

VEER NARMAD SOUTH GUJARAT UNIVERSITY

LL.M.

ORDINANCES - REGULATIONS AND SYLLABUS FOR LL.M. DEGREE

**CHOICE BASED CREDIT AND SEMESTER SYSTEM WITH EFFECT
FROM JULY 2011**

O. LL.M.-1 : Eligibility

- (1) A candidate who has passed LL.B. Degree examination (Third Year LL.B.) of the Veer Narmad South Gujarat University or an examination of other recognized University accepted by this University as equivalent thereto. The candidate who have secured at least 50% marks aggregate in the third year degree of the University examination shall be eligible for admission. The merit list marks however shall exclude marks obtained in practical training (clinical courses) papers. The eligibility regulation is subject to modification with introduction of the choice based credit system in the LL.B.(UG) Programme. Candidates who have passed Five Year Integrated course in LL.B. after 12th standard or its equivalent or 10+2 or its equivalent from a recognized Board/University, provided he/she has secured at least 50% marks in external examination or with equivalent grade in the fifth year degree shall be eligible for admission.
- (2) A candidate who has passed LL.M. examination from any other University shall be eligible for admission only to the First semester of LL.M. Programme of this University as a fresh student. Grades/Credits/marks obtained in LL.M. outside Veer Narmad South Gujarat University will not be considered for award of LL.M. Degree.
- (3) A candidate who has obtained LL.M. degree of Veer Narmad South Gujarat University in one area of specialization will be eligible for admission in First semester of LL.M. with another area of specialization only as a fresh student. Grades/Marks/Credits obtained in LL.M. in previous area of specialization will not be considered or carried forward nor any exemption in any paper will be given.
- (4) The registration of the candidate in the LL.M. programme shall be normally for a period of five years from the date of registration.
- (5) In case the the student is unable to pass the LL.M. programme till the expiry of the registration will have to re-register in the LL.M. programme as a fresh student as per provision(1).
- (6) In a case a candidate who drops out of the programme voluntarily for any reason whatsoever and opts to join any other program by obtaining a Transfer and/or Migration Certificate, the registration of the candidate in the LL.M. programme shall stand automatically cancelled.

O. LL.M.-2 : Admission Procedure

The admission to the LL.M. programme shall be made following such procedure as may be prescribed by the Veer Narmad South Gujarat University from time to time. The General Rules and Instructions for PG admissions prescribed by the University shall be followed.

O. LL.M.-5 : Reservation

The rules of reservation in LL.M. admissions as in force set by the Government of Gujarat, the University and any other competent authority shall be followed.

O. LL.M.-6 : Conditions for eligibility to appear in End Semester External Examination

A candidate shall be eligible to appear in the End Semester External examination conducted by the University provided.

(1) Attendance :

A candidate has secured not less than 75% attendance arrived at by taking into account total number of lectures engaged, in each and every paper of the semester.

Relaxation in the requirement for semester attendance will be allowed on account maternity or any other medical reason deemed sufficient by the Head/Principal/ Professor-in-charge of the institution. Appropriate medical certificate shall have to be submitted by the candidate within reasonable time frame. The candidate shall be eligible to appear in the End Semester Examination for the semester in which such relaxation is granted to the candidate.

(2) The candidate has secured minimum requisite marks for passing in the internal test, attendance, seminar, assignment and all other forms of continuous assessment.

O. LL.M.-7 : Eligibility for award of LL.M. Degree

The course of LL.M. Degree shall be of two year duration comprising of four semesters. LL.M. degree shall be awarded to the candidate upon successful passing of all the four semesters before expiry of the period of LL.M. registration.

LL.M. REGULATIONS

R. LL.M.-1 : Course Structure

- (1) The LL.M. Programme shall be full-time post-graduate programme of two year duration comprising of four semesters. The medium of instruction shall be English. The student may however write their examination in Gujarati/Hindi as per the University provision.
- (2) The LL.M. Programme comprising of four semesters with Semester-I and Semester-II in the First Year of the Programme and Semester-III and Semester-IV in the second year of the Programme. The Semester-I and Semester-III (odd semesters) shall ordinarily be from July to November/December and the Semester-II and Semester-IV (Even semesters) from December to April/May.
- (3) The LL.M. programme shall consist of total 96 credits, divided equally into 24 credits per semester. Each semester shall be of at least 15 teaching weeks.
- (4) There will be different elective areas of specialization as per the syllabus of the respective group. The University, however, reserves the right to allot admissions to respective LL.M. (P.G.) Centres on the basis of adequacy of teaching and other requisite infrastructural facilities. The University reserves the right to offer new areas of specialization and/or withdraw the existing areas of specialization.

