

Jiwaji University, Gwalior
P.G. Programme Choice Based Credit Systems (CBCS)
Term-end Assessment:60; Internal Assessment:40
LL. M. Ist SEMESTER

SEMESTER-I

Paper Code	Course	C/CE/GE	L	T	P	Credit	Marks
LM 101	Law & Social Transformation in India	Core	4	0	0	4	100
LM 102	Indian Constitutional Law New Challenges-I	Core	4	0	0	4	100
LM 103	Judicial process - I	Core	4	0	0	4	100
LM 104 LM 105	Elective (Choose any one) Criminal Law- 1. Principle of Criminal Law 2. Human Rights- Concept & Development of Human Rights	Centric Elective Centric Elective	4	0	0	4	100
	Seminar-I	Core	0	0	1	1	100
LM 107	Assignment-I	Core	0	0	1	1	100
LM 108	Project Work-I	Core	0	0	2	2	100
LM 109	Comprehensive Viva-Voce (Virtual Credit)	Core	0	0	4	4	100
Total						24	800

Total Credit Value: #20+4 (virtual credit)

- Out of 09 elective credits 04 may be obtained form other departments / faculties / Institutes.
- Minimum credits be earned for award of degree – 96 Credit (Valid credits- 80 +Virtual Credits-16)
- Minimum credits for promotion to next semester - 12 valid credits/semester

*** Ability enhancement and skill development (e.g. Seminar)

Option of minor+major project (4credits+8credits) or major project (12 credits).

Jiwaji University, Gwalior
LL.M. Ist Semester
Paper – I
Law and Social Transformation in India

Core

Term-end Assessment : 60

Internal Assessment: 40

SYLLABUS :-

Unit : I

Law and social change:- Law as an instrument of social change , law as the product of traditions and culture, India and its impact on further development of law and legal institutions in India.

Unit : II

Religion and the law:- Problems, Freedom of religion and non discrimination on the basis of religion, Religious minorities and the law.

Unit : III

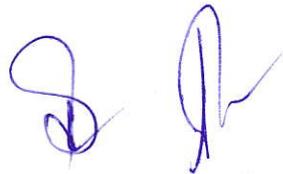
Community and Regionalism Law:- Concept Non-discrimination on the ground of caste, Protective discrimination Scheduled caste tribes and backward classes Reservation for Economically and social back classes statutory commissions statutory provisions.

Regionalism and the Law: Concept of India as one unit, right of movement, residence and business: impermissibility of state or regional barriers.

Unit: IV

Women and Children Law:- Crimes against women Gender injustice and its various forms, Women's Commission, relating to women Constitutional and other legal provisions related to women.

Child labour Sexual exploitation Adoption and related problems, children and education child marriage.

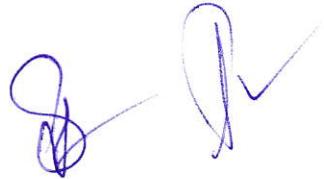


Unit : V

Modernisation and the Law:- Modernisation as a value : Constitutional perspectives reflected in the fundamental duties, Industrialisation V Environmental protection Reform of court processes, Criminal law plea bargaining compounding and payment of compensation to victims

Select Bibliography:-

- i) Mare 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.



Jiwaji University, Gwalior
LL.M. Ist Semester
Paper – II

Indian Constitutional Law : The New Challenges –I

Core

Term-end Assessment : 60

Internal Assessment 40

SYLLABUS :-

Unit I

Federalism:- Creation of new states, Allocation and share of resources- distribution of grants in aid, The interstate 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.

Unit II

"State" Need for widening the definition in the wake of liberalization.

Unit III

Right to the equality: Privatisation and its impact on affirmative action.

Unit IV

Freedom of press and Challenge of New Scientific Development: Freedom of Speech and rights to broadcast and telecast, Rights to strikes hartal and pandla. Right to Privacy

Unit V

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.

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. Shukla: Constitutional Law of India (M.P. Singh ed.)
- e) G. Austin: Constitutional Costume of a nation. J.N. Pandey: The Constitution of India (Hindi & English)
- f) B.K. Sharma: Bharat ka Samvidhan.

Jiwaji University, Gwalior (M.P.)
LL.M. Ist Semester
Paper – III
Judicial Process –I

Core

Term-end Assessment : 60

Internal Assessment 40

Syllabus

Unit – I

Law – Definition and Content

Unit – II

Legal Theories – Natural Law Theories, Historical Theory of Law, Austinian Theory of Law, Sociological Theory of Law, Neoclassical Theory of Law.

Unit – III

Jurisprudential Concepts – Personality, Right and Duty and Ownership.

