**Annexure XIV**

**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-VI**

**Crimes and Torts**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **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 | General Principles of Criminal Law | 80 | 20 | 100 |
| First Year-Second Semester | II/III | Criminology and Penology | 80 | 20 | 100 |
| ʺ | II/IV | Law relating to Socio-Economic Offences | 80 | 20 | 100 |
| Second Year-Third Semester | III/V | Legal Research Methodology | 80 | 20 | 100 |
| ʺ | III/VI | General Principles of Law of Torts | 80 | 20 | 100 |
| Second Year-Fourth Semester | IV/VII | Law Relating to Specific Torts. | 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**

**GENERAL PRINCIPLES OF CRIMINAL LAW**

UNIT-I

Definition and characteristics of Crime - Distinction between moral, civil and criminal wrongs - Origin and Development of the concept of crime-Development and growth of Criminal Law - Sources of Criminal Law.

UNIT-II

Principles of Criminal Liability - Elements of Crime - Actus reus-Mensrea - Mensrea in Indian Law - Exceptions to the doctrine of mensrea-Exemptions from criminal liability under English Law and Indian Law.

UNIT-III

Group Liability and vicarious liability in criminal law – Classification of offences - Classification of offenders - Inchoate crimes - Abatement, Conspiracy and Attempt to commit a crime-Cyber crimes.

UNIT-IV

Investigation of crimes - principles of evidence - devices of investigation - Forensic analysis, narco-analysis. DNA analysis.

**Suggested Readings:**

1. Kenny's: Outline of Criminal Law, Edited by J. W. Cecil Turner, Cambridge University Press, Reprint ,N.M.Tripathi Pvt. Ltd.

2. J.C.Smith and Brian Hogan: Criminal Law , ELBS,

Butterworths & Co., London).

3. Glanville Williams: Text Book on Criminal Law,Stevens & Sons. London Eastern Law House, N.M. Tripathi in India).

4. Hari Singh Gour: The Penal Law of India (VoL.I), Law Publishers, Allahabad.

5. Nelsen's: The Indian Penal Code - Revised by S.N. Mulla & G.L.Gupta, Law Book Co., Allahabad.

6. K.D. Gaur: Criminal Law: Cases and Material,N.M. Tripathi Pvt. Ltd., Bombay.

7. Ratanlal & Dhirajlal's : Law of Crimes, Revised by Justice D.A.Desai, Justice. M.L .Jain and Dr. N.R. Madhava Menon, Bharat Law House.

**SEMESTER-II**

**PAPER-III**

**CRIMINOLOGY AND PENOLOGY**

**UNIT-I**

The scope and importance of the study of Criminology - Relation between Criminology, Criminal Policy and Criminal Law - Concept of crime -Legal and criminological concept of crime; Schools of Criminology - Causation of crime - Different theories -Classical School of Criminology - Positive School of Criminology-Anthropological theory of criminal behaviour - Heredity and mental retardation as causes of crime.

**UNIT - II**

Sociological theories - Social disorganization theory - Social vulnerable theory - Differential association theory - Economic theory of crime causation - Environment, home and community influences - Broken home-Urban and rural crimes - The effect of media, motion pictures, television and video, press - Caste and community tensions - communal riots -Emotional disturbance and other psychological factors – Multiple causation approach to crime.

UNIT-III

Concept of punishment - Theories of punishment- Modes of punishment-Fine - Imprisonment - Death sentence - Constitutionality of Capital punishment - The problem of execution of death sentence – Commutation and Remission of Punishment-Imprisonment as a mode of punishment - the prison system – Classification of prisoners - Prison education - Prison labour - Prison offences – Prison reforms - Open air prisons - Correctional treatment – Rehabilitative techniques - Post release assistance – Recidivism-Resocialisation process – Human Rights of prisoners - Constitutional imperatives - Probation, parole and

furlough.

UNIT -IV

Juvenile delinquency - Causes and the prevention of juvenile delinquency - Legal protection of children - Law of juvenile justice - The Juvenile Justice (Care & Protection of Children) Act - treatment of juvenile offenders - Juvenile courts - juvenile boards - Borstal schools -Reformatory schools-Victimology-theories of victimology-- Victims of crimes -compensation to victims – emerging trends in victimology-rehabilitation of victims

**Suggested Readings:**

1. J. Sutherland and Cressey: Principles of Criminology,The Times of India Press, Bombay.
2. W.A. Bonagar : An Introduction to Criminology, Methuen &*Co.,* Ltd., London.
3. H.E. Barnes and N.K. Teeters: New Horizons in Criminology, Prentice Hall of India Pvt., Ltd., New Delhi.
4. Ahmed Siddiqui: Criminology, Problems and Perspectives, Eastern Book Company, Lucknow.
5. N.V. Paranjape : Criminology and Penology, 9th Ed., 1996, Central Law Agency, Allahabad.
6. Katherine S Williams, Text Book On Criminology , Blackstone,London.