A candidate can opt for any of the elective group specialization offered for admission. The admissions shall be merit-based and change of elective group specialization will not be allowed in the duration of the programme.

- (5) The LL.M. programme shall comprise of following types of papers/courses.
 - (i) Core courses : Six Core (foundation) papers will be common for all elective specialization groups.
 - (ii) Elective Course : Twelve elective course papers for each of the specialization group.
 - (iii) Dissertation, Doctrinal Research, Non-Doctrinal Research, Practical/Project Work and Class-room Teaching shall be compulsory for all elective specialization groups in Semester-IV which shall consist of 24 credits in which there will be 8 credits for Dissertation, 4 credits each for Doctrinal Research, Non-Doctrinal Research, Clinical Research Report and Class-room Teaching.

R. LL.M.-2 : Passing and Carrying forward the Semesters

Rules for carrying the semesters are given below -

- (1) A candidate must have at 75% of attendance in the each semester of the LL.M. programme and shall have satisfactory performance in class participation, seminar, assignment of each paper and must have appeared in the internal written test, to be eligible for grant of the respective semester except Semester-IV in which there will be no internal test.

- (2) A candidate for Semester-I if granted as prescribed in (1) above shall be allowed to proceed to Semester-II.
- (3) A candidate shall be allowed to proceed in Semester-III only after fully passing either or both Semester-I and Semester-II.
- (4) A candidate shall be allowed to proceed to the semester-IV only after fully passing both Semester-I and Semester-II and his/her Semester-III has been duly granted.
- (5) The candidate shall be eligible for the award of LL.M. Degree after successfully passing all papers/courses of Semesters I, II, III & IV. The candidate will be allowed to appear in the respective End-Semester Examination during validity of his LL.M. registration.
- (6) There shall be no ATKT or provision for exemption in the LL.M. Programme.
- (7) A candidate who fails in a paper/course due to failure in obtaining minimum marks in the internal head of the paper/course, the marks obtained in attendance, class participation seminar, Assignment, Internal test shall be carried forward till date validity of the registration and the terms granted continue.
- (8) The University Rules with regard to gracing of marks shall be followed.

R. LL.M.-3 : Assessment and Examination

- (1) Each paper/course will be assessed on basis of 100 marks. The marks will be divided into two heads internal assessment and external examination.

Assessment System

Sr. No.	Type of Course	Total marks	Internal	External (Uni. Exam)
1.	Core (4 Credits each)	100	30	70
2.	Elective (4 Credits each)	100	30	70
3.	Dissertation (8 Credits)	200	--	140 Written + 60 Viva
4.	Project/Practical Work	100	--	100
	Doctrinal Research (4 Credits)			
	Non-Doctrinal Research (4 Credits)			
	Clinical Research Report (4 Credits)			
	Class room Teaching (4 Credits)			

- (2) There shall be external examination (University examination) of each paper/course of 70 marks in every semester. For Dissertation, the assessment weightage shall be 140 marks for written thesis and 60 marks for Viva voce and for Practical/Project work namely Doctrinal Research, Non-Doctrinal Research, Clinical Research Report and Class room Teaching, the weightage shall be total 100 marks of which 25 marks for each component of the Practical/Project Work.
- (3) Each paper/course shall have internal assessment of 30 marks with weightage based on the following -

Internal Assessment

Internal Written Test	:	15 marks
Attendance	:	05 marks
Seminar	:	05 marks
Assignment	:	<u>05</u> marks 30 marks

- (4) Every student will be required to pass in the external examination and the internal assessment separately, securing minimum passing marks in each head of the paper/course, internal and external.
- (5) The minimum passing mark will be 28 marks out of 70 marks for the external examination and 12 marks out of 30 marks for the internal assessment. i.e. 40 marks in each paper/course and shall also secure at least 50% total aggregate marks in each Semester, to pass in the respective semester.

