial Activism in India . The Position of Judicial Activism in India before & after 1980  
(Maneka Gandhi vs Union of India case).

V. **Role of Supreme Court as a Catalyst in dispensing Socio-legal Justice**- Expanding Horizons of Article 21 , Judicial Response of Supreme court on Article 21 - Post Maneka Gandhi ; namely, Right to Privacy, Right to Prisoners, Right to Free legal Aid, Right to Education, Right to Health, Right to Pollution free Environment, Sexual Harassment of working people and Article 21 etc.

VI. **The Role of Public Interest Litigation in relation to multiple issues** - Emergence of PIL in India, Relaxation of “locus standi” rule, Role of Public Interest Litigation in socio- economic Justice; Rights of Prisoners through PIL; PIL and Labour Jurisprudence; PIL & Right to Health and Medical care of Workmen; Pensioners Rights & PIL; Pollution Free environment PIL; Compensatory Jurisprudence, Role of PIL & Protection of Children and Women, PIL & Independence of Judiciary,PIL and Cyber crimes; **Misuse of PIL - Instances of ; and the way ahead.**



### ***Suggested Readings-***

- *Austin, Granville - The Indian Constitution: Cornerstone of a nation, (Oxford, clarendon Press, 1966)*
- *Agarwala , S.K. - Public Interest Litigation in India - A critique, {Bombay, N.M Tripathi.....}*
- *Andhyarujina, T.R : Judicial Activism and Constitutional Democracy in India ,(Bombay, N.M Tripathi, 1992)*
- *Miller, Arthur Selwyn : Towards increased Judicial Activism- The political Role of the Supreme Court, (West port : London, Greenwood press 1982)*
- *Iyer, V.R Krishna - Indian Justice - Perspective and Problems ,(Delhi, Vedpal Law House, 1985)*
- *Environmental Law by S C Shastri*
- *Environmental Law by P.S Jaiswal*
- *Environmental Law by N.V Pranjape.*