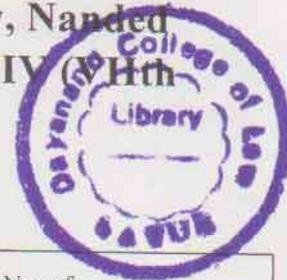


LL.B. (Three Year Course) IIIrd Semester & B.S.L. (Five Year Course) VIIth Semester

- Paper- I Indian Constitutional Law - II
Paper- II Jurisprudence
Paper- III Labour laws -II
Paper- I V Criminology and Penology
Paper- V Alternate Dispute Resolution (Practical) shall be a Clinical paper of LL.B II nd year of 3 year course and IV th year of BSL, LL.B (5 year) Course. This paper shall be completed as yearly pattern

Swami Ramanand Teerth Marathwada University, Nanded
 Revised Syllabus LL.B II (IIIrd Semester) & BSL IV (4th
 Semester)



Indian Constitutional Law - II

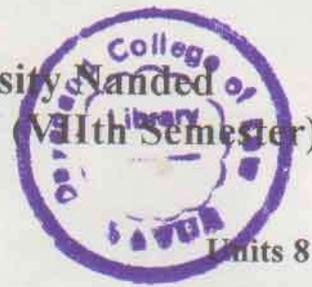
Topic/subject	No. of Hours/Period
<p>1. Parliamentary Government : Components of Parliament -choice of parliamentary government. 2. President of India-Election, Qualifications, Impeachment, Salary, etc. 3. Council of Ministers-President's Constitutional position. 4. Central Government and State Government-Constitutional relationship. 5. Legislative process-privileges, freedom of speech, practice of law making, etc. 6. Legislative privileges vs. fundamental rights in re. Art. 143 of the Constitution of India 7. Prime Minister-Cabinet system-Collective responsibility-individual responsibility. President- P.M. Relationship. 8. Party system-Anti-defection Law, Freedom of an MP/MLA to dissent.</p>	<p>15 Unit</p>
<p>2. Federalism :- 1. Federalism-principles-comparative study of Federations. Why India has a federal Government. 2. Indian Federalism-President of India-Council of State-Process of Constitutional amendment. Identification of Federal Features. 3. Legislative relations between the Centre and the States. 4. Administrative relations-Centre- State. 5. Finacial Relation-Centre-State. 6. Governor's position from the Perspective of federalism 7. Centre's Powers over the States-Art. 356 8. J and K special status. 9. Critical Problems of Indian Federalism, Sarkaria Commission-Greater autonomy Vs Central Control-One party domination, Emergence of political Federalism. Growth of Regional Parties.</p>	<p>15 Unit</p>

<p>3. Constitutional Processes of Adoption and Alternation:</p> <p>1. Methods of Constitutional Amendment-Written- Unwritten-Rigid-Flexible constitutions. Provisions which can be amended by ordinary procedure. Special Procedure, Review of Constitutional amendments.</p> <p>2. Limitations upon Constitutional amendments <u>Shankari Prasad</u>, <u>Sajjan Singh</u></p> <p>3. <u>Golak Nath Vs State of Punjab</u> -why should Fundamental Rights be immune from the process of constitutional Amendment?</p> <p>4. Basic structure doctrine as a limitation - <u>Kesavanand Bharti</u>.</p> <p>5. Development of the basic structure Doctrine. Constituent power of the Supreme Court. <u>Waman rao</u>, <u>Minerva mills</u>, etc.</p> <p>6. <u>Indira Gandhi vs. Rajnarain</u>, judicial consensus on basic structure,</p> <p>7. Legislative and judicial attempts to bury the basic structure doctrine, special bench to reconsider the basic structure Issue. Forty - second constitutional amendment. Forty - fourth constitutional amendment</p> <p>8. Minerva mills and subsequent developments of the basic structure doctrine. responsibility of the court: Activism Vs. restraints.</p>	12 Unit
<p>4. Emergency:</p> <p>1. Emergency, need for such a provision, types of emergencies. Experience in other democracies.</p> <p>2. Proclamation of Emergency- condition- Art. 352 - Effect of Emergency on Centre State relations</p> <p>3. Emergency and suspension of fundamental rights Art. 358,359 <u>Makhan singh Tarasikha</u> to <u>A.D.M. Jabalpure</u>.</p> <p>4. Financial emergency</p>	15 Unit
<p>5. Judicial Process under the constitution</p> <p>1. Judicial review Art, 32, 226,227</p> <p>2. Nature of judicial review.</p> <p>3. Court system in India : Backlogs, Arrears, alternatives, Lok Adalats, etc.</p> <p>6. Jurisdiction of Supreme Court and High Court.</p> <p>7. Advisory jurisdiction of the Supreme Court.</p> <p>8. Public Interest Litigation.</p>	8 Units
<p>6. Services under the constitution:</p> <p>1. Doctrine of pleasure (Art. 310)</p> <p>2. Protection against arbitrary dismissal. removal or reduction in rank (Art. 311)</p> <p>3. <u>Tulsiram patel</u> - Exceptions to Art. 311</p>	5Units

