

**UNIVERSITY COLLEGE OF LAW
KAKATIYA UNIVERSITY, WARANGAL, TELANGANA**

BRANCH: IV – HUMAN RIGHTS LAW (Self-Finance Course) (Evening)

SYLLABUS (WITH EFFECT FROM 2020-2021)

LL.M (HRL-SFC) I Year: Semester – I

Paper – I

LEGAL THEORY AND JURISPRUDENCE – I

Theory

5 Hours/Per Week

Marks: 100 (External – 80; Internal – 20)

Unit-I: Meaning, nature and definition of jurisprudence - General and particular jurisprudence - Schools of jurisprudence- Analytical, Historical, Philosophical and Sociological Schools of jurisprudence.

Unit-II: Theories of Law - Kelsen's Pure Theory of law – Hart's Concept of law – Modern Trends in analytical and Normative Jurisprudence – Economic Theory of Law – Views of Karl Marx - American and Scandinavian Realism – Critical Legal Studies Movement.

Unit-III: Meaning and Definition of Law - The Nature and functions of Law - The Purpose of Law- The Classification of Law- History of Natural Law – Greek Origins – Medieval Period – Period of Renaissance – Transcendental idealism – Natural Law and Social Contract Theories.

Unit-IV: Sources of Law-Legal and Historical sources- Custom as Source of Law- Definition of custom- General and Local Custom and Prescriptions - Precedent as Source of Law-Definition of Precedent, Kinds of Precedent- Doctrine of Stare Decisions- Original and Declaratory Precedent- Authoritative and Persuasive Precedents- Legislation as Source of Law- Definition of Legislation - Classification of Legislation – Supreme and Subordinate Legislation – Direct and Indirect Legislation.

Select Bibliography:

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
7. John Rawls-Theory of justice.

PAPER – II
LAW AND SOCIAL TRANSFORMATION – I

Theory

5 Hours/Per Week

Marks: 100 (External – 80; Internal – 20)

Unit-I: The Concept of evolution, Progress, change and social transformation - Social Change: Definition, nature and characteristics of Social change- Planned social change - Un-planned Social Change - Endogenous and Exogenous social change - Direction of Social Change - Theories related to social change - Deterioration theory, Cyclic theory, Linear theory and deterministic theory.

Unit-II: Social Change- Factors of Social Change- Geographical/ Environmental, Biological, technological, cultural, Economic and political - Law and social Change - State, Law and Society, their inter-relationship and interdependence – Law as an Instrument of Social Change - Symbolic and instrumental legislations - Law as a means of Social Control - Legal sanction and extra legal sanctions – Limits of Law in bringing out Social Change.

Unit-III: Identification of Goals of Social Changes in Indian Constitution – Directive principles of State Policy and social changes – Special provisions for Scheduled Caste, and Scheduled Tribes in Indian Constitution – Protective discrimination of SC/STs and OBCs.

Unit-IV: Context of Social Change: Sanskritisation, Westernisation Modernization and Secularization – Modernisation of Social Institutions through law - Economic reforms, Law and Social Change – Technology, Information, Communication and its impact on Law and Social Change.

Select Bibliography :

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford.
2. W. Friedmann : Law in Changing Society.
3. W. Friedmann : Legal Theory.
4. J. Stone : Social Dimensions of Law and Justice.
5. Julius Stone. The Province and Function of Law, Part II, Chs. 1.8-16 (2000), Universal, New Delhi.
6. Vilhelm Aubert : Sociology of Law.
7. C. K. Allen : Law in the Making.
8. A. V. Dicey : Law and Public Opinion in England.
9. Roscoe Pound : (a) Law and Morals, (b) Law, Liberty
10. M.N. Srinivas, Social Change in Modern India.

PAPER – III
HUMAN RIGHTS JURISPRUDENCE

Theory

5 Hours/Per Week

Marks: 100 (External – 80; Internal – 20)

Unit-I: History, Origin and Development of Human Rights – Definition and Concept of Human Rights — Evolution- Pre and Post Magna Carta Position - French Declaration, American Bill of Rights - Nature and Dimensions of HRs Movement after Second World War - Human Rights in Indian Tradition – Ancient, Medieval and Modern.

Unit-II: Human Rights Jurisprudence - Theoretical Foundations of Human Rights - Modern Theories of International Human Rights - Legal Realism and Critical Theory - Theory of Natural Rights - Human rights and right to be Human – Basic needs theory – Universalism and Cultural Relativism – New International Economic Order and Human Rights.

Unit-III: The Philosophy of Human Rights - Political Philosophy - Rights and Duties - Relationship - Classification of Rights - Individual Rights - Natural Rights - Group Rights - Derogable and Non-Derogable Rights - Classification of Human Rights – First, Second, Third and Fourth Generation.

Unit-IV: Protection of Human Rights - Role of State, Civil Society and International NGOs – Amnesty International – UNICEF - Minority Rights Groups - International Bar Association.

Select Bibliography:

1. J. Svarap, Human Rights and Fundamental Freedoms (1975)
2. Durga Das Basu, Human rights in Constitutional Law (1994)
3. B.P. Singh Sehagar (Ed.) Human Rights in India – Problems & Perspective (1996)
4. A. Subbian Human rights complaints systems – International and Regional