

SYLLABUS OF
LL.M. (CONSTITUTIONAL LAW)
I – SEMESTER
(W.E.F. 2022-2023)

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-modernism and post-modernism

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.ThomasAcquinas-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.

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LAW SOCIAL TRANSFORMATION

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PAPER –IV

INDIAN CONSTITUTIONAL LAW-I

UNIT-I

Meaning of Constitution and Constitutional Law-Growth of modern 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 and 12 Volumes), Lok Sabha 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.

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PAPER –IV

LAW ON CORPORATE CONTRACTS

Unit - I

Meaning of Intellectual Property Rights - General framework of IPR Laws in India - Copyright Act, Trademarks Act and Designs Act etc. -Contracts relating to transfer of IPRs - Licensing, Assignment, Sale and Mortgage etc. - Application of general Principles of Contract to IPR contracts - Breach of IPR contracts and Remedies therefor.

Unit - II

Alternative Dispute Resolution - Meaning of ADR - Evolution of ADR Mechanism - Advantages of ADR - Arbitration, Conciliation and Mediation - Salient features of Arbitration and Conciliation Act - Appointment and Removal of Arbitrators and Conciliators - Passing of Award - Section 89 of CPC. 1908 and Sections 10 and 11 of Indian Contract Act vis-a-vis ADR.

Unit – III

International Commercial Arbitration - Meaning and Definition -Application of Indian Contract Act 1872 to International Commercial Contracts and Arbitration Agreements - General Principles of Private International Law relating to International Commercial Arbitration -UNCITRAL Model.

Unit - IV

E-Commerce - meaning and nature - Salient features of the Information Technology Act, 2000 - Impact of the IT Act 2000 on Law of Contracts, Law of Evidence, Law of Crimes - Application of Intellectual Property Laws to Cyber Contracts - Cyber Offences - Breach of Cyber Contracts - Remedies - Fora for Redressal of Cyber Disputes-Infrastructural contracts- *the International Federation of Consulting Engineers (FIDIC) approved contracts*

Suggested Readings:

- Anson's Law of Contracts - Clarendon Press, Oxford,UK.
- TS Venkatesh Iyer - Law of Contracts, S Gogia and Company,Hyd.
- Avtar Singh - Law of Contracts, Eastern Book Company, Lucknow.
- P.Narayanan, Intellectual Property Law. Ed, Eastern Law House,Kolkata,
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- Prof. Willem Hoyng & Frank Eijssvogels, Global Patent Litigation, Wolters Kluwer, Bedfordshire, U.K.
- Eric M. Dobrusin, Esq., Katherine E. White. Intellectual Property Litigation: Pretrial Practice, Wolters Kluwer, Bedfordshire, U.K.
- GB. Reddy, Intellectual Property Rights and the Law, Gogia Law Agency, Hyderabad.
- Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR system - Eastern Book Company - Lucknow.
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- P.C. Rao & William - Alternative dispute resolution, Universal Law Sheffield Publishing Ltd.
- GK. Kwatra - The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration). The Indian Council of Arbitration.

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COLLECTIVE BARGAINING 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 Industrial Relations Code ,2019- 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:

- Y.B.Karnik: The Indian Trade Union, 2nd Rev. Ed. Bombay;
- P.C.Manaktala & Sons, 1966.
- Mallik: Trade Union Law, S.C. Sarkar & Sons, 1980, Calcutta.
- 3.Rideout, B.W.: Trade Unions and the Law, London, Sweet & Masowell, 1979.
- K.D. Srinivastava and R.K. Srivastava: The Law relating to Trade Unions in India; 2nd Edn., Lucknow; Eastern Book Company, 1982.
- Ludwing Teller: Labour Disputes and Collective Bargaining.
- Srinivastava K.D.: Trade Unions and Unfair Labour Practices, 3rdEdn., Lucknow, Eastern Book Company, 1999.
- Sethi S.B.: Law of Trade Unions, Allahabad, Law Book Company, 1966 (Suppl.) 1973.
- Rao S.B.: Law Relating to Strikes, Lockouts, Lay Off - Retrenchment, Labour Law Agency, Bombay, 1983.
- Dr. T.N. Bhagoliwala : Economics of Labour and Social Welfare, 4th Edn., Sahitya Bhavan, 1976, Agra.
- Labour Law and Labour Relations: India Law Institute, New Delhi; N.M. Tripathi Private Ltd., Bombay.
- Gillian S. Morris and Timothy J. Archer, Collective Labour law (2000),

Oxford Publication,London.

- International Labour Organisation on Collective Bargaining. Reports of the First and Second National Commissions on Labour.
- Khan & Khan: Commentary on Labour and Industrial Laws,asia Law House,Hyd.