**Annexure X**

**Faculty of Law**

Osmania University

**LL.M. Syllabus**

(Revised w.e.f. the Academic Year 2017-2018)

**Duration : 02 Years**

**Total No. of Semesters : 04**

**Duration of each semester : 15 weeks**

**BRANCH-I**

**Constitutional Law**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Semester/**  **Paper No.** | **Paper** | **Marks in End**  **Semester Exam** | **Marks in Internal exams** | **Total Marks** |
| First Year- First Semester | I/I | Schools of Jurisprudence and Theories of Law | 80 | 20 | 100 |
| ʺ | I/II | Indian Constitutional Law-I | 80 | 20 | 100 |
| First Year-Second Semester | II/III | Indian Constitutional Law-II | 80 | 20 | 100 |
| ʺ | II/IV | Comparative Constitutional Law-I | 80 | 20 | 100 |
| Second Year-Third Semester | III/V | Legal Research Methodology | 80 | 20 | 100 |
| ʺ | III/VI | Comparative Constitutional Law-II | 80 | 20 | 100 |
| Second Year-Fourth Semester | IV/VII | Administrative Law | 80 | 20 | 100 |
| ʺ | IV/VIII | Indian Constitutional Law: The New Challenges  Thesis | 80 | 20 | 100 |
| ʺ | IV/IX | Dissertation | 160 for thesis | 40 for viva-voce | 200 |
|  |  |  | **Grand Total** | | **1000** |

##### SEMESTER-I

**PAPER-I**

**SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW**

**(Common Paper for All the Branches)**

##### UNIT-I

Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools-Salient features of Analytical, Historical, Philosophical and Sociological Schools.

##### UNIT-II

Meaning of Positivism-Analytical positivism of Bentham and Austin­ Kelsen's Pure Theory of Law-Hart's Concept of Law-Dworkin's criticism-Hart-Fuller controversy-Hart-Devlin's debate-Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

##### UNIT-III

Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist-Contribution of Henry Maine; Economic theory of law-Views of Karl Marx and Friedrich Engles; Sociological theories of law­ Contribution of Ihering-Contribution of Ehrlich-Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests-American and Scandinavian Realism-Critical Legal Studies Movement.

##### UNIT-IV

Theories of Natural Law-Meaning of Natural Law-History of Natural law –Greek origins-Medieval period-View of St.Thomas Acquinas-Period of Renaissance/Reformation-Grotius and International Law­ Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories-Stammler and Natural Law with variable content-Fuller and the Morality of Law-Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

##### Suggested Readings:

1. G.W.Paton: A Text book of Jurisprudence, 4th Edition; Clarendon Press, Oxford, 1972.
2. *R.W.M. Dias,* Jurisprudence. 5th Edition; Aditya Books Private Ltd., New Delhi, 1994.

3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York

4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6th Edition,

Sweet and Maxwell, London, 1994.

5. Julius Stone: The Province and Function of Law; Associated General Publications

Pvt. Ltd. Sydney.

6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary;

Butterworths, London, Dublin, Edinburgh, 1991.

7. S.N.Dhyani: Fundamentals of Jurisprudence: The lndian Approach,

2nd Edition, Central Law Agency, Allahabad, 1997.

8.Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the

Law, Universal Book Traders, Delhi, 1996.

9. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern

Book Company, Lucknow, 1990.

10 Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal

Law Publishing Co., New Delhi, 2002.

**PAPER –II**

**Indian Constitutional Law-I**

**UNIT-I**

Meaning of Constitution and Constitutional Law-Growth of modem Constitutions Classification - Historical background - Constitution in India after 1857 - Government of India Acts, 1919 & 1935 – Indian Independence Act, 1947 -Framing of Indian Constitution.

**UNIT-II**

Indian Constitution - Nature, Salient features, Preamble - Union and its territories -Citizenship - Fundamental Rights - Enforceability against State - General principles.

