**Annexure XVII**

**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-IX**

**International Trade and Economic 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 | Development and Origin of International Economic Law | 80 | 20 | 100 |
| First Year-Second Semester | II/III | International regime of Intellectual Property Rights | 80 | 20 | 100 |
| ʺ | II/IV | International Trade and Economic Institutions | 80 | 20 | 100 |
| Second Year-Third Semester | III/V | Legal Research Methodology | 80 | 20 | 100 |
| ʺ | III/VI | GATT and WTO | 80 | 20 | 100 |
| Second Year-Fourth Semester | IV/VII | Emerging Trends in World Trade and Economy | 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 |
|  |  |  | **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

**Development and Origin of International Economic Law**

**Unit-I**

History of Economic Law-Origin and Development- General Principles of International Economic Relations-New International Economic Order (NIEO)-Charter of Economic Rights and Duties of States.

#### UNIT-II

Permanent Sovereignty over Natural Resources-Basic Principles-Expropriation of Property and International Law-Stability of Contractual Relations in the International Investment Process-Transnational Water courses Law.

**UNIT-III**

Hard Law and Soft Law-International Regulation of Transnational Corporations-Draft Code of Conduct on Transnational Corporations-National Legal Systems and Transnational corporations-The Set of Multilaterally agreed Equitable Principles and Rules for the Control of Restrictive Business Practices – U .N Commission on Transnational Corporations.

**UNIT-IV**

Transfer of Technology and Developing Countries - Draft Code of Conduct on Transfer of Technology-Other International Conventions and Norms - Kinds of Globalization - Political Globalization - Economic Globalization - Technological Globalization - Cultural Globalization - Impact of Globalization on Indian Trade and Economy.

**Suggested Readings:**

1. Texts of Programme and Declaration of Action on NIEO and Charter of Economic Rights and Duties of States in R.P.Anand ed., International Law Documents (1996).

2. Mohammed Bedjaoui, Towards a New International Economic Order. (Holmes and Meir Publisher, NewYork, 1979).

3. Nico Schrivjer, Sovereignty over Natural Resources (Cambridge University Press, Cambridge, 1997).

4. Kamal Hossain and S.R.Chowdhury eds. Permanent Sovereignty over Natural Resources in International Law: Principle and Practice (Francis Pinter, London, 1984).

5. Richard Falk et al eds., International Law: A Contemporary Perspective (Westview Press, Boulder, 1985).

6. J.H.Jackson, Legal Problems of international Economic Relations: Cases, Materials and Text on the National and International Regulation of Transnational Economic Relations (St.Paul, Minnesota: WestPublishing, 1995).

7. .M.S.Rajan, The Doctrine of Permanent Sovereignty over Natural Resources (1982).

8. B.S.Chimni, International Law and World Order: A Critique of Contemporary Approaches (Sage, New Delhi, 1993).

9. Stephen McCaffery, The Law of International Water courses (OxfordUniversityPress; Oxford, 2001).

10. A.A.Fatourosed., Transnational Corporations: The International Legal Framework (Routledge, London, 1995).

11. Shihata, MIGA and Foreign Investment: Origins, Operations, Policies and Basic Documents of the Multilateral Investment Guarantee Agency (Nijhoff, Dordrecht, 1995)

12. M.Sornorajah, The International Law on Foreign Investment (1994).

**Articles**

. 1. International Legal Instruments of Intellectual Property Law (in two

volumes), (1998), NLSIU, Bangalore.

2. Implications of the TRIPS Agreement on Treaties Administered

WlPO (2003), Geneva.

3. Relevant WIPO Publications on Individual International Instruments.

**SEMESTER-II**

**Paper-III**

**International Regime of Intellectual Property Rights**

**Unit - I**

Meaning, Nature and Classification of Intellectual Property -Transnational Character of Intellectual Property- International Players in the Field of Intellectual Property - International Efforts to Protect IPR.

**Unit-II**

International Instruments relating to IPR Protection- Paris Convention for the Protection of Industrial Property (1883)- Berne Convention for the Protection of Copyright (1886) – Madrid Convention for International Registration of Trademarks1891 - Rome Convention – **The Hague Convention - PCT** - **WCT** - ***WPPT*** – **PL**T

**Unit - III:**

International Conventions and Agreements Relating to international Trade and IPR – TRIPS Agreement - SAFTA·- NAFTA

**Unit-III**

International and Regional Institutions Relating to IPR - W I P O - UNESCO-ARIPO- Their Composition, Powers, Functions, and Jurisdiction.