Unit – IV

Nature of Judicial Process –

1. Judicial Process as an Instrument of Social Ordering.
2. Judicial Process and creativity in Law common law model Legal Reasoning and growth of law change and stability.
3. The tools and techniques of judicial creativity and precedent.
4. Legal development and creativity through legal reasoning under statutory and codified systems.

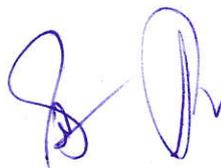
Unit – V

Special Dimensions of Judicial Process in Constitutional Adjudications.

1. Notions of indicial review
2. Role' in constitutional adjudication various theories of indicial role.
3. Tools and techniques in policy – making and creativity in constitutional adjudication.
4. Varieties of judicial and juristic activism
5. Problems of accountability and judicial law – making.

Select Bibliography

- J. Stone, Locial System and Lawyers' Resonances (1999), Universal, Delhi
U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Luchnow.
Rajeev Dhavan, The Supreme Court of India A Socio – Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
John Rawis, A Theory of Justice (2000), Universal, Delhi
Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
Dias – Jurisprudence
Petan – Concepts of Jurisprudence
Friedman – Legal Theories of Jurisprudence.



Jiwaji University, Gwalior (M.P.)
LL.M. Ist Semester
Paper – IV
(Criminal Group)
Principles of Criminal Law

Core

Term-end Assessment : 60
Internal Assessment 40

Note:- The Paper shall be of 100 Marks Candidates are required to attempt five questions out of ten questions.

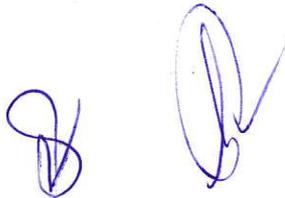
Criminal Law

a. Principles of Criminal Law

1. Crime -
2. Element of Crime
3. Stages of Crime
4. Factors Defining mens-rea under India penal code.
5. Acts not Punishable under Indian Panel code (General Exceptions)

b. Procedure in Criminal Law

1. Classification of criminal courts in India
2. Accusatorial and Inquisitorial system of trial
3. Principles of fair-trial
4. Role of Judge prosecutor of defining in fair-trial
5. Concept of plea Bargaining in India.



Jiwaji University, Gwalior
LL.M. Ist Semester
Paper – V
(Human Rights Law – Group)
Concept and Development of Human Rights

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-

Unit – I

Human Rights : Concept : Human rights in Indian tradition :ancient, medieval. and modern, human rights in western tradition, development of Human Rights, human rights in international law and national law.

Unit – II

Classification on human right – First second and third Generations
historical Development.

Unit – III

Human Rights: Politics and society : Colonisation, imperialism and
human rights power practices, accountability and transparency,
liberalization .

Unit – IV

Human Rights and judicial Process : Judicial activism.

Unit – V

Human Rights Protection Agencies.

Select Bibliography:-

- i) Angela Hegarty, Siobhan Leonard, Human Rights and Agenda for the century 1999.
- ii) Lalit Parmer Human Rights, 1998.
- iii) Rma Jois, Human Rights, : Bharatiya values 1998
- iv) Lon I. fuller , The Morality of Law.
- v) John Finnis, Natural Law and natural Rights 19982.
- vi) M.G. Chitlara, Human Rights : Commitment and Betrayal, 1996
- vii) V.D. Kulshreshtra , The Classical Law of India 1998. Oxford.

Jiwaji University, Gwalior
Choice Based Credit Systems (CBCS)
Term-end Assessment: 60; Internal Assessment:40
LL. M. IInd SEMESTER

Paper Code	Course	C/CE/GE	L	T	P	Credit	Marks
LM 101	Judicial Process and legal theories II	Core	4	0	0	4	100
LM 102	Legal Education and Research Methodology	Core	4	0	0	4	100
LM 103	Indian Constitutional Law New Challenges-II	Core	4	0	0	4	100
LM 104	Choose any one elective 1.Criminal Law- Drug Addiction, Criminal Justice and Human Rights	Centric Elective	4	0	0	4	100
LM 105	2.Human Rights - Human Right and International order	Centric Elective					
LM 106	Seminar-II	Core	0	0	1	1	100
LM 107	Assignment-II	Core	0	0	1	1	100
LM 108	Project Work-II	Core	0	0	2	2	100
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Jiwaji University, Gwalior (M.P.)

