**Annexure XI**

**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-III**

**International Law**

**Grand Total 1000**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Year** | **Semester/**  **Paper No.** | **Paper** | **Marks in End-Semester Exam** | **Marks in Internal exam** | **Total Marks** |
| First Year- First Semester | I/I | Schools of Jurisprudence and Theories of Law | 80 | 20 | 100 |
| ʺ | I/II | International Law of Peace | 80 | 20 | 100 |
| First Year-Second Semester | II/III | International Law of war, Neutrality and Refugee Law | 80 | 20 | 100 |
| ʺ | II/IV | International Institutions | 80 | 20 | 100 |
| Second Year-Third Semester | III/V | Legal Research Methodology | 80 | 20 | 100 |
| ʺ | III/VI | Conflict of Laws | 80 | 20 | 100 |
| Second Year-Fourth Semester | IV/VII | Law of Sea, Air and Outer Space | 80 | 20 | 100 |
| ʺ | IV/VIII | Indian Constitutional Law: The New Challenges | 80 | 20 | 100 |
| ʺ | IV/IX | Dissertation | 160 for thesis | 40 for viva-voce | 200 |

**Branch-III**

**International Law**

##### 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:

* G.W.Paton: A Text book of Jurisprudence, 4th Edition; Clarendon Press, Oxford, 1972.
* *R.W.M. Dias,* Jurisprudence. 5th Edition; Aditya Books Private Ltd., New Delhi, 1994.
* W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York
* Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6th Edition,

Sweet and Maxwell, London, 1994.

* Julius Stone: The Province and Function of Law; Associated General Publications Pvt. Ltd. Sydney.
* Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
* S.N.Dhyani: Fundamentals of Jurisprudence: The Indian Approach,2nd Edition, Central Law Agency, Allahabad, 1997.
* Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
* Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
* Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

**PAPER –II**

**INTERNATIONAL LAW OF PEACE**

**(Excluding Law of the Sea, Air and Outer Space)**

**UNIT-1**

Definition, Scope and Importance of International law – Development · and Schools of International Law - International Law and Municipal Law - Sources of International Law - Subjects of International Law

**UNIT-II**

State Sovereignty - Impact of recent developments on the concept of · sovereignty - Recognition of States - State Succession – State · Responsibility - State Territory and Jurisdiction (excluding Law of Sea,Air and Outer Space)

**UNIT-III**

Acquisition of State Territory, Boundaries; International Rivers; Nationality - Extradition - Asylum.

**UNIT-IV**

Diplomatic and Consular Agents and their immunities and privileges-Treaties: Conclusion, Performance, Interpretation and Termination.

**Suggested Readings:**

I. Brownlie: Principles of Public International Law, Second Edition, (Oxford, 1973).

2. Oppenheim: International Law, Vol. I (Peace) Ninth Edition, (U.K. 1992).

3. Sorensen Ed-: Manual of Public International Law (London, 1968).

4. Malcolm Shaw: International Law, Fourth Edition (London, 1997).

5. LC. Green: International Law through Cases, Fourth Edition (1978).

6. D.W. Greig: International Law Reprinted (London, 1978).

7. D.J. Harris: Cases and Materials on International Law, Third Edition, (London, 1983).

**SEMESTER-II**

**PAPER-III**

**INTERNATIONAL LAW OF WAR, NEUTRALITY AND**

**REFUGEE LAW**

**UNIT-I**

Geneva Convention 1864 - Air Convention 1907 - Development Laws of Land Warfare - Four Geneva Conventions of 1949 - Two Addl.Protocols I and II ,1977 - Belligerent occupation - Geneva Conference on IHL in Armed Conflicts - Conventions on Chemical Weapons –Laws of Maritime Warfare - Prize Courts Laws - Laws of Air warfare – War Crimes - Doctrine of Post-Iiminium and recapture - Termination of War.

