

LL.M. I SEM. 2018.

M.A. M.Sc.

Exam. Dec., 2018

FOR COLLEGE ONLY

First/Third Semester

Pages.....(01) to.....(09).....

Jiwaj University, Gwalior

LL.M. 1st Semester

Paper - 1

Law and Social Transformation in India

Sl 438

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2018

The following Syllabus prepared with this perspectives will be spread over a period of one semester.

1. Law and social change:- Law as an instrument of social change, law as the product of traditions and culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.
2. Religion and the law:- Religion as a devise factor, Secularism as solution to the problem Reform of the law on secular lines: problems, Freedom of religion and non discrimination on the basis of religion, Religious minorities and the law.
3. Language and the law:- Language as a devise factor : formation of the linguistic states Constitutional guarantees to linguistic minorities, Language policy and the constitution official language : multi-language system, Non-discrimination on the ground of language.
4. Community and the Law:- Caste as a devise factor Concept Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, protective discrimination Scheduled caste tribes and backward classes Reservation for Economically and social back classes statutory commissions statutory provisions.
5. Regionalism and the Law: Regionalism as a devise factor Concept of India as one unit, right of movement, residence and business : impermissibility of

state or regional barriers, Equity in matters of employment :the slogan Sons of the soil and its practice Admission to educational institutions : preference to residents of a state.

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6. Women and the Law:- Crimes against women Gender injustice and its various forms, Women's Commission, relating to women Constitutional and other legal provisions related to women.
7. Children and the Law:- Child labour Sexual exploitation Adoption and related problems, children and education child marriage.
8. Modernisation and the Law:- Modernisation as a value : Constitutional perspectives reflected in the fundamental duties, reform of a family law Agrarian reform Industrialisation of agriculture, Industrial reform : free enterprise v. State regulation Industrialisation V Environmental protection Reform of court processes, Criminal law plea bargaining compounding and payment of compensation to victims civil Law (ADR) confrontation V. Consensus mediation and conciliation lok adalats prison reforms.

Select Bibliography:-

- I) Marc Galanter (ED) Law and Society In Modern India (1997) Oxford.
- II) Robert Ling at The classical law of India (1998) Oxford.
- III) Manushi A journal about women and society.
- IV) H.M. Seervai Constitution Law of India 1996 Tirpathi.
- V) Savitri Gunasekhare Children, Law and Justice 1997 Sage.
- VI) M.P. Jain outlines of Indian Legal History 1993 Tirpathi Bombay.
- VII) Manorajan Mohanty class caste Gender Reading in Indian Govt and Politics.

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Jiwaj University, Gwalior

LL.M. 1st Semester

Paper – II

Indian Constitutional Law : The New Challenges

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The following Syllabus prepared with this perspectives will be spread over a period of one semester.

1. Federalism:- Creation of new states, Allocation and share of resources, distribution of grants in aid, The inter state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Directions of the Center to the state under Article 356 and 365.
2. "State" Need for widening the definition in the wake of liberalization.
3. Right to the equality: Privatisation and its impact on affirmative action.
4. Freedom of press and Challenge of New Scientific Development: Freedom of Speech and rights to broadcast and telecast, Rights to strikes hartal and pandha.
5. Emerging Regime of New Rights and Remedies Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence, Right to education, Commercialisation of education and its impact, Brain Drain by foreign education market.
6. Rights of Minorities to Establish and Administer Educational institutions and state Control.
7. Secularism and Religious fanaticism.
8. Legislative Procedure.
9. Separation of Powers : Stresses and strain, Judicial activism and judicial rest, PII implementation judicial independence Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

10. Democratic process: Next of politics with criminals and the Business, Election, Election Commission : status, Electoral Reforms, Coalition Government stability, durability, corrupt practice grass root democracy. 2.18
11. Constitutional Emergency Provisions.

Select Bibliography:-

- a) D.D. Basu. Shoeter Constitutions of India.
- b) Constitutional Assembly Debates Vol. 1 & 12 1989.
- c) H.M. Seeravi: Constitutional Law
- d) V.N. Shukul: Constitutional Law of India (M.P. Singh ed.)
- e) G. Austin: Constitutional Comerstume of a nation. J.N. Pandey: The Constitution of India (Hindi & English)
- f) B.K. Sharma: Bharat ka Samidhan.
- g) M.D. Chaturavadi Indian Constitutional Law of India.
- h) ILL Journal
- i) AIR SCC
- j) Research Journals.
- k) H.R. Khanna : Making of India Constitution

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Jiwaj University, Gwalior
LL.M. 1st Semester
Paper – III

Drug Addiction, Criminal Justice and Human Rights

Introductory:-

Basic Conceptions Drugs "narcotics" "Psychotropic substances" Dependence "addiction" "Crime without victims" "Trafficking" in "Drugs" "Primary drugs abuse:-

Anagraphic and Social Characteristics of Drugs Users

Gender, age religiousness, single individuals/ cohabitation, socio-economic level of family, Residence patterns (urban/rural/urban) Educational levels, occupation, age at first use, Type of drug use, Reasons given as cause of first use, Method of intake, pattern of the use, Consequences on addict's health (physical/psychic)

The International legal Regime

Analysis of the background, text and operation of the single convention on Narcotic drugs, 1961, 1972.

The Indian Regulatory system .

1. Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage.
2. The penal provisions (under the IPC and customs Act.)
3. India's role in the evolution of the two international conventions, Judicial approaches to sentencing in drugs trafficking and abuse, The Narcotic drugs and Psychotropic Substances Act, 1985.
4. Patterns of resource investment in India : Policing adjudication treatment aftercare and rehabilitation.
5. The Narcotic drugs and Psychotropic Substances Act , 1985.

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Human Rights Aspects:-

Deployment of marginalized people as carriers of narcotics, The problem of juvenile drug use and legal approaches, possibilities of misuse and abuse of investigative prosecutor powers, Bail.

The Role of Community In Combating Addiction

The role of educational systems, The role of medical profession, The role of mass media, Initiatives for compliance with regulatory systems, Law reform Initiatives.

Select Bibliography:-

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

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

R.A. Cocken, *Drug Abuse and Personality in Young Offenders* (1971)

United Nations, *Economic and Social Reports of the Commission on Narcotic drugs*. United Nations.

Lok Sabha and Rajya Sabha Debates on 1986 bill on psychotropic Substances

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