**Suggested Readings:**

l. The EU, the WTO and the NAFTA: Towards a Common Law of International Trade? Ed. J.H.H. Weiler. Oxford; New York: Oxford

University Press 2000.

2. GATT Analytical Index: Guide to GATT Law and Practice. Updated

6th ed. Geneva: \\1TO and Bernan Press, 1995.

3. WTO Analytical Index: Guide to WTO Law and Practice. 1st ed.

Geneva: WTO Publications, Lanham, Md: Bernan. 2003. In Two

volumes.

**4.** Ralph **H. Folsom, International Business** Transactions. **2nd ed.**

Practitioner Treatise Series. St. Paul, Minn: West· Group, 2002

with updates.

6. Ralph H. Folsom, Michael Wallace Gordon and John A Spanogle.

.Jr. International Trade and investment in Nutshell 2nd ed., St. Paul,

Minn

8. Gail E. Evans, Lawmaking under the Trade Constitution A Study in

Legislating by the World Trade Organization, Studies in

Transnational Economic Law, vol. 14. The Hague: Boston: Kluwer

Law International, 2000.

9. .Jeffery S. Thomas and Michael A. Mayer, The New Rules of Global

Trade: A Guide to The world Trade Organization, Scarborough,

Ontario, Carswell, Thompson Canada Ltd. (1997). Thompson

Canada Ltd. 1997.

10. Anwarul Huda, Tariff Negotiations and Renegotiations under the

GATT and the WTO, Procedures and Practices. Cambridge: Cambridge University, (2001.).

**11. www.** wto.org.

12. John H. Jackson, The World Trade Organization- Constitution and

Jurisprudence. London: Royal Institute of International Affairs.

(1998)

**Paper IV**

**International Trade and Economic Institutions**

**Unit – I**

Economic and Social council - Composition, Functions and Powers -Multilateral Investment Guarantee Agency.

**Unit – II**

International Centre for settlement of Investment Disputes Bilateral Investment Protection Agreements - International Monetary Fund (IMF).

**Unit – III**

UNCTAD - OCED - UNCITRAL - Their Composition, Functions, and Powers.

**Unit – IV**

IBRA - IFC - EU. - UNITAR - Their Composition, Functions and Powers.

**Suggested Readings:**

l. The EU, the WTO and the NAFTA: Towards a Common Law of International Trade? Ed. J.H.H. Weiler. Oxford; New York: Oxford

University Press 2000.

2. GATT Analytical Index: Guide to GATT Law and Practice. Updated

6th ed. Geneva: \\1TO and Bernan Press, 1995.

3. WTO Analytical Index: Guide to WTO Law and Practice. 1st ed.

Geneva: WTO Publications, Lanham, Md: Bernan. 2003. In Two

volumes.

**4.** Ralph **H. Folsom, International Business** Transactions. **2nd ed.**

Practitioner Treatise Series. St. Paul, Minn: West· Group, 2002

with updates.

6. Ralph H. Folsom, Michael Wallace Gordon and John A Spanogle.

.Jr. International Trade and investment in Nutshell 2nd ed., St. Paul,

Minn

8. Gail E. Evans, Lawmaking under the Trade Constitution A Study in

Legislating by the World Trade Organization, Studies in

Transnational Economic Law, vol. 14. The Hague: Boston: Kluwer

Law International, 2000.

9. .Jeffery S. Thomas and Michael A. Mayer, The New Rules of Global

Trade: A Guide to The world Trade Organization, Scarborough,

Ontario, Carswell, Thompson Canada Ltd. (1997). Thompson

Canada Ltd. 1997.

10. Anwarul Huda, Tariff Negotiations and Renegotiations under the

GATT and the WTO, Procedures and Practices. Cambridge: Cambridge University, (2001.).

**11. www.** wto.org.

12. John H. Jackson, The World Trade Organization- Constitution and

Jurisprudence. London: Royal Institute of International Affairs.