LL.M. IInd Semester

Paper – Ist

Judicial Process and Law and Legal Theories-II

Core

Term-end Assessment : 60

Internal Assessment : 40

Syllabus

1. Judicial Process in India
 1. Indian debate on the role of judges and on the notion of judicial review.
 2. The “independence” of judiciary and the “political” nature of indicial process
 3. Judicial activism and creativity of the Supreme Court the tools and techniques of creativity/
 4. Judicial process in pursuit of constitutional goals and values new dimensions of judicial activism and structural challenges.
 5. Institutional liability of courts and judicial activism scope and limits.
2. The Concepts of Justice
 1. The concept of justice or Dharma in Indian thought
 2. Dharma as the foundation of legal ordering in Indian thought.
 3. The concept and various theories of justice in western thought.
 4. Various theoretical bases of justice : the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.
3. Relation between Law and Justice
 1. Equivalence Theories Justice as nothing more than the positive law of the stronger class
 2. Dependency theories For its realization justice depends on law, but justice in not the same as law.
 3. The independence of justice theories means to end relationship of law and justice The relationship in the context of the Indian constitutional ordering.
 4. Analysis of selected cades of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography'

Juflus Store, - The Province and Function of Law, Part II, Chs. 1.816(2000), Universal, New Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi

Henry J. Abraham The Judicial Process (1998), Oxford.

J.Stone, Precedent and the Law : Dynamics of Common Law Growth (1985) Butterworths

W. Friedmann, Lecial Theory (1960), Stevens, London

Bodenheimer, Jurispurdence the Philosophy and Method of the Law (1997), Universal, Delhi

J. Stone, Lecial System and Lawyers' Resonances (1999), Universal, Delhi

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Luchnow.

Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
Paper – IInd
Legal Education and Research Methodology

Core

Term-end Assessment : 60
Internal Assessment 40

Syllabus:-

1. Objectives of Legal Education
2. Lecture Method of Teaching Merits and demerits
3. The Problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching
6. Examination system and problems in evaluation external and internal assessment.
7. Student Participation in law school programmes Organisation of Seminars, Publication of journal and assessment of teachers
8. Clinical legal education legal aid, legal literacy, legal survey and law reform
9. Research Methods
 1. Socio Legal Research
 2. Doctrinal and non – doctrinal
 3. Relevance of empirical research
 4. Induction and deduction
10. Identification of Problem of research
 1. What is a research problem?
 2. Survey of available literature and bibliographical research.
 - (I) Legislative materials including subordinate legislation, notification and policy statements
 - (II) Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over – ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof .
 - (III) Juristic Writings a survey of juristic literature relevant to select problems in India and foreign periodicals.
 - (IV) Compilation of list of reports or special studies conducted relevant to the problem.
11. Preparation of the Research Design
 1. Formulation of the Research problem
 2. Devising tools and techniques for collection of data Methodology
 - (i) Methods for the collection of statutory and case materials and juristic literature.



- (ii) Use of historical and comparative research materials.
- (iii) Use of observation studies.
- (iv) Use of questionnaires/interview
- (v) Use of case studies.
- (vi) Sampling procedures design of sample, types of sampling to be adopted.
- (vii) Use of scaling techniques.
- (viii) Jurimetrics
- (ix) Computerized Research A study of legal research programs such as Lexis and West law coding.
- (x) Classification and tabulation of data use of cards for data collection Rules for tabulation Explanation of tabulated data.
- (xi) Analysis of data

Bibliography:-

High Brayal, Nigal Dunean and Richard Crimes, Clinical Legal Education : Active Learning in your Law School, (1998) Blackstone Press Limited, London

S.K. Aqrawal (Ed.) Legal Education in India (1973, Tripathim, Bombay.

N.R. Madhava Menon, (ed) A Handbook of clinical Legal Education(1998) Eastern Book Company, Lucknow.

M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research (1978)

Pauline V. Younq, Scientific Social Survey and Research (1962)

William J. Grade and Paul K. hiatt, Methods in Social Research, Mc Graw – Hill Book Company, London

H.M. Hyman, Interviewinc, in Social Research (1965)

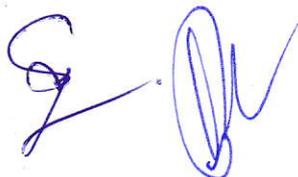
Payne, The Art of Asking Questions (1965)

Erwin C.Surrency, B. Fielf and J.Crea, A Guide to Legal Research (1959)

Morris L.Cohan, Legal Research/n Nutshell, (1996), West Publishing Co.

Havard Law Review Association, Uniform System of Citations.

IL! Publication, Legal Research and Methodology.