7. Manheim, H. Comparative Criminology: AText Book .

8. J.M. Sethna, Society and the Criminal .

9. W.C.Reckless, The Prevention of Juvenile Deliquency .

**Paper-IV**

**LAW RELATING TO SOCIO-ECONOMIC OFFENCES**

**UNIT-I**

Socio-economic offences - Concept of white collar crime - Crimes in professions - doctors, lawyers, teachers, engineers, journalists, architects, publishers - Corruption in public life –legislators, judges, bureaucrats-Cyber crimes. Indian approach to socio-economic offences - Regulation and control of socio-economic offences - Special provisions as to arrest, prosecution, proof and punishment.

**UNIT-II**

Protection of Civil Rights Act, 1955-Violence Against Women and Children-Immoral Traffic (Prevention) Act, 1956-Dowry Prohibition Act, 1961-The protection of Women from Domestic violence Act, 2005.-The Sexual harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2014-The Protection of Children from Sexual Offences,2013

**UNIT-III**

Bonded Labour System (Abolition) Act, 1976-Prevention of Food Adulteration Act, 1954-Latest law relating to food safety and standards---Essential Commodities Act, 1955-Law Relating to Food Safety and Standards.

**UNIT -IV**

Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974-Narcotic Drugs and Psychotropic Substances Act, 1986-Prevention of Corruption Act, 1988.

**Suggested Readings:**

I. Edwin Sutherland: White Collar Crime, Yale University press.

2. Law Commission's Report on Socio-economic Offences

(Forty-Seventh Report),

3. J.S.P. Singh: Socio-Economic Offences, Sri Sai Law

Publications, Faridabad.

4. Upendra Baxi, Liberty and Corruption: The Antulay Case and

Beyond .

5. Surendranath Dwevedi and G.S.Bhargava, Political Corruption

in India .

6. A.G. Noorani. Minister's Misconduct .

7. B.B. Pande, 'The Nature and Dimensions of Privileged Class

Deviance' in The Other Side of Development 136 (1987; K.S.

Sukhla ed.).

**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**

**GENERAL PRINCIPLES OF LAW OF TORTS**

**Unit-I**

Origin and Development of Law of Torts and its importance – Definition and nature of' tort - Difference between torts and other forms of obligations-- Contracts - Quasi Contracts - Equitable obligations and crimes -Foundation of tortious liability - General Characteristics of tortuous liability- Mental element in tort.

**Unit-II**

Capacity of the Parties to sue and be sued -Immunities, Trade Unions-Married women, children, companies, insane persons, foreign state ambassadors etc. - Joint Tortfeasors - Nature and scope of liability Rule in Merry Weather v. Nixon - Applicability in India - Defences.

**Unit-III**

Vicarious liability - State liability - Act of State - Sovereign Immunity -Recent Trends - Strict liability - Absolute liability - Defences.

**Unit-IV**

Remedies - Judicial and Extra Judicial Remedies - Modes of discharge of liability in Tort - Death in relation to Tort.

**Suggested Readings:**

I. W.V.H. Rogers: Winfield and Jolowica on Tort, Sweet and

Maxwell, London.

2. R.F. Henston and R.A. Buckley: Salmond and Henston on the

Law of Torts, Sweet and Maxwell, London, Universal Book

Traders, Delhi.

3. Tony Weir: A case book on To11, Sweet and Maxwell, London.

4. Clark and Windsel: Law of Torts, Sweet and Maxwell, London.

5. Friedman: Law in Changing Society, Universal Book Traders,

Delhi.

6. Harper and James: Law of Torts.

7. Fleming: Introduction to the Law of Torts.

8. Winfield: Provinces of the Law of Torts.

9. Winfield: On the Law of Torts.

10. Salmond: On the Law of Torts.

11. Harvard Law Review: Selected Essays on the Law of Torts.

12. Atiyah : Vicarious Liability.

**SEMESTER-IV**

**PAPER –VII**

**LAW RELATING TO SPECIFIC TORTS**

**Unit-I**

Trespass to the person - Nervous Shock - Trespass to land - Trespass to goods - Nuisance - Injury to servitudes.

**Unit-II**

Negligence - Liability for animals - Liability for land and structures -Liability for defective products.

**Unit-III**

Defamation - Abuse of legal process - Deceit and Negligent Misstatement.

**Unit-IV**

Injuries affecting family and service - Relationships - Interference with contract or business relations - Intimidation - Conspiracy – Unlawful competition.

**Suggested Readings**:

1. W.V.H: Rogers: Winfield and Jolowich on Tort,

Sweet and Maxwell, London.

2.R.F. Henston and R.A. Buckley: Salmond and Henston on the Law of Torts, Sweet and Maxwell, London,Universal Book Traders, Delhi.

3.B.M. Gandhi: Law of Tort,Eastern Book Company,

Lucknow.

4.Clark and Windsel: Law of Talis, Sweet and

Maxwell, London.

5.Gregory and Kalven: Law of Torts (Cases and Materials).

6. Chapman: Statutes on the Law of Torts.

7.Glanville Williams: Joint Torts and Contributory Negligence.

**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.*

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