(1998)

**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

**GATT and WTO**

**Unit–I**: Origin and Development of GATT - Objectives - MFN Clause –National Treatment Clause.

**Unit–II:** Prohibition of Quantitative Restrictions - General exceptions –Security exceptions.

**Unit–III:** Code of Anti Dumping –Code of Subsidies - Agreement on Agriculture

**Unit–IV:** Dispute Settlement Understanding - Dispute Settlement Mechanism - India & WTO.

**Suggested Readings**

l. The EU, the WTO and the NAFTA: Towards a Common Law of International Trade? Ed. J.H.H. Weiler. Oxford; New York: Oxford

University Press 2000.

2. GATT Analytical Index: Guide to GATT Law and Practice. Updated

6th ed. Geneva: \\1TO and Bernan Press, 1995.

3. WTO Analytical Index: Guide to WTO Law and Practice. 1st ed.

Geneva: WTO Publications, Lanham, Md: Bernan. 2003. In Two

volumes.

**4.** Ralph **H. Folsom, International Business** Transactions. **2nd ed.**

Practitioner Treatise Series. St. Paul, Minn: West· Group, 2002

with updates.

6. Ralph H. Folsom, Michael Wallace Gordon and John A Spanogle.

.Jr. International Trade and investment in Nutshell 2nd ed., St. Paul,

Minn

8. Gail E. Evans, Lawmaking under the Trade Constitution A Study in

Legislating by the World Trade Organization, Studies in

Transnational Economic Law, vol. 14. The Hague: Boston: Kluwer

Law International, 2000.

9. .Jeffery S. Thomas and Michael A. Mayer, The New Rules of Global

Trade: A Guide to The world Trade Organization, Scarborough,

Ontario, Carswell, Thompson Canada Ltd. (1997). Thompson

Canada Ltd. 1997.

10. Anwarul Huda, Tariff Negotiations and Renegotiations under the

GATT and the WTO, Procedures and Practices. Cambridge: CambridgeUniversity, (2001.).

**11. www.** wto.org.

12. John H. Jackson, The World Trade Organization- Constitution and

Jurisprudence. London: Royal Institute of International Affairs.

(1998)

**SEMESTER-IV**

Paper-VII

**Emerging Trends in World Trade and Economy**

**Unit-I**

Right to Development - Trade and Environment - Social Clause -Economic Law and Human Rights.

**Unit - II**

Competition Policy - International Commodity Agreements – The Common Fund for Commodities.

**Unit - III**

International Sale of Goods - Lex Mercotoria - Liberalization – Need for Liberalization Implications of Liberalization Economic Restructuring through Trade - Economic Values and Frowning Consumerism.

**Unit - IV**

International Commercial Arbitration - Types of International Commercial Arbitration - Prevention of Disputes - Resolution of Commercial Disputes Arbitration Tribunal, Composition, Jurisdiction, Powers and Duties - Arbitral Award - Enforcement of Arbitration Clause (UNCITRAL Model)

**Suggested Readings**

l. The EU, the WTO and the NAFTA: Towards a Common Law of International Trade? Ed. J.H.H. Weiler. Oxford; New York: Oxford

University Press 2000.

2. GATT Analytical Index: Guide to GATT Law and Practice. Updated

6th ed. Geneva: \\1TO and Bernan Press, 1995

3. WTO Analytical Index: Guide to WTO Law and Practice. 1st ed.

Geneva: WTO Publications, Lanham, Md: Bernan. 2003. In Two

volumes.

**4.** Ralph **H. Folsom, International Business** Transactions. **2nd ed.**

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Minn

8. Gail E. Evans, Lawmaking under the Trade Constitution A Study in

Legislating by the World Trade Organization, Studies in

Transnational Economic Law, vol. 14. The Hague: Boston: Kluwer

Law International, 2000.

9. .Jeffery S. Thomas and Michael A. Mayer, The New Rules of Global

Trade: A Guide to The world Trade Organization, Scarborough,

Ontario, Carswell, Thompson Canada Ltd. (1997). Thompson

Canada Ltd. 1997.

10. Anwarul Huda, Tariff Negotiations and Renegotiations under the

GATT and the WTO, Procedures and Practices. Cambridge: Cambridge University, (2001.).

**11. www.** wto.org.

12. John H. Jackson, The World Trade Organization- Constitution and

Jurisprudence. London: Royal Institute of International Affairs.

(1998)

**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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