SELECT BIBLIOGRAPHY: Note 14 units for internal evaluation (20 marks)

- G. Austin, History of Democratic Constitution: The Indian Expenditure (2000) Oxford.
- D.D. Basu, Shorter Constitution of India, (1996), Prentice Hall of India, Delhi.
- Constituent Assembly Debates Vol. 1 to 12 (1989).
- H.M. Seervai, Constitution of India, Vol. 1 - 3 (1992), Tripathi, Bombay.
- M.P. Singh (ed.), V.N. Shukla, Constitutional Law of India (2000) Oxford.
- G. Austin, Indian Constitution: Cornerstone of a Nation (1972).
- M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford.
- B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow.
- S.C. Kashyap, Human Rights and Parliament (1978) Metropolitan, New Delhi.
- [All books latest editions have to be followed.]

Swami Ramanand Teerth Marathwada University, Nanded
Revised Syllabus LL.B II (IIIrd Semester) & BSL IV (VIIIth Semester)
JURISPRUDENCE



1. Introduction

1. Need to study jurisprudence: Meaning of the term jurisprudence. 2. Norms and the normative system 3. Different types of normative systems such as of games, languages, religious orders, clubs and customary practice. 4. Legal system as a normative order. Similarities and differences to the legal system with other normative systems 5. Nature and definition of law.

Units 8

2. Schools of Jurisprudence:

Units 12

1. Analytical positivism 2. Natural law 3. Historical school 4. Sociological school
5. Economic interpretation of law 6. The Bharat jurisprudence: The ancient: the concept of Dharma, The modern: PIL. Social justice, compensatory jurisprudence.
5. Feminist Jurisprudence

3. Purpose of Law & administration of justice:

Units 9

Justice: 1. Meaning and kinds 2. Justice and law 3. Power of the Supreme Court of India to do complete justice in all cases: Article 142 4. Critical stare decisis

4. Sources of Law:

Units 10

1. Legislation 2. Precedents: concept of stare decisis 3. Customs 4. Juristic writings

5. Legal rights: 1.the concept, 2. Kinds 3. Right- duty correlation

Units 5

6. Persons

Units 8

1. Nature of personality, 2. Status of the unborn, minor, lunatic, drunken and dead persons 3. Corporate personality 4. Dimensions of the modern legal personality: legal Personality of non - human beings

7. Property: the concept and Kinds of property

Units 8

Possession: the concept and Kinds of possession

Ownership: the concept, Kinds of ownership, Difference between possession and Ownership, Title

8. Obligation: Nature and kinds -1. Source of Obligation, Liability -conditions for imposing liability: 1. Wrongful act. 2. Damnum sine- injuria 3. Causation

Units 8

4. Mens rea 5. Intention 6. Malice 7. Negligence and recklessness 8. Strict liability
9. Vicarious liability

9. Procedure:

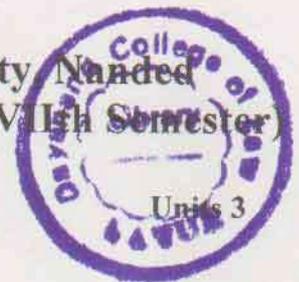
Units 3

1. Substantive and procedural laws: Difference 2. Evidence: nature and kinds

SELECT BIBLIOGRPHY

1. Salmond, Jurisprudence, Universal Publishers.
2. Paton, Jurisprudence
3. Allen, Law in Making, Universal Publishers.
4. Mahajan V.D, Legal Theory and Jurisprudence.
5. Dias, Jurisprudence.
6. Lloyd, Introduction to Jurisprudence
7. S.N. Dyani, Fundamental of Jurisprudence: Indian Approach
8. G.C.V.Subba Rao, Jurisprudence and Legal Theory