Jiwaji University, Gwalior

LL.M. IInd Semester

Paper – III

Indian Constitutional Law : The New Challenges –II

Core

Term-end Assessment : 60

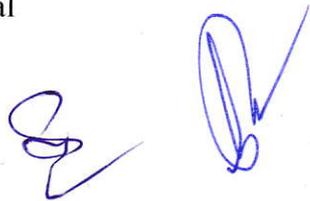
Internal Assessment : 40

SYLLABUS :-

1. Rights of Minorities to Establish and Administer Educational institutions and state Control.
2. Secularism and Religious fanaticism.
3. Legislative Procedure.
4. Separation of Powers : Stresses and strain, Judicial activism and judicial rests, PII implementation judicial independence Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.
5. 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.
6. 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. Shukla: Constitutional Law of India (M.P. Singh ed.)
- e) G. Austin: Constitutional Costume of a nation. J.N. Pandey: The Constitution of India (Hindi & English)
- f) B.K. Sharma: Bharat ka Samvidhan.
- g) M.D. Chaturavadi Indian Constitutional Law of India.
- h) ILI. Journal
- i) AIR SCC



Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
(Criminal Group)
Drug Addiction, Criminal Justice and Human Rights

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-

Objectives of the course

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors which contribute to the determination of both drug abuse and criminal behaviour?

Apart from these causal issues, there is the broad questions of the social costs-benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1954, adopted in New York, 30 March 1954 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986

Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected.

Important problems of method in studying the impact of regulation need evaluated at every stage.

The following syllabus prepared with the above perspective will be spread over a period of one semester.



Syllabus

Unit – I

Introductory

Basic conceptions
Drugs ' narcotics' "psychotropic substances"
'Dependence,' "addiction"
"Crimes without victims"
"Trafficking" in "drugs"
"Primary drug abuse"

Unit – II

The International Legal Regime

Analysis of the background, text and operation of the Single Convention on Narcotic
Drugs, 1961, 1972
Analysis of the Convention on Psychotropic Substances, 1972
International collaboration in combating drug addiction
The SARC, and South-South Cooperation
Profile of international market for psychotropic substances

Unit – III

The Indian Regulatory System

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



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Unit – IV

Human Rights Aspects

Deployment of marginalized people as carrier of narcotics
The problem of juvenile drug use and legal approaches

Possibilities of misuse and abuse of investigative prosecutory powers
Bail

The Problem of differential application of the Ugal Regimes, especially in relation to the resource less

Unit – V

The Role of Community In Combating Drug Addiction

Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare)

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 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)

G. Edwards Busch, (ed.) *Drug Problems in Britain : A Review of Ten Years* (1981)

P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" *Indian Journal of Criminology*, 65-68 (1979)

P.R. Rajgopat *Violence and Response: A Critique of the Indian Criminal System* (1988)

United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome,



Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
(Human Rights law Group)
Human Rights and International Order

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Development of the Concept of Human Rights Under International Law
 - 1.1. Role of International Organization and Human Rights
 - 1.2. Universal Declaration of Human Rights (1948)
 - 1.3. Covenant on Political and Civil Rights (1966)
 - 1.4. Covenant on Economic, Social and Cultural Rights (1966)
 - 1.5. I L O and other Conventions and Protocols dealing with human rights

2. Role of Regional Organizations
 - 2.1. European Convention on Human Rights
 - 2.2. European Commission on Human Rights/Court of Human Rights.
 - 2.3. American Convention on Human Rights
 - 2.4. African Convention on Human Rights
 - 2.5. Other regional Conventions.

3. Protection agencies and mechanisms
 - 3.1. International Commission of Human Rights
 - 3.2. Amnesty International
 - 3.3. Non-Governmental Organizations (NGOs)
 - 3.4. U.N. Division of Human Rights
 - 3.5. International Labour Organization
 - 3.6. UNESCO
 - 3.7. UNICEF
 - 3.8. Voluntary organizations
 - 3.9. National and State Human Rights Commissions.

4. International enforcement of Human Rights
 - 4.1. Role of ICJ and regional institutions

Select Bibliography

- Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
R.K.Sinha, Human Rights of the World,(1997).
Francisco Forrest Martin, International Human Rights Law and Practice,(1997).
Luck Clements, European Human Rights Taking a Case under the Convention, (1994).



Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).

Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).

R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).

The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.

B.P.Singh Seghal, Human Rights in India, (1996).

Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).



Jiwaji University, Gwalior
P.G. Programme Choice Based Credit Systems (CBCS)
Term-end Assessment:60; Internal Assessment:40
LL. M. IIIrd SEMESTER

Paper Code	Course	C/CE/GE	L	T	P	Credit	Marks
LM 301	Elective (Choose any Group) Criminal Law – i Criminology & Privileged class Deviance	Centric Elective	4	0	0	4	100
LM 302	Human Rights- i. Protection and Enforcement of Human Rights in India	Centric Elective					
LM 303	Elective (Choose any Group) Criminal Law – ii Juvenile Delinquency	Centric Elective	4	0	0	4	100
LM 304	Human Rights- ii .Human Rights of Disadvantaged groups : Problems & issues in the Protection and Enforcement	Centric Elective					
LM 305	Elective (Choose any Group) Criminal Law – iii Collective Violence and Criminal Justice System	Centric Elective	4	0	0	4	100
LM 306	Human Rights- iii International Humanitarian law and Refugee law	Centric Elective					
LM 307	Seminar-III	Core	0	0	1	1	100
LM 308	Assignment-III	Core	0	0	1	1	100
LM 309	Project Work-III	Core	0	0	6	6	100
LM 310	Comprehensive Viva-Voce (Virtual Credit)	Core	0	0	4	4	100
Total						24	700