**UNIT-II**

Mode of Settlement of Disputes - Negotiation, Mediation, Good Offices, Conciliation Arbitration, Judicial Settlement. Compulsive settlement of Disputes - Retorsion, Reprisals, Pacific Blockade - Intervention - Compulsive settlement by the United Nations Organisation- Definition and Characteristics of War, Commencement of War and effects of the outbreak of war - Enemy Character.

**UNIT-III**

Neutrality : Kinds of Neutrality - Development of the institution of Neutrality - Neutrality under League of Nations and UNO-

Characteristics of Neutrality - Rights and Duties of Belligerent States and Neutral States - Commencement of end of neutrality – violation neutrality - Right of Angary - Blockade: Concept of Blockade, Establishment of Blockade; Effectiveness of Blockade - Breach of Blockade, Consequences of Breach of Blockade, Kinds of Blockade - Contraband - Concept of Contraband, Carriage of Contraband and consequences - Doctrine of Continuous Voyage - UN-Neutral Services and consequences - Visitation: Capture and Trial of Neutral Vessels.

**UNIT-IV**

Refugee - Concept, Definition and Meaning. - Development of Law relating to Refugees - Conventions relating to Status of Refugees, 1951 – Protocol relating to the Status of Refugees, 1967 - Measures adopted by the Asian, African Legal Consultation Committee - 8th Session at Bangkok and Addendum 1966 - Other International Instruments to which India is a State Party - UN High Commissioner for Refugees – Powers and Functions.

**Suggested Readings:**

I. Oppenheim: International Law, Vo1.2, Seventh Edition.

2. Julius Stone: Legal Control of lnternarional Conflicts, (1954).

3. Me.Dougal and Feliciano: Law and Minimum World Public Order (Yale, 1961).

4. D.Schindler and J.Toman : The Law of Armed Conflicts (Geneva1973).

5. Richard Falk(ed) .The International Law of Civil War (1971 ).

6. Julius Stone: Aggression and World Order, (1958).

7. J.G. Starke: Introduction to International Law, Butterworths, NewDelhi, 1994.

8. M.C.Nair and Watts: The legal effects of war, 4th Edn. (London)

1966.

**PAPER-IV**

**INTERNATIONAL INSTITUTIONS**

**UNIT-I**

League of Nations - Origin and Organs - Role of League of Nations in the maintenance of International Peace - Causes for the League's failure- United Nations Organization - Genesis - San Francisco Conference- Adoption and Ratification of the Charter - Purposes and Principles of United Nations Organization.

**UNIT-II**

Membership of the U.N.O. - Composition - Functions and Procedure of the General Assembly and Security Council, Economic and Social Council - Trusteeship Council and Secretariat.

**UNIT-III**

International Court of Justice - Composition, Powers and Jurisdiction- Human Rights - Collective security - Regional Arrangements - Disarmament - International Criminal Court - Composition, Powers and Jurisdiction.

**UNIT-IV**

Specialized Agencies: ILO, UNESCO, WHO, IAEC- the Institutions relating to International Economic Law: IMF. IBRD. GATT, WTO Centre for Settlement of Investment Disputes.

**Suggested Readings**:

I. Schermers: International Institutional Law. Vols. I & II. 1980.

2. Goodrich & Hambro : Charter of the United Nations, Commentary & Documents 2nd Edition, 1949.

3. D.W. Bowet : the Law of International Institutions, 4th Ed. 2nd Indian Reprint, 1995.

4. Louis B.Sohn : Recent Cases on United Nations Law, Supplement: 1963.Alexandrovicz: World Economic Agencies, 1962.

5. Kelsen: The Law of the United Nations. 1964.

6. Jenks: The Prospects of 'International Adjudication. 1964.

7. J.G. Starke: Introduction to International Law, Butterworths, New Delhi. 1994 (First Indian Reprint).

**III Semester**

**Paper-V**

**Legal Research Methodology**

**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**

**CONFLICT OF LAWS**

**Unit-I**

Nature and Scope of Conflict of Laws - Modem Theories -Classification.