Swami Ramanand Teerth Marathwada University, Nanded
Revised Syllabus LL.B II (IIIrd Semester) & BSL IV (Vth Semester)
Labour laws -II



(I) 1. General

- Importance of Industrial laws
- Definition of industrial jurisprudence
- Sources of Industrial law
- Ultimate Object of modern Industrial law
- Immediate object of industrial law
- Industrial Relations

2. Industrial law classified

Units 2

- Classification of industrial law
- General Industrial law
- Particular Industrial law
- Historical base and legal base.

3. International

Units 6

- Industrial- Relation law in some countries
- Laissez - faire policy
- Code of Hammurabi of movement in England
- Statutes for settlement of Industrial disputes in Britain
- Industrial legislation in U.S.A
- Industrial Law in erstwhile U.S.S.R.
- International labour organization
- International Instruments Relating to Rights of labourers

2. Concept of social security

Units 14

- The specific approach
 - The philosophic approach
 - Characteristics of social security
 - Constituent of social security
 - Traditional constituent of social security
 - Social Insurance
 - Similarities & Differences between social assistance & social Insurance
 - Modern constituent of social security
 - Social security system in India.
- Social security legislation 1. Employee State Insurance Act, 2. Employees Provident Fund Act, 3. Payment of Gratuity Act, 4. Payment of Bonus Act.

3) Remuneration of labour:

16Units

1 Theories of wages marginal productivity, subsistence, wage fund, supply and demand, residual claimant, standard of living, 2. Concepts of wages (Minimum wages, fair wages, living wages, need based minimum wages) 3. Components of wages: dearness allowance principles of fixation, 4. disparity in wages in different sectors. Need for rationalization and national approach. 5. Wage determining process modes and modalities, unilateral fixation by employer, bilateral fixation, conciliation, arbitration and adjudication, wage board and pay commission, principles of wage fixation, 6. Concept of bonus computation of bonus 7. protection of payment unauthorized deductions - remedial measures.

4) Labour welfare:

12 units

1. Welfare provided by employers and through bipartite agreements by statutory prescription. 2. Provident fund family pension 3. Gratuity, 4. Inter- state migrant workmen- regulation of employment - conditions of service 5. Regulation of working hours, statutory controls 6. Women and labour force, equal remuneration law, maternity Benefits, protective provisions for women under Factories Act 7. Employment of young persons: Prohibition of employment of children, regulation of employment of young persons

5) Protection of weaker sectors of labours:

07 Units

1. Tribal labour: need for regulation 2. Beedi Workers 3. Unorganized labour like domestic servants: problems and perspectives 4. Bonded labour: socio - economic programmes for Rehabilitation. 5. Contract labour regulation. 6. Constitutional dimensions of labour standards.

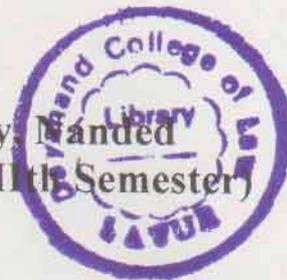
7) Trade Unionism

10 Units

1. Labour Movement as Counter measure to exploitation - History of Trade union movement in India 2. Right to trade union as part of human right to freedom of association 3. Legal control and protection of trade union, registration, amalgamation, rights and liabilities on dissolution, 4. Problems: multiplicity of unions, over politicization - intra - union and inter - union rivalry, outside leadership, closed shop and union - shop, recognition of unions

SELECT BIBLIOGRAPHY:

- John Bowers and Simon Honey ball Text Book on Labour law (1996) Black Stone, London,
Srivastava K.D, Commentaries on Payment of Wages Act 1936 (1998), Eastern, Luck now.
Rao, S.B, Law and Practice on Minimum Wages (1999) Law publishing house, Allahabad.
Srivastava K.D. Disciplinary Action against Industrial Employees and its Remedies (1990) Eastern, Luck now,
Srivastava, K.D. Commentaries of Factories Act 1948 (2000), Eastern, Luck now.
R.C. Saxena, Labour Problems and Social Welfare, chapters, 1, 5 and 6 (1974)
V.V. Giri, Labour Problems in Indian Industry, cha. 1 and 15 (1992)
Indian Law Institute, Labour Law and Labour Relations (1987)
(1982) Cochin University law review, vol. 6 pp 153-210
Report of the National Commission on Labour, ch. 14-17, 22, 23 and 24
O.P. Malhotra, the Law of Industrial Disputes (1998) Universal, Delhi.
S.C. Srivastava, Social Security and Labour Laws pts. 5 and 6 (1985) Universal, Delhi.
S. C. Srivastava, Commentary on the Factories Act 1948 (1999) Universal, Delhi.



CRIMINOLOGY AND PENOLOGY

UNITS

UNIT 01. Crime & Criminology 04

Meaning and significance of crime – focus on the need for criminological study- Definition of crime – origin of criminal law, Development of criminal law in India. Distinction between crime & non crime.

UNIT02. Criminology and Schools of Criminology:- 08

What is Criminology – criminal behaviour - Schools of Criminology – Pre Classical School. The Classical School – Neo – Classical school – Positive School- Psychiatric School – Socialist School – Clinical school.

UNIT03. Crime Causation:- 08

Heredity and crime – mental Disorder and criminality – McNaghten's Rule of criminal Responsibility. Sex age and crime – Alcoholism – Narcotic drugs – Physical Environment -Theory of differential Association – Education mass media – Economic factors – Multiple causation theory – Home and family in Relation to crime – the Broken Home – Impact of Criminal Convictions Psychological Tensions and emotional Disturbances at home.

UNIT 04. Theories of Punishment:- 10

Concept of Punishment – Theories of Punishment – Deterrent theory – Retributive Theory – Preventive Theory, Reformatory theory – Efficacy of Punishment – Rehabilitation.

UNIT 05. Capital Punishment:- 05

Constitutional validity of capital Punishment – Deterrent effect of capital Punishment – modes of execution – Death sentence in U.S.A. – Capital Punishment in India – Retention of Capital Punishment – How for Justified – Retention preferred to Abolition – suicide as an offence.

UNIT 06. White - Collar Crime:- 08

White Collar Crime defined – white collar crime and blue collar Crime Implication of white collar crimes – criticism of Sutherland's definition -
– causes of white collar crimes – classification and types of white collar
– crime – white collar crime in India – Adulteration violation of Tax laws – Corruption in govt. and politics – white collar crime in professions – Black money.

UNIT 07. Super crimes and Victimless crimes: - E.D.C. **06**

Definition of Terrorism – Nature of Terrorism – Causative Factors – organized crime - Ingredients of terrorism – Funds for terrorism Types of terrorism. Victimless crime – definition – Hidden victims – Drug Addiction – causation – drug and crime – Treatment of drug addict.

UNIT 08 Modern crimes and International crimes:- **04**

Computer – Cyber crimes & Terrorism – Hijacking - Crimes relating to Human organs –Foeticide .

UNIT 09. Prison System:- **06**

Some Historical perspectives – Humanizing prison life – Indian prison system – prison Reforms in India – open air prison – Nature & scope of open air prison.

UNIT 10 Parole and Probation of Offender:- **06**

Concept of parole – parole & probation compared – origin of parole – parole in India – Conditions of parole –parole violation – Essentials of Ideal parole system. Concept & object of probation law in India – The place of probation in penal policy – public participation in probation.

UNIT 11. Recidivism:- **03**

Who is Recidivist – causes of Recidivist – Recidivisms in India – Supreme Court on Recidivism – Prevention of Recidivism -Reformative method.

Select Bibliography

Sutherland,E H,Cressey.D R,Criminology

A. Siddique, Criminology (1984) Eastern, Lucknow.

Law Commission of India, Forty-Second Report Ch. 3 (1971)

K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Surveys of Sociology and Social Anthropology 1969-179 (1986)

Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

H.S. Becker, Outsiders: The Studies in Sociology of Deviance (1966)

J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)

R. Cocken, Drug Abuse and personality in Young Offenders (1971)