- Out of 09 elective credits 04 may be obtained form other departments / faculties / Institutes.
- Minimum credits be earned for award of degree – 96 Credit (Valid credits- 80 +Virtual Credits-16)
- Minimum credits for promotion to next semester - 12 valid credits/semester

*** Ability enhancement and skill development (e.g. Seminar)

Option of minor+major project (4credits+8credits) or major project (12 credits).



Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
Paper – Ist
(Criminal Group)
Criminology & Privileged class Deviance

**Centric
Elective**

**Term-end Assessment: 60
Internal Assessment: 40**

Syllabus

1. Introduction

- 1.1. Conceptions of white collar crimes
- 1.2. Indian approaches to socio-economic offences
- 1.3. Notions of privileged class deviance as providing a wider categorization of understanding Indian development
- 1.4. Typical forms of such deviance
 - 1.4.1. Official deviance (deviance by legislators, judges, bureaucrats)
 - 1.4.2. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers
 - 1.4.3. Trade union deviance (including teachers, lawyers/urban property owners)
 - 1.4.4. Landlord deviance (class/caste based deviance)
 - 1.4.5. Police deviance
 - 1.4.6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
 - 1.4.7. Gender-based aggression by socially, economically and politically powerful

2. Official Deviance

- 2.1. Conception of official deviance - permissible limit of discretionary powers.
- 2.2. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971
- 2.3. The Chagla Commission Report on LIC-Mundhra Affair
- 2.4. The Das Commission Report on Pratap Singh Kairon
- 2.5. The Grover Commission Report on Dev Raj Urs
- 2.6. The Maruti Commission Report
- 2.7. The Ibakkar-Natarajan Commission Report on Fairfax.

3. Police Deviance

- 3.1. Structures of legal restraint on police powers in India
- 3.2. Unconstitutionality of "third-degree" methods and use of fatal force by police
- 3.3. "Encounter" killings
- 3.4. Police atrocities
- 3.5. The plea of superior orders

 2



- 3.6. Rape and related forms of gender-based aggression by police and para-military forces
- 3.7. Reform suggestions especially by the National Police Commissions

4. Professional Deviance

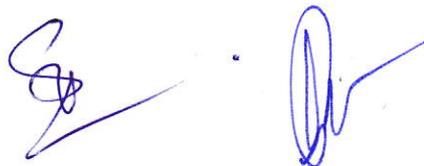
- 4.1. Unethical practices at the Indian bar
- 4.2. The Lentin Commission Report
- 4.3. The Press Council on unprofessional and unethical journalism
- 4.4. Medical malpractice

5. Response of Indian Legal Order to the Deviance of Privileged Classes

- 5.1. Vigilance Commission
- 5.2. Public Accounts Committee
- 5.3. Ombudsman
- 5.4. Commissions of Enquiry
- 5.5. Prevention of Corruption Act, 1947
- 5.6. The Antulay Case

Select bibliography

- Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- Upendra Baxi (ed.), Law and Poverty: Essays (1988)
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- Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
- A.R. Desai (ed.) Violation of democratic Rights in India (1986)
- A.G. Noorani, Minister's Misconduct (1974)
- B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in The Other Side of Development 136 (1987; K.S. Shukla ed.).
- Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)



Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Criminal Group)
Paper – IIInd
Juvenile Delinquency

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. The Basic Concepts

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

2. Determining Factors of Juvenile Delinquency

- 2.1. Differential association
- 2.2. Anomie
- 2.3. Economic pressure
- 2.4. Peer group influence
- 2.5. Gang sub-culture
- 2.6. Class differentials

3. Legislative Approaches

- 3.1. Legislative approaches during the late colonial era.
- 3.2. Children's Act
- 3.3. Legislative position in various States
- 3.4. The Juvenile Justice Act
 - 3.4.1. Constitutional aspects.
 - 3.4.2. Distinction between "Neglected" and "delinquent" juveniles.
 - 3.4.3. Competent authorities
 - 3.4.4. Processual safeguards for juveniles
 - 3.4.5. Powers given to government
 - 3.4.6. Community participation as envisaged under the Act

4. Indian Context of Juvenile Delinquency

- 4.1. The child population percentage to total sex-ratio, urban/rural/rural-urban
- 4.2. Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.
- 4.3. Labourers
 - 4.3.1. In organised industries like zari, carpet, bidi, glass

 4 

- 4.3.2. In unorganised sector like domestic servant, shops and establishments, rag-pickers family trade.
- 4.4. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 4.5. Drug addicts
- 4.6. Victims
 - 4.6.1. Of violence - sexual abuse, battered, killed by parents
 - 4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach

5. Judicial Contribution

- 5.1. Social action litigation concerning juvenile justice
- 5.2. Salient judicial decisions
- 5.3. Role of legal profession in juvenile justice system.