**UNIT-III**

Enumerated Fundamental Rights- Right to Equality-Right to Freedoms-Right to life and Personal Liberty- Right against Exploitation-Right to Freedom of Religion.

**UNIT-IV**

Cultural and Educational rights-Right to Constitutional remedies-Saving Clauses (Art.31-A, B & C)-Directive Principles of State Policy-Object and Philosophy-Classification-Enforceability-Interrelation of Fundamental Rights and Directive Principles-Fundamental Duties-Importance and enforceability

**Suggested Readings:**

1. H.M.Seervai, Constitutional Law of India (in 2 Volumes), Universal Book

Traders, New Delhi.

2. Granville Austin, Indian Constitution-Cornerstone of a Nation,

Clarendon Press, Oxford.

3. Constituent Assembly Debates (Official Report), (in 5 Books and12

Volumes), Loksabha Secretariat, New Delhi, 1999.

4. B.Shiva Rao, Framing of the Indian Constitution (in 5 Volumes), Indian

Institute of Public Administration. New Delhi.

5. Mopani, Constitutional Law of India, 2005, Wadhwa and Co.,

Nagpur,

6. Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute. Indian Bar Review, All India Reporter and Supreme Court Cases & Landmark judgments of Indian Higher Judiciary on the given topics.

**SEMESTER-II**

**PAPER-III**

**INDIAN CONSTITUTIONAL LAW -II**

**UNIT-I**

The Union Executive and Legislature - their composition, powers and functions - The State Executive and Legislature - their composition powers and functions- Position of Indian President and Governors of States

**UNIT-II**

The Judiciary - Supreme Court and High Courts - Composition,

Jurisdiction , appointment, transfer and removal of Judges Precedents and law making powers – Independence of Judiciary –Judicial Creativity

**UNIT-Ill**

Relations between Union and States - General Principles - Legislative, Administrative and Financial Relations – Cooperative Federalism - Liability of State in Contracts and Torts - Right to Property.

**UNIT-IV**

Trade, Commerce and intercourse within territory of India – Services under the Union and States - Tribunals - Elections - Emergency Provisions - Amendment of Constitution and Basic Structure Theory

**Suggested Readings:**

1. H.M.Seervai: Constitutional Law of India (in 2 volumes), Universal Book Traders, New Delhi.

2. Granville Austin: Indian Constitution - Cornerstone of a Nation, Clarendon Press, Oxford.

3. B.Shiva Rao (ed): Framing of the Indian Constitution (in 5Volumes) Indian Institute of Public Administration, New Delhi.

4. V.N.Shukla: Constitution of India, Eastern Book Co., Lucknow

5. Constituent Assembly Debates (Official Report), in (5 books and 12 volumes) Lok Sabha Secretariat, New Delhi.

6. M.P.Jain: Constitutional Law of India, Wadhwa and Co., Nagpur

7. D.D.Basu: Commentary on the Constitution of India, S.C.Sarkar & Co., Calcutta.

8. V.D.Mahajan: Constitutional Law of India, Eastern BookCompany.

PAPER-IV

**COMPARATIVE CONSTITUTIONAL LAW - I**

(British, French and Swiss Constitutions)

**UNIT -I**

Modern Constitutions- Growth and Evolution - Nature and Classification - Unitary, Federal and Confederal- Theory of Separation of Powers.

**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- Conventions -Parliamentary Sovereignty - Emergency Powers - Bill of Rights.

**UNIT-III**

French Constitution - Salient Features - Executive, Legislature and Judiciary under the Constitution - Constitutional Council -Amendments-Emergency Powers.

**UNIT-IV**

Swiss Constitution - Salient Features - Executive, Legislature and Judiciary under the Constitution - Direct Democracy - Amendments.

**Suggested Readings:**

1. D.D.Basu: Comparative Constitutional Law, Prentice Hall

of India, New Delhi.

2. K.C.Wheare: Modern Constitutions, Oxford University

Press, London.

3. A.C.Kapoor: Select World Constitutions, S.Chand &

Company, New Delhi.