Further, for dissertation the minimum passing marks will be 40% and for Practical/Project work (doctrinal research, non-doctrinal research, clinical research report and class room teaching) the minimum passing mark will be 40% i.e. a candidate will have to secure at least 80 marks out of 200 in dissertation and 40 marks out of 100 in Practical/Project Work i.e. doctrinal research, non-doctrinal research, clinical research report and class room teaching.

A candidate who secures at least 50% marks in Dissertation and 50% marks in Practical/Project (doctrinal research, non-doctrinal research, clinical research report and class room teaching) these marks shall be carried forward till the expiry of the LL.M. registration. In case the candidate fails to secure 50% in the Dissertation and/or 50% marks in the Practical/Project Work, he/she shall have to submit the Dissertation and/or Practical Project Works, a fresh in the subsequent Academic Year during the validity of his/her registration, and his/her term granted have not lapsed.

- (6) Failure in internal assessment of any paper/course shall debar the student from appearing in the End-Semester University Examination of the respective semester. Examination forms if sent to the University shall be withdrawn in such cases.

A candidate who has secured minimum passing marks in the internal component of any paper/course such internal marks shall be carried forward till the expiry of LL.M. registration of that candidate.

- (7) If a candidate fails to clear internal assessment of a paper/course in any semester, the candidate shall be allowed to clear the internal assessment of that particular paper/course in the respective semester of the subsequent academic year by payment, of full semester fees with University prior approval, upon such candidate's written request.

Such candidate upon clearing the internal assessment he/she will be allowed to appear in the End-Semester Examination after payment of all examination fees/dues. For such candidates the current prevailing syllabus of each paper/course shall be applicable.

(8) Each core and elective paper in a semester shall have 4 credits with 3 hours of class lectures and 1 hour of seminar/assignment/class participation per week. One credit will be equal to one contact hour per week.

(9) The University grading system shall be uniformly applied as under for all specialization groups.

(i) for Core and Elective Papers/Courses

Out of 70 marks (External examination) and out of 30 marks (Internal assessment)

(ii) for Dissertation

Out of 140 marks (Written thesis)

Out of 60 (Viva)

Total 200 marks

(iii) Practical/Project Work : Out of 100 (doctrinal research, non-doctrinal research, clinical research report and class room teaching.

(10) The calculation of SGPA and CGPA shall be followed as per the University System

(11) Odd Semester examinations will be held normally in November/December and Even semester examinations will be held in April/May.

(12) A candidates who has secured 60% and above will be awarded first class.

A candidate who has secured 70% and above will be placed in First class with Distinction.

A candidate who has secured less than 60% will be placed in Second class.

Class will be awarded on basis of CGPA only.

Class will be awarded to only those students who have passed all the papers of each semester in their first attempt.

Students who have passed with more than one attempt in any semester will be declare to have passed their examination in pass class only.

Candidates who have secured less than 50% aggregate marks will be declared fail.

R. LL.M.-4 : Syllabi Revision

- (1) Syllabus of every paper/course shall be generally revised every three years. For example syllabus changed in 2011 will be normally revised in 2014.
- (2) Revised syllabi of each semester shall be implemented in sequential manner.
- (3) In a paper/course where units/topics/subject relate to government provisions, regulations legislations, enactments etc., such changes in the syllabi will be accommodated automatically, with information through University by requisite resolutions of the University's academic bodies, to the respective P.G. Centres of the affiliated Colleges.
- (4) All requisite formalities for revision in the syllabi shall be completed before the end of the 2nd/4th semester, for implementation in the subsequent academic year.
- (5) For revision of syllabi in every paper/course, upto 25% of revision may be ordinarily made so as to ensure that the students who have studied the old syllabi can also appear for examination in the revised syllabi in which ordinarily 75% of the old syllabi is retained.
- (6) In case the syllabus of any paper/course is carried forward without any change, it shall be included in the revised syllabi.
- (7) Areas of new, additional and of contemporary relevance and courses of elective optional groups of specialization may be introduced on basis of requisite resolutions by the University's competent academic bodies.

R. LL.M.-5 : Format of Question Paper

Each question paper of 70 marks of External (University) Examination will be 3 hours duration and will comprise generally of Five questions, each question will be ordinarily of 14 marks. The questions normally will be in nature of analytical elaborate long questions and short questions.