6. Implementation

- 6.1. Institutions, bodies, personnel
- 6.2. Recruiting and funding agencies
- 6.3. Recruitment qualifications and salaries or fund
- 6.4. Other responsibilities of each agency/person
- 6.5. Coordination among related agencies
- 6.6. Accountability-annual reports and accessibility of public to juvenile justice institution.

7. Preventive Strategies

- 7.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
- 7.2. Compulsory education
- 7.3. Role of community, family, voluntary, bodies, individuals.

Select bibliography

National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
K.S. Shukla, Adolescent Offender (1985)
United Nations, Beijing Rules on Treatment of Young Offenders (1985)
Myron Weiner, The Child and State in India (1990)
The United Nations Declaration on the Rights of Children
UNICEF periodic materials



Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Criminal Group)
Paper – IIIrd
Collective violence and Criminal Justice System

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Introductory

- 1.1. Notions of "force", "coercion", "violence"
- 1.2. Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.3. "Constitutional" and "criminal" speech: Speech as incitement to violence
- 1.4. Collective political violence" and legal order
- 1.5. Notion of legal and extra-legal "repression"

2. Approaches to Violence in India

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Gandhiji's approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

3. Violence against the Scheduled Castes

- 3.1. Notion of Atrocities
- 3.2. Incidence of Atrocities
- 3.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 3.4. Violence Against Women

4. Communal Violence

- 4.1. Incidence and courses of "communal" violence
- 4.2. Findings of various commissions of enquiry
- 4.3. The role of police and para-military systems in dealing with communal violence
- 4.4. Operation of criminal justice system tiring, and in relation to, communal violence

1. Criminal Liability.

1. Group Liability



2. Vicarious Liability
3. Strict Liability
4. Absolute Liability
5. Liability in social economic and Socio-welfare offences.

Select bibliography

- U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
- U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
- A.R. Desai, (ed.) Peasant Struggles in India, (1979)
- A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
- D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
- Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba, (ed,) Subaltern Studies Vol. 1-6 (1983-1988)
- T. Honderich, Violence for Equality (1980)
- Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
- Rajni Kothari, State Against Democracy (1987)
- G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
- K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)



Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Human Rights Group)
Paper – Ist

Protection and Enforcement of Human Rights in India

Centric
Elective

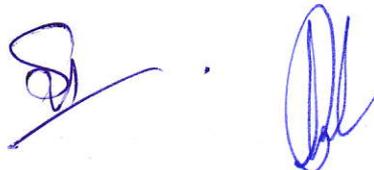
Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. History and Development of Human Rights in Indian Constitution
 - 1.1. Constitutional Philosophy - Preamble
 - 1.2. Fundamental Rights
 - 1.3. Directive Principles of State Policy
 - 1.4. Fundamental Duties
2. Judicial Activism and Development of Human Rights Jurisprudence
3. Enforcement of Human Rights
 - 3.1. Formal enforcement mechanisms
 - 3.1.1. Role of Supreme Court
 - 3.1.2. Role of High Courts
 - 3.1.3. Role of Civil and Criminal Courts
 - 3.1.4. Statutory Tribunals
 - 3.1.5. Special Courts
4. Role of India in implementing international norms and standards

Select bibliography

- D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997).
B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).
James Vadakkumchery, Human Rights and the Politics in India, (1996).
D.R.Saxena, Tribals and the Law, (1997).
Poornima Advani, Indian Judiciary : A Tribute, (1997).
Justice Venkataramiah, Human Rights in the Changing World, (1998).
Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996)



Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Human Rights Group)
Paper – IInd

**Human Rights of Disadvantaged Groups : Problems and issues in the
Protection and Enforcement**

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Concept of Disadvantaged Groups
2. Emerging Human Rights Jurisprudence and the Role of the Judiciary
 - 2.1. Rights of women
 - 2.2. Rights of the child
 - 2.3. Rights of prisoners
 - 2.4. Rights of dalits
 - 2.5. The tribal and other indigenous people
 - 2.6. The mentally ill
 - 2.7. The stateless persons
 - 2.8. The unorganised labour
 - 2.9. 'Aids' victims
 - 2.10. Rights of minorities
3. Enforcement of Human Rights
 - 3.1. Protection Laws of the Disadvantaged Groups: Problems and Issues
4. Future Perspectives of the Human Rights of the Disadvantaged

Select bibliography

- G.S Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999).
Geraldine Van Bueren, The International Law on the Rights of the Child, (1998).
Prabhat Chandra Tripathi, Crime Against Working Women, (1998).
Paras Diwan and Piyush Diwan, Women and Legal Protection
Philip Alston (et.al.), Children, Rights and the Law.
Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law, (1999).
N.K.Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999).
Rebecca Wallace, International Human Rights, Text and Materials, (1997).
Janaki Nair, Women and Law in Colonial India, (1996).
Simon Creighton, Vicky King, Prisons and the Law, (1996).



Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Human Rights Group)
Paper – IIIrd

International Humanitarian Law and Refugee law

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Humanization of Warfare.
 - 1.1. Amelioration of the wounded and sick
 - 1.1.1. Armed forces in the field
 - 1.1.2. Armed forces at sea
 - 1.1.2.1. The shipwrecked
 - 1.2. Protection and facilities
 - 1.2.1. Prisoners of war
 - 1.2.2. Civilians in times of War
 - 1.2.3. Cultural properties
2. Control of weapons
 - 2.1. Conventional
 - 2.2. Chemical
 - 2.3. Biological
 - 2.4. Nuclear
3. Humanitarian law: Implementation
 - 3.1. Red Cross - role
 - 3.2. National legislation
4. The Concept of refugees
 - 4.1. Definition of refugees and displaced persons - their problems
 - 4.2. The UN Relief and Rehabilitation Administration and other International Refugee organizations : international protection.
 - 4.3. Protection under national laws
5. Strategies to combat refugee problem
 - 5.1. Repatriation, resettlement local integration and rehabilitation.
 - 5.2. UNHCR - role
 - 5.3. UNHCR and India



Select bibliography

B.S.Chimni, International Refugee Law, (2000).

Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)

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M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).

Guy S. Goodwin-Gill, The Refugee in International Law, (1996).

Veral Gowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996).

Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996).

Resettlement Handbook, The United Nations High Commissioner for Refugees.

James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

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Jiwaji University, Gwalior
P.G. Programme Choice Based Credit Systems (CBCS)
Term-end Assessment:60; Internal Assessment:40
LL. M. IVth SEMESTER

Paper Code	Course	C/CE/GE	L	T	P	Credit	Marks
LM 401	Elective (Choose any Group) Criminal Law- i.Penology and Treatment of offenders	Centric Elective	4	0	0	4	100
LM 402	Human Rights – i .Science Technology and Human Rights	Centric Elective					
LM 403	Criminal Law- ii .IT Offences(Generic)	Generic Elective	4	0	0	4	100
LM 404	Human Rights – ii. Media Law(Generic)	Generic Elective					
LM 405	Dissertation -	Core	0	0	12	12	100
LM 406	Comprehensive Viva-Voce (Virtual Credit)	Core	0	0	4	4	100
Total						24	400

- Out of 09 elective credits 04 may be obtained form other departments / faculties / Institutes.
- Minimum credits be earned for award of degree – 96 Credit (Valid credits- 80 +Virtual Credits-16)
- Minimum credits for promotion to next semester - 12 valid credits/semester

*** Ability enhancement and skill development (e.g. Seminar)

Option of minor+major project (4credits+8credits) or major project (12 credits).



Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Criminal Group)
Penology : Treatment of Offenders

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Introductory

1.1. Definition of Penology

2. Theories of Punishment

Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation,
Behavioural prevention: Incapacitation, 2.5. Behavioural prevention: Rehabilitation –
Expiation, Classical Hindu and Islamic approaches to punishment.

3. The Problematic of Capital Punishment

Constitutionality of Capital Punishment, Judicial Attitudes Towards Capital Punishment in
India - An inquiry through the statute law and case law., Law Reform Proposals

4. Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective fines
Reparation by the offender/by the court

5. Sentencing

Principal types of sentences in the Penal Code and special laws, Sentencing in white collar
crime, Pre-sentence hearing, Sentencing for habitual offender, Summary punishment, Plea-
bargaining.

6. Imprisonment

The state of India's jails today, The disciplinary regime of Indian prisons, Classification of
prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open
prisons, Judicial surveillance - basis - development reforms,

Select bibliography

- S. Chhabra, The Quantum of Punishment in Criminal Law (1970),
H.L.A. Hart, Punishment and Responsibility (1968)
Herbert L. Packer, The Limits of Criminal Sanction (1968)
Alf Ross, On Guilt, Responsibility and Punishment (1975)
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 Survey of Sociology and Social Anthropology 1969-179 (1986)

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

CAV B

Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Criminal Group)
Information Technology Offences

Generic
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

UNIT – I Preamble and introduction, Definition, authentication of electronic records

UNIT – II Electronic governance, attribution acknowledgement and dispatch of electronic records, Secure electronic records and secure digital signatures.

UNIT- III Regulation of certifying authorities
Digital signature certificates

UNIT – IV Duties of subscribers, Penalties and adjudication, the cyber regulations appellate tribunal.

UNIT – V Offences, network Service providers not to be liable in certain case

Suggested Readings

Prof. S.R. Bhansali

Information Technology Act 2000

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Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Human Rights Group)
Science Technology and Human Rights

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Interrelationship of Science, Technology and Human Rights

2. Implication of Development of Science and Technology on Human Rights

- 2.1. Right to environment in the development of science and technology
- 2.2. Right to development in the advancement of science and technology
- 2.3. Right to human health and impact of developments in medical sciences

3. Medicine and the Law

- 3.1. Organ transplantation
- 3.2. Experimentation on human beings
- 3.3. Euthanasia (mercy killing)
- 3.4. Gene therapy

4. Issue of Human Rights Ethics in Scientific and Technological Development

- 4.1. Sex determination test
- 4.2. Induced abortion
- 4.3. Reproductive technology
- 4.4. Cloning
- 4.5. Invitro fertilization
- 4.6. Artificial insemination
- 4.7. Surrogate motherhood

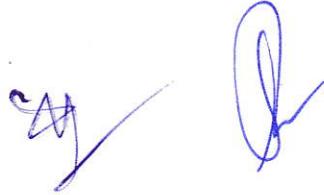
5. Development in Information Technology and Human Rights

6. Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community

- 6.1. Right to life
- 6.2. Right to privacy
- 6.3. Right to physical integrity
- 6.4. Right to information
- 6.5. Right to benefit from scientific and technological progress
- 6.6. Right to adequate standard of living

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- Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997).
Suresh T. Viswanathan, The Indian Cyber Law, (2000).
The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
D.P.Mittal, Law of Information Technology (Cyber Law), (2000).
Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999).
Adwin W. Patterson, Law in a Scientific Age, (1963)
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Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990
Kamenka, E., Ideas and Ideologies Human Rights (1978)
Galtung, Human Rights in Another Key, (1994)
Akbar, M.J., Riots After Riots, (1988)
Baxi, U. (ed.), Rights to be Human, (1986)
Kazmi, F., Human Rights, (1987)

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Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Human Rights Group)
MEDIA LAW

**Generic
Elective**

**Term-end Assessment : 60
Internal Assessment : 40**

Syllabus

Unit –I Media – Types of press films, Radio Television, Ownership patterns, Press- Private, Public, Radio & Television Public.

Unit – II Press Freedom of Speech and Expression – Article 19 (1) (a), Includes Freedom of the Press, Laws or defamation, obscenity, blasphemy and sedition, The relating

Advertisement – is it included within freedom of speech and expression ?, Press And the Monopolies and Restrictive Trade Practices Act.

Unit-III Films- How far included in freedom in of speech and expression ?, Censorship Of films – constitutionally, The Abbas case, Difference between films and Press-why pre-censorship valid for films but not for the press?, Censorship under The Cinematograph Act.

Unit-IV- Radio and Television – Government monopoly, Should there be an autonomous Corporation ?, Report of the Chanda Committee, Government Policy, Commercial Advertisement, Judicial Review of Doordarshan decisions: Freedom To telecast

Unit – V Constitutional Restrictions, Radio and television subject to law of defamation and Obscenity, Power to legislate – Article 246 read with the Seventh Schedule, Power To impose tax-licensing and license fee.

Select bibliography

M.P. Jain, Constitutional Law of India Vol. 1. (1991), Bombay.

John B. Howard, The Social Accountability of Public Enterprises in Law and Community Controls in New Development Strategies (international Center for law In Development) 1980

Bruce Michael Boyd, Film Censorship in India ; A Reasonable on Freedom of Speech and Expression". 14 J.I.L.I. 501 (1972).

Rajeev Dhavan "On the Law of the Press in India", 26 J.I.L.I. 288 (1984).

Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on some Aspects

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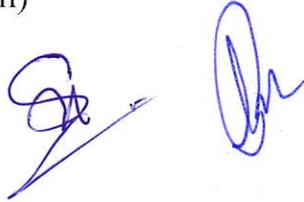
Of the Second Press Commission”, 26 J.I.L.I. 391 (1984).

Soli Sorabjee, Law of Press Censorship in India (1976).

Justice E. S. Venkaramiah, Freedom of Press Some Recent Trends (1984).

D.D. Basu, The law of Press of India (1980).

Students should consult relevant volumes of the Annual Survey of Indian Law
Published by the Indian Law Institute. (Constitutional Law I & II Administrative
Law and Public interest litigation)

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