**Unit-II**

The Doctrine of Renvoi - Domicile - Jurisdiction of English Courts. The Exclusion of Foreign Law that would not be applicable i.e., Foreign Revenue and Penal Laws of foreign nations repugnant to Public Policy.

**Unit-III**

Meaning and Matrimonial causes - Inter-country adoptions – Legitimacy and Legitimation - International Contracts - Torts with special reference to Multinational Corporations and Commercial activities.

**Unit-IV**

Law of Movables and Immovables - The recognition and enforcement of foreign Judgments - Procedure.

**Suggested Readings:**

1. Cheshire and Brack: Private International Law, 1992 Edn.

Butterworths, London.

2. Kahn Freund: General Problems of Private International law

3. Craveson: Conflict of Laws.

4. Westlake: Private International Law.

5. Dicey: Conflict of Laws.

**IV SEMESTER**

PAPER-VII

**LAW OF SEA, AIR AND OUTER SPACE**

**UNIT-I**

Law of the Sea: Evolution of the Law of the Sea - Concepts of Mare Liberum and Mare Clausum, Development of the concept of territorial sea - Theories relating to Territorial Sea - Freedoms of the High Seas - Continental Shelf - Developments before 1958 - Gulf of Paria Treaty - Truman's Proclamation on Continental Shelf - United Nations Conference on the Law of the Sea (UNCLOS) I - 1958 - Convention on Continental Shelf - 1982 Convention (UNCLOS) III.

**UNIT-II**

Exclusive Economic Zone - Evolution of the concept – Developments before 1970 - Developments after 1970 - 1982 Convention (UNCLOS) III - Exploration and Exploitation of the resources of the Sea Bed and Ocean Floor - International Straits - The Geneva Conventions of 1958 - Common heritage of Mankind & common concern of mankind- Archipelagic States -International Straits-Bays and Gulfs - International agreements on the law of the sea -law of the Sea Tribunal.

**UNIT-III**

Air Law - Development of Air Law during the 20th Century up to World War-l ,World War-I to World War II - Post war developments - Sovereignty in Air and Space - Pre-Chicago Convention position - Post Chicago Convention Developments - Extent of Air Space - Civil Aviation under Chicago Convention - Five Freedoms -Agreement and Two freedoms Agreement - Sabotage.

**UNIT-IV**

Space Law - Definition, Scope and nature - Legal status of Outer Space- Altitude limits of National Sovereignty -Internationalisation of Outer Space and Celestial Bodies - Peaceful uses of Outer space - Military uses of Outer Space and Celestial Bodies and demilitarization - Liability for damages caused by space objects - Astronauts in Distress – Registration of space objects - Problems of pollution of Outer space.

**Suggested Readings:**

I. John C.Colombus: The International Law of the Sea, 6th Edn. 1967, London.

2. Myers Mc.Dougal and William Burke: The Public Order of the

.Oceans: A Contemporary .International Law of the Sea, 1962, New Heaven, London.

3. Shigen Oda: International Control of Sea Resources, 1963. Laiden.

4. Bowett D. W.: The Law of the Sea, Manchester Dobbs Ferry

Oceana, 1967. Shawcross and Beaumount: Air Law, Butterworths,

1978, Kingsway, London.

5. S.Bhat: Studies in Aerospace Law: From Competition to Cooperation, Sterling Publishers, 1974, New Delhi.

6. Jerome Marchoff World Peace through Space Law, The Michie

Company, Charlottesville, 1967, Virginia.

7. Cooper and Vlasic: Explorations in Aerospace Law, Mcgill University Press, 1968, Montreal.

**PAPER-VIII**

**INDIAN CONSTITUTIONAL LAW:THE NEW CHALLENGES**

**(Common to All 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 thesis 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.

LL.M. IV Semester students shall prepare a synopsis on the topics allotted to them.

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.

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.

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.

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 170 shall be for evaluation and 70 shall be for *viva-voce examination.*

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