Each question paper of Internal assessment of 30 marks will be of 2 hours duration and will generally comprise of 3 questions (15 marks each) and the questions will ordinarily be of the same nature as External (University) examination.

R. LL.M.-6 : Dissertation and Practical/Project Work

The dissertation topic and the topics for the Doctrinal Research and the Non-Doctrinal Research shall be approved the Committee (of at least 5 members) of the post-graduate teachers and Professor-in-Charge of the P.G. Centres of affiliated Colleges. The student shall submit for approval the topics on which he proposes to work to the Professor-in-Charge of the respective P.G. Centres of the affiliated colleges, not later than 20th December of the respective academic year. Such proposals shall be approved by the Committee formed and the approval shall normally be communicated to the students by the end of December of the

respective academic year. In case the topic/s proposed by the student is/are not approved, he/she may propose other topics.

A students desiring to appear at the LL.M. Semester-IV Examination shall have to submit his/her dissertation and Practical/Project Work (doctrinal research, non-doctrinal research and clinical research report) not later than 20th April of the respective academic year. Three copies of dissertation shall be submitted in type written or printed format alongwith one copy each of the practical/project work namely doctrinal research, non-doctrinal research and clinical research report. The doctrinal research and non-doctrinal research must be submiited in printed/type written format and clinical research report may be submitted in hand written format.

R. LL.M.-7 :

A students who has been registered in LL.M. (annual system) shall have maximum of four attempts (1+3) to pass the respective LL.M. Part-I/II during validity of his/her P.G. registration. i.e. a student who has registered for LL.M. Part-I/LL.M. Part-II in the Academic Year 2010-11 the April/May 2014 Exams shall be his/her final attempt in the respective part. Similarly a student who has registered for LL.M. Part-II in the Academic Year 2011-12, his/her final attempt in the respective part shall be April/May 2015 Examination, during validity of his registration April/May 2015 Exams will the last examination for the annual system.

A student who has registered in LL.M. (semester mode) shall have a maximum of 5 attempts (1+4 attempts) to pass the semester, during the validity of his P.G. registration, and till the terms duly granted have not lapsed.

LL.M. Criminal Law (Law & Deviance)

Objectives :

The Indian society has changed very rapidly since Independence. It will not suffice to merely teach substantive criminal law like the Indian Penal Code or procedural law like the Criminal Procedure Code. The types of offences, the methods of dealing with them and the theoretical assumptions underlying them, have all undergone major changes. Moreover, the development of criminal law after Independence has not been in terms of reforms in the IPC or the Cr.P.C. merely, but mainly through new types of legislations such as those concerning, dowry, terrorism, smuggling, prevention of corruption, cyber crimes etc. These laws define new types of crimes, prescribe new types of penalties, new strategies to investigate such crimes, their prevention and prosecution and have different theoretical assumptions such as modification of the basis of criminal liability and on use of proof.

The changes in political, social and economic orders with developments in science and technology, have also brought different types of organized violence which the State has to deal with.

A proper understanding of crimes, methods of investigating and controlling them and the social, economic and political reasons for their existence, is now extremely important, in the larger context of India's development, if the students are to use their knowledge and skills to build constitutionally desired just society.

The curriculum outlined here attempts to bring in these perspectives and orient the teaching to India's new development heads, with international paradigms.

The LL.M. syllabus prepared with these perspectives will be of two years comprising of four semesters with total 96 Credits. Each semester will consist of 24 Credits.

LL.M. will be taught only as full time regular programme as it is an intensive interdisciplinary research oriented programme.

Structure of the LL.M. Programme

CRIMINAL LAW (LAW & DEVIANCE)

Credits for each paper/course	:	4 Credits
Core paper/course	:	4 Credits
Elective papers/courses (Specialization areas)	:	4 Credits

Each semester with minimum 15 teaching weeks will comprise of minimum 4 hours of teaching per paper per week, including seminar and assignment.