4. C.F.Strong: Modern Political Constitutions, ELB Society,

London.

5. A. V.Dicey: An Introduction to the study of Law of the

Constitution, Macmillan. Delhi.

6. O.Hood Phillips: Constitutional and Administrative Law,

Sweet &Maxwell, London.

7. Herman Finer: Theory andPractice of Modern Government

(2 Vol), Methuen & Co., London

8. Dorothy Pickles: French Republic, Methuen & Co. London.

9. M.Y.Pylee: Constitutions of the World. Universal Law

Publishing Co .New Delhi.

10. WE.Rappord: The Government of Switzerland.

**SEMESTER-III**

**Paper V**

**Legal Research Methodology**

**(Common Paper for All the Branches)**

**Unit-I:**

Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables­ Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

**Unit-II:**

Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

Unit III:

Research tools and techniques for collection of data-Observation ­Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

## Unit-IV:

## Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-Types of Research needed for Law Reforms-Analytical Research, Historical Research.

#### Suggested Readings:

1. Goode & Hatt: Methods in Social Research:McGraw-Hill Book Company,Singapore 1981
2. C.R.Kothari: Research Methodology :Methods and Techniques,2"dEdition,WishwaPrakashan,NewDelhi,1995.
3. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research,9th Edition, Himalaya Publishing Housing, Bombay-Delhi-Nagpur 1994.
4. Pauline V Young :Scientific Social Survey and research,3rd Edition,PrenticeHall,NewYork,1960.
5. B.N.Ghosh, Scientific Method and Social Research;4th Edition Sterling Publishers Private Limited,NewDelhi,1987.
6. S.K.Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi,
7. Hans Raj, Theory and Practice in Social Research;4th Edition, Surjeet Publicatios,NewDelhi,1992.

**PAPER-VI**

**COMPARATIVE CONSTITUTIONAL LAW-II**

**(American, Australian and Canadian Constitutions)**

**UNIT- I :**Classification of Constitutions - Federal and Confederal Constitutions- Principles of Federalism - Constitutionalism - Different types of federalism- Doctrine of Separation of powers - Theory of Checks and Balances -Doctrine of Judicial Review.

**UNIT-II:**U.S. Constitution - Evolution - Salient and Federal features – Structure and Powers of Federal Executive, Legislature and Judiciary – Amendment of Constitution - Distribution of Legislative Powers.

**UNIT-III:** Australian Constitution - Evolution - Salient features – Structure and powers of Commonwealth Legislature, Executive and Judiciary -Amendment of Constitution - Distribution of Legislature powers.

**UNIT-IV:**Canadian Constitution - Evolution and Patriation 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.

**Suggested Readings:**

1. D.D.Basu: Comparative Constitutional Law, Prentice Hall of India, New Delhi.

2. K.C.Wheare: Federal Government, Oxford University Press, London.

3. A.C.Kapoor: Select World Constitutions, S.Chand and Company, New Delhi.

4. S.E.Finer, Comparing Constitutions, Clarendon Press, Oxford.

5. Edward S.Corwin: Constitution and What it means today. Princeton University Press;

6. C.Herman Pritchett, The American Constitution, MC.Graw-HiII Book Company, New York.

7. P.H.Lane: Some Principles and Sources of Australian Constitutional Law, Law Book Company of Australia Ltd., Sydney.

8. W.Anstey Wynes: Legislature, Executive and Judicial Powers in Australia, The Law Book Company of Australia Ltd., Sydney.

9. TM.Cooley: The General Principles of Constitutional Law of the United States of America.

10. Laskin: Canadian Constitutional Law, Carswell Co. Ltd. Toronto.

11. F.P.Varcoe: Distribution of Legislative Powers in Canada, Carswell Co. Ltd. Toronto.

**IV SEMESTER**

**PAPER –VII**

**ADMINISTRATIVE LAW**

**UNIT-I :** Administrative Law-Definition, Scope, Causes for its growth- Difference between Administrative Law and Constitutional Law - Classification of Administrative action - Rule of Law - *Droit Administratiiff.*

**UNIT-II :** Theory of Separation of powers - Delegated Legislation - Classification, Constitutionality and control - Limits of delegated legislation – Principles *of* Natural Justice, Origin, Evolution - Classification, Principles of fair hearing and rule against bias - exception to the application of Principles of Natural Justice.

**UNIT-III :** Discretionary powers of Administration - Doctrine of Legitimate Expectation - Doctrine of Proportionality - Judicial control and judicial review of administrative action - grounds - Constitutional, Statutory and equitable remedies.

**UNIT-IV :** Public Corporations - Liabilities of State in Contracts and Torts - Promissory Estoppel- Administrative Tribunals - ombudsman – Lokpal and Lokayukta - Central Vigilance Commission -Right to Information.

**Suggested Readings:**

l . H.W.R. Wade Administrative Law, Clarendon Press,

Oxford.

2. Garner: Administrative Law, Butterworths, London.

3. J.A.G. Griffith and H.Street : Principles *of* Administrative

Law, Pitman Publishing, New York.

4. S.A.De Smith: Judicial Review *of* Administrative Action,

Stevens and Sons, London.

5. M.P.Jain & S.N .Jain: Principles of Administrative Law,

Wadhva and Company, Nagpur.

6. S.P.Sathe: Administrative Law, Butterworths, New Delhi.

7. l.P.Massey: Administrative Law, EBC, Lucknow

8. K.C.Davis: Administrative Law & Government, West

Publishing Co., St. Paul Minn.

9. David Foulkes: Administrative Law. Butterworths. London.

10. Dr.Abdul Rayees Khan: Administrative

Law, K.K.PubJicatiolls, Hyderabad.

**SEMESTER-IV**

**Paper VIII**

**Indian Constitutional Law: The New Challenges**

**(Common Paper for All the Branches)**

**UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes ­Central-State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

# UNIT-II

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code-Freedom of Speech and Expression ­Right to broadcast and telecast-Right to Strike, *Hartal* and *Bandh.*

# UNIT-III

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation-Compensatory Jurisprudence-Right to Education-Right to Information-Right to wholesome environment- Doctrine of public trust

# UNIT-IV

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post independence era -Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members-Judicial Activism and Judicial Accountability-Contempt of Courts-Political Morality and effect of Anti-defection Law

## Suggested Readings:

1. H. M. Seervai, Constitutional Law of India (in 2-Volumes),Universal Book Traders, New Delhi.
2. Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report),(in 5 Books and 12 Volumes),Lok Sabha Secretariat, New Delhi.
4. B.Shiva Rao, Framing of the Indian Constitution (in 5-Volumes),Indian Institute of Public Administration, New Delhi.
5. M.P.Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.

# Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP

1. Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

**Paper IX:**

**DISSERTATION**

LL.M. IV Semester students shall have to submit Dissertation on the topic approved by the concerned Committee before the expiry of the date as per the almanac in accordance with guidelines given below. Further the topics for thesis should be got approved before the expiry of the III semester. The candidates who fail to submit the thesis before the stipulated date will have to submit the same along with the next batch.

1. *LL.M. IV Semester students shall prepare a synopsis on the topics allotted to them.*
2. *It must be approved by the Guide and be submitted to the concerned Principals in the first week, after commencement of LL.M. IV semester.*
3. *A Record shall be maintained by the students in which the summary of study and the progress made by them shall be entered once in every 15 days and it is to be signed by the guide in approval of the same.*
4. *Thorough discussion shall be had by the students with the Guide at the end of the study, and the thesis shall be prepared on the lines indicated by the Guide.*
5. *The thesis shall correspond with the notes/record maintained by the Guide.*

The thesis shall be equivalent to two theory papers, and there will be 200 marks out of which 160 shall be for evaluation and 40 shall be for *viva-voce examination.*