**Annexure XIII**

**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-V**

**Labour and Employment Laws**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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 | Collective Bargaining and Trade Union Law | 80 | 20 | 100 |
| First Year-Second Semester | II/III | Resolution of Industrial Disputes | 80 | 20 | 100 |
| ʺ | II/IV | Labour Management Relations and Law relating to Civil servants | 80 | 20 | 100 |
| Second Year-Third Semester | III/V | Legal Research Methodology | 80 | 20 | 100 |
| ʺ | III/VI | International Labour Organisation | 80 | 20 | 100 |
| Second Year-Fourth Semester | IV/VII | Social Security 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** |

**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**

**COLLECTIVE BARGAING AND TRADE UNION LAW**

**UNIT-I**

Freedom of Organization of labour under Indian Constitution and International Labour Organisation - Collective Bargaining: Concept of Collective Bargaining - Types of Bargaining- Factors affecting on Collective Bargaining.

**UNIT-II**

The rise and growth of trade union Movement in India, USA and UK - Trade union movement in India before and after independence.

**UNIT-III**

Trade Union, Structure and Functions - Multiplicity of Trade Unions -Inter-Union and Intra-Union Rivalries - Union Security - Closed Shop,Union Shop and Open Shop Concepts - The Role of outsiders in Trade Unions.

**UNIT-IV**

The Trade Union Act, 1926 - Definition of 'Trade Union' – Registration of Trade Unions-Certificate of Registration - Cancellation of registration- Rights and Liabilities of Registered Trade Unions - Recognition of Unions- Penalties for failure to submit returns - Cognizance of offences.

**Suggested Readings:**

I. Y.B.Karnik: The Indian Trade Union, 2nd Rev. Ed. Bombay;

P.C.Manaktala & Sons, 1966.

2. Mallik: Trade Union Law, S.C. Sarkar & Sons, 1980, Calcutta.

3.Rideout, B.W.: Trade Unions and the Law, London, Sweet &

Masowell, 1979.

4. K.D. Srinivastava and R.K. Srivastava: The Law relating to Trade Unions in India; 2nd Edn., Lucknow; Eastern Book Company, 1982.

5. Ludwing Teller: Labour Disputes and Collective Bargaining.

6. Srinivastava K.D.: Trade Unions and Unfair Labour Practices, 3rd Edn., Lucknow, Eastern Book Company, 1999.

7. Sethi S.B.: Law of Trade Unions, Allahabad, Law Book Company,1966 (Suppl.) 1973.

8 Rao S.B.: Law Relating to Strikes, Lockouts, Lay Off -

Retrenchment, Labour Law Agency, Bombay, 1983.

9. Dr. T.N. Bhagoliwala : Economics of Labour and Social Welfare,4th Edn., Sahitya Bhavan, 1976, Agra.

10. Labour Law and Labour Relations: India Law Institute, New Delhi;N.M. Tripathi Private Ltd., Bombay.

10. Gillian S. Morris and Timothy J. Archer, Collective Labour law (2000), Oxford Publication, London.

11. International Labour Organisation on Collective Bargaining.

Reports of the First and Second National Commissions on Labour.

12. Khan & Khan: Commentary on Labour and Industrial Laws,asia Law House,Hyd.

**SEMESTER-II**

**PAPER-III**

**RESOLUTION OF INDUSTRIAL DISPUTES**

**UNIT-I**

Constitutional provisions relating to industry and labour - Reference - Direct access to adjudicatory authorities -post-natal control by government over adjudication – Historical development of Industrial Disputes legislation in India – I.D. Act 1947- Objects and reasons - Definition of industry, appropriate government, closure, industrial dispute, individual dispute, lay-off, lock-out, retrenchment - strike. workman and definitions of other important terms.

**UNIT-II**

Works Committee - Conciliation Officer - Board of Conciliation – Court of inquiry - Labour Court- Tribunals - National Tribunal - Finality of orders - Constituting Boards etc. -Notice of change - Setting up of Grievance Settlement Authorities and reference of certain disputes to such authorities - Reference of disputes to Boards, Courts, Industrial Tribunal, National Tribunal- Voluntary reference of disputes to arbitration.

**UNIT-III**

Law relating to Strikes and Lockouts - Layoff and retrenchment, special provisions relating to layoff, retrenchment and closure in certain establishments.

**UNIT-IV**

Unfair Labour Practices - Penalties under the Act - offences by companies, conditions of service, to remain unchanged under certain circumstances - special provisions for adjudication, power to transfer proceedings, recovery of money due from an employer, cognizance of offences, protection of persons.

**Suggested Readings:**

1. O.P. Malhotra: The Law of Industrial Disputes, 5th Ed., 1998, VoL I & Universal Law Publishing Co., Pvt. Ltd , New Delhi.

2.V.G. Goswamy : Labour and Industrial Laws,Central Law Agency, Allahabad.

3. S.N. Misra: Labour and Industrial Laws, Central Law Publications, Allahabad.

4. ILI.: Labour Law and Labour relations Cases and Materials, (Edited by Anand Prakash. S.C. Srivatsava, P. Kalpakam), N.M.Tripati Pvt. Ltd , Bombay.

5. D.O. Sethi J: Commentaries oflndustrial Disputes Act, 1947. Vol., 1& 2, Law Publishing House, Allahabad. 6. K.D. Srivatsava : The Law of Industrial Disputes.

7. Reports of the First (1969) and Second (2002) National Commissions on Labour.

8. Chaturvedi. R.G.: Law and Procedure of Departmental Enquiries and Disciplinary Actions .

9. Khan & Khan: Commentary on Labour and Industrial Laws.ASIA law HOUSE,Hyd

**PAPER-IV**

**LABOUR MANAGEMENT RELATIONS AND LAW**

**RELATING TO CIVIL SERVANTS**

**UNIT-I**

Industrial Employment (Standing Orders) Act 1946 - Standing Orders -Submission of Draft Standing Orders - Conditions for certification of Standing Orders(SO) - Appeals - Duration and modification of SO – Penalties and procedure - Workers participation in Management.

**UNIT - II**

Code of Discipline - Disciplinary proceedings - procedure for disciplinary action - Misconduct - Charge sheet - service of charge sheet - power to suspend pending enquiry - procedure to conduct a Domestic Enquiry -Report of the enquiry officer - punishment.

**UNIT-III**

Wages and Bonus: Concept of Wages - Living Wage, Fair Wage and minimum wage - Fixation machinery - Payment of Wages Act, 1936 -Minimum Wages Act, 1948 - Dearness Allowance - Concept of Bonus -Full Bench Formula - Payment of Bonus Act, 1965.

**UNIT-IV**

Civil Servants and Fundamental Rights - Doctrine of Pleasure –Opportunity of being heard and its exceptions - Service Regulations - Kinds of leave and conditions of eligibility - Central and State Agencies for recruitment-Constitution of Public Service Commission. Judicial Review of Service matters - Jurisdiction of Supreme Court and High Courts.

**Suggested Readings:**

I. K.D. Srivastava: Industrial Employment (Standing Orders) Act,

1947. Eastern Book Company, Lucknow.

2. K.D. Srivastava: Payment of Bonus Act, 1965, 8th Ed., 1997, Eastern

Book Company, Lucknow.

3.I.L.I. : Labour Law and Labour Relations -Cases and Materials, (Edited by Anand Prakash, S.C.Srivastava P.Kalpakarn), N.M.Tripati Pvt., Ltd., Bombay.

4.K.D. Srivastava: Commentaries on Payment of Wages Act, 1936, Eastern Book Company, Lucknow.

5.S.N. Misra: Labour and Industrial Laws: Central Law Publications, Allahabad.

6.Badruddin : Management, Workers participation and the Law,

Deep and Deep. Publication, New Delhi.

7.V..G. Goswarny: Labour and Industrial Laws, Central Law Agency, Allahabad.

8.H.M. Seervai: Constitutional Law of india (in two Volumes) ,Universal Book Traders, New Delhi.

9.M.P. Jain: Constitutional law of India, 4th Edition, Wadhwa and

Company, Nagpur.

10. J.N. Pandey: The Constitutional Law of India, Central Law Agency,

Allahabad.

11. H.L. Kumar: Labour laws everybody should know, Universal Law Publishing Co., Delhi.

12. Khan & Khan: Commentary on Labour and Industrial Laws,Asia Law House,Hyderabad.

**III SEMESTER**

**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**

**INTERNATIONAL LABOUR ORGANISATION**

**UNIT-I**

Origin and Historical Background of ILO - Factors responsible for establishment of ILO - Aims and Objectives of ILO - Structure and Functions of various agencies of the ILO - India and ILO.