An academic year is divided into two semesters. The semester period generally shall be

Odd Semester	:	July to November/December
Even Semester	:	December to April/May

Semester - I

C-101	Constitutional Law-I (History of Indian Constitution & Preambular vision)	:	4 Credits
C-102	The Concept of Law (Legal Theory)	:	4 Credits
CLE-201	General Principles of Criminal Law	:	4 Credits
CLE-202	Principles of Criminology (Causation of Crime)	:	4 Credits
CLE-203	Principles of Law of Evidence	:	4 Credits
CLE-204	Comparative Criminal Procedure	:	<u>4 Credits</u> 24 Credits

Semester - II

C-103	Constitutional Law-II (Comparative Constitutionalism & Federalism)	:	4 Credits
C-104	Legal Education and Research Methodology	:	4 Credits
CLE-205	International Criminal Law	:	4 Credits
CLE-206	Forensic Science and Crime Investigation	:	4 Credits
CLE-207	Cyber Laws and Cyber Crimes	:	4 Credits
CLE-208	Drug Addiction, Human Rights and Criminal Justice System	:	<u>4 Credits</u> 24 Credits

Semester - III

C-105	Law & Social Transformation in India	:	4 Credits
C-106	Judicial Process	:	4 Credits
CLE-209	Penology and Victimology	:	4 Credits
CLE-210	Collective Violence and Criminal Justice System	:	4 Credits
CLE-211	Privileged Class Deviance	:	4 Credits
CLE-212	Juvenile Delinquency and Juvenile Justice	:	<u>4 Credits</u> 24 Credits

Semester - IV

C-107 Practical/Project Work

Class room Teaching : **4 Credits**

Each student will be assigned two topics in advance for teaching. The student may select any pedagogical method and shall be assessed accordingly.

Clinical Research Report : **4 Credits**

Each students shall have to visit different legal institutions preferably indulging in alternate dispute resolutions, to understand the objectives and functioning of these institutions and their role and contribution in society at large, and shall submit a research report (type written/printed/hand written) for evaluation, not later than 20th April of the respective academic year

Doctrinal Research : **4 Credits**

Each student shall submit for evaluation not later than 20th April of respective academic year a doctrinal research (type written/printed) based on doctrinal method of research, taught in the legal research methodology, by collecting data from various primary and secondary sources collating with socio-legal issues.

Non-Doctrinal Research : **4 Credits**

Each student shall submit for evaluation not later than 20th April of respective academic year non-doctrinal research (type written/printed) based of non-doctrinal research method, taught in the legal research methodology, by collecting data from various sources, using appropriate methods of data collection, collating with socio-legal issues.

C-108 Dissertation & Submission of Thesis : **8 Credits**

With the objective to make LL.M. Programme a research oriented programme in Criminal Law (Law & Deviance) each student shall write a thesis selecting any topic from the subjects/courses/papers taught in the first three semesters applying appropriate research method and methodology, and shall submit the same, normally for external evaluation and shall have also to appear for Viva-Voce. The dissertation shall have to be submitted not later than 20th April of the respective academic year.

Semester - I

C-101 Constitutional Law-I

4 Credits

(History of Indian Constitution and Preambular Vision)

1. Equality and Social justice
 - 1.1 Equality before law and equal protection of law-meaning-constitutional provisions - total conspectus.
 - 1.2 Classification for differential treatment - constitutional validity
 - 1.3 Gender justice and empowerment of women
 - 1.4 Administrative discretion and equality
 - 1.5 Compensatory discrimination : justice to weaker sections of the society : SC/ST/OBC
 - 1.6 Strategies for ameliorative justice
 - 1.7 Equality and private discrimination
 - 1.8 Equality and protective discrimination
 - 1.9 Right to Equality : privatization and its impact of affirmative action

2. Freedoms and Social Control
 - 2.1 Freedom of Speech and expression : right to information
 - 2.2 Freedom of Press and Media and challenges of new scientific developments
 - 2.3 Citizen's liberties and restraints, their validity
 - 2.4 Property and Social Control
 - 2.4.1 1950 to 1978
 - 2.4.2 After 1778
 - 2.4.3 from fundamental right to constitutional right
 - 2.5 Right to strike, hartal and bandh

3. Personal liberty
 - 3.1 Rights of accused : double jeopardy, self incrimination, retroactive punishment
 - 3.2 Right to life and personal liberty : meaning, scope and limitations
 - 3.3 Procedure established by law and due process
 - 3.4 Preventive Detention - Constitutional Policy and Constitutional safeguards.
 - 3.5 Right to education : Primary education and higher education.

4. Secularism and Freedom of Religion
 - