

UNIVERSITY OF MADRAS
DEPARTMENT OF LEGAL STUDIES
SYLLABUS FOR LL.M ADMISSION ENTRANCE TEST-2024
LL.M. BRANCH-II- CONSTITUTIONAL LAW AND LEGAL ORDER

Duration : 2 Hours

Maximum Marks : 100

Objective Type Questions : 50 Marks

Descriptive Type Questions : 25 Marks

Interview : 25 Marks

Question Paper Pattern:

Objective Type = 50 x 1 = 50 Marks

(MCQ, Assertion and Reasoning, Match the Following)

Descriptive Type : 3 Questions = 25 Marks

CONSTITUTION OF INDIA

UNIT I : Constitution, Constitutionalism – Historical Development of Indian Constitution – Nature and Salient features of Indian Constitution – Public Opinion – Good governance – Rule of Law – Separation of Powers – Transformative Constitutionalism – Preamble – State and Union Territories – Citizenship

UNIT II : Fundamental Rights: State, Law, Equality, Freedom, Protection in respect of Conviction of offences, Life and Personal Liberty, Safeguards against arrest and detention, right against exploitation, Freedom of Religion, Cultural and educational rights, saving of certain Laws, Constitutional remedies – Directive Principles of State Policy – Fundamental Duties

UNIT III : Parliament- A comparison between Parliamentary System in India and UK – Parliament and Legislature: Composition, Membership, Qualification and Disqualification, Joint Committee, Anti-defection of Law, Meeting, officers, Functions, Privileges – Termination of Parliament – Interrelation of the Houses – Parliamentary Committees – Delegation of Legislative Power – Executive- Indian v. US Forms of Government – Executive-Centre and State: Admission to the Executive Organs, President, Vice-President, Governor, Council of Ministers, Working nature, Collective Responsibility, Individual responsibility, Functions and Powers including Legislative and Judicial Functions - Interaction between the Executive and the Legislature - Discretionary powers of the Governor - Attorney General - Advocate General

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Judiciary: Procedure of appointment of Judges in UK, USA and India – Supreme Court: Composition, Jurisdiction and Powers, Appeal by Special Leave, Advisory Jurisdiction, Power to do Complete Justice, Power to review, Curative petitions, Independence of Supreme Court – State Judiciary: Composition, Jurisdiction and powers, Writ Jurisdiction, Subordinate Judiciary – Tribunals – Independence of High Courts – Legislative Power regarding the Judiciary

UNIT IV : Legislative Relations: Distribution of Legislative Powers, The three Lists, Principles of Interpretation of the Lists, Distribution of Powers in USA, Australia and Canada – Financial relations: Allocation of taxing powers, Central taxes, State Taxes, Concurrent Taxes, Taxing powers in India, Canada, Australia, Finance Commission, Borrowing Power – Administrative Relations: Distribution of Executive Power, Central - -State Administrative Co-ordination, Power to carry on Trade-a comparison between Australia, India and US - Inter-State Water disputes – All India Services – Emergency Provisions –Safeguards to Minorities, Scheduled Castes, Scheduled Tribes and Backward Classes – Government Services – Doctrine of Pleasure

UNIT V : Doctrine of Eclipse - Doctrine of Severability - Pith and Substance rule - Doctrine of Repugnancy – Colourable Legislation – Doctrine of Stare Decisis – Doctrine of level playing Field – Public Interest Litigation – Doctrine of Pleasure – other important Doctrines in the Indian Constitution - Constitutional Amendments – Important Judicial Decisions.

INTERNATIONAL LAW

UNIT I : Nature of International Law

Definitions – History of International Law – Basis of International law – Naturalist theory – Positivist Theory – Eclectic Theory- Pacta Sunt Servanda - Whether International is a true law or not? – Process - Nature of International Law.

UNIT II : Sources and subjects of International Law

Sources – Treaties and its classification – Termination of treaties – Customs – Opinio Juris Necessitates - - General Principles of law – Judicial Decisions – Qualified Publicists – Other subsidiary sources of international law – Recognition of States and Governments – Modes of Recognition – Theories of Recognition – Constitutive Theory – Declaratory Theory – Classification of Recognition – De facto and de jure recognition – Legal Consequences of recognition – Recognition of Insurgency and Belligerency – States - Individuals – International Organizations - Non- state actors

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UNIT III : Relationship between International Law and Municipal Law

Monism - Dualism- Consent theory – Incorporation Theory- Delegation Theory – Transformative Theory- Other theories –Relationship between International law and Municipal Law (India, US, UK)- Difference between Public International Law and Private International Law

UNIT IV : International Law

International court of India (ICJ) – Roles – Jurisdiction – Law of the Sea –Piracy – Asylum – Extradition – International Trade and Commercial Laws – Nationality – Modes of acquiring Nationality- Modes of losing Nationality – Immigrants – Rights of Migrants – Refugees – Conventions and Treaties of Refugee Laws- Rights of Refugees - Internally displaced person - Related Case laws.

UNIT V : International Organisations

League of Nations – History and Development - United Nations Organisation (UNO) – Organs of UN –General Assembly – Security Council- Economic and Social Council - Trusteeship Council – Secretariat – International Court of Justice- IHL – World Bank – International Monetary Fund (IMF) – World Trade Organisation (WTO) – Dispute Settlement Board – Dispute Settlement Understanding- International Commercial Arbitration

JURISPRUDENCE

UNIT I : Meaning and Definition of law - Nature of Law - Scope of Jurisprudence - Sources of Law - Material Sources – Formal Sources – Custom as a source of Law – Kinds of Customs – Essentials of the valid Customs – Legislation as a source of law – Kinds of Legislation - Law and Morality. – Justice and its kinds - Civil and Criminal Administration of Justice – Theories of Punishment and secondary functions of the court.

UNIT II : Schools of Jurisprudence: Positive School - Natural Law School - Historical School, Sociological School – Metaphysical School – Realist School - Imperative Theory, legal realism.

UNIT III : Precedent – Ratio Decidendi – Theories – Classical Theory – Good Hart Thoery Salmond Thoery – Stone Theory - Statis desicis – Obictor Dicta – Types of Precedent – Authoritative Precedent – Persuasive Precedent – Original Precedent-

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Declaratory Precedent – Judicial Review – Judicial Activism – Judicial Restraint –
Judicial Overreach – Judicial Discipline.

UNIT IV : Concept of Rights and Duties and legal Personality - Legal Rights-
Theories related to Legal Right- Interest theory- Will theory- Kinds of Legal Rights-
Right in Rem and Right in personam- Personal & Proprietary rights- Positive &
Negative right- Perfect & Imperfect rights- Rights in Re-Proporia and Right in Re-
aliena – Vested & Contingent rights- Corporal & Incorporeal right. Legal Duties-
Austin Classification of Duty- Legal & moral duty- Positive & Negative duty- Primary
& Secondary duty- Legal Personality- Nature of Personality- Legal/Juristic
Personality- Theories of Nature of Personality- Fiction Theory- Concession Theory-
The Bracket Theory- Purpose theory- Kelson Theory of Legal Personality.

UNIT V : Concepts of Property, Ownership, Possession and Liability- Definition of
Property-Theories of property-Modes of acquisition of property. Definition of
Ownership – Kinds of Ownership – Modes and acquisition of Ownership – derivative
& Original mode. Possession – modes of acquiring Possession: Taking & Delivery-
Kinds of Possession. Liability- Kinds of Liability in Jurisprudence- Civil & Criminal
liability in Jurisprudence- Remedial and penal liability in jurisprudence.

GENERAL KNOWLEDGE & CURRENT LEGAL AFFAIRS