**UNIT-II**

ILO Legislative Procedure - Conventions and Recommendations -Procedure for Adoption, Ratification and Application - Obligation of Members - Registration of Conventions with UNO – Supervisory Mechanism to ensure observance of ratified conventions Commissions of Enquiry - Role of ICJ

**UNIT-III**

ILO Conventions and Recommendations relating Basic Human Rights- Freedom of Association - Forced Labour - Abolition of forced labour-Equality of opportunity and Treatment - Empowerment of Women - Social Security - Children and Young Persons - Conditions of Employment-Industrial Relations - Wages, Salary, Health and Welfare - ILO Conventions ratified by India.

**UNIT-IV**

ILO - India Relationship - Position of India in the Governing Body- International Labour Office - Tripartisim -Indian Procedure of ratification of Conventions - Constitutional Framework -Administrative Procedure-Tripartite consultations with Indian Labour Conference - Standing Labour Committee - Indian Response to ILO standards relating to Freedom of Association and Collective Bargaining - Elimination of Discrimination in Employment and Occupation - Indian response to unratified conventions - ILO projects in India.

**Suggested Readings:**

1. l.L.O. Office, Geneva: International Labour Conventions and Recommendations in 3 volumes,Geneva.

2. Vaidyanathan N : I.L.O. Standards for Social Justice and

development of labour, Deep and Deep Publications, Delhi.

3. Rawat B.D. : India and l.L.O. RBSA Publishers, Jaipur.

4. S.N.Dhyani : International Labour Organisation and India, Allahabad Law Agency, Allahabad.

5. David A.Morse: The Origin and Evolution ofl.L.O. and the Role in the World Community.

6. P.F. Pillai : India and the ILO.

7. United Nations Encyclopedia of International Organisations.

8. Report of National Commission on Labour 1969 (India).

9. Ahmedullah Khan: Commentary on ILO and Indian Response.

10. N.M.Swamy, Impact of lLO Standards On Indian Labour

Law.

**IV Semester**

**PAPER-VII**

**SOCIAL SECURITY LAW**

**UNIT -I**

Concepts of Social Security - The Beveridge Report - Social Security in U.S.A., U.K. and India - Comparative Study - The ILO measures on Social Security.

**UNIT-II**

Constitutional Perspectives-Fundamental Rights and Directive Principles of State Policy relating to Social Security and Labour Welfare- Distinction between Social Insurance and Social Assistance - Development of Social Security Legislation in India - Recommendations of Second National Commission on Labour in India pertaining to Social Security-Unemployment Insurance - Old Age Pension - Social Security to Unorganized sector - Concept of outsourcing vis-a-vis social security.

**UNIT-III**

The Employees Compensation Act, 1923 - The Employees' State Insurance Act, 1948 - The Maternity Benefit Act, 1961 - Health, Safety and Welfare provisions under the Factories Act, 1948 - The Contract Labour (Abolition and Regulation) Act.

**UNIT-IV**

The Child Labour (Prohibition & Regulation) Act, 1986 - The Children (Pledging of Labour) Act, 1933 - The Payment of Gratuity Act, 1972- The Employees' Provident Fund & Miscellaneous Provisions Act, 1952-the Inter-State Migrant Workmen(regulations oif Conditions of Service) Act,1976

**Suggested Readings:**

I. Srivastava S.C. : Treaties on Social Security and Labour Laws, Eastern Book Company, Lucknow.

2. Jiwitesh Kumar Singh: Labour Economics, Deep and Deep Publications, New Delhi.

3. Y.J. Rao : Factories Laws in A.P.,Asia Law House.,Hyderabad.

4. K.D.Srivastava : Workmen's Compensation Act, EBC,Lucknow.

5. Mishra S.N. : Labour and Industrial Laws, Central Law Publications, Allahabad.

6. Dr. Goswami Y.G. : Labour and Industrial Laws, Central Law Agency, Allahabad.

7. Report of the First (1969) and Second (2002) National Commissions on Labour, Govt. of India. Ministry of Labour, Employment and Rehabilitation, New Delhi.

8. William Beveridge: Report of Social Insurance and Allied Service.

9. Khan & Khan: Commentary on Labour and Industrial Laws,Asia Law House,Hyderabad.

**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 *Bandhs.*

# 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.*

***\*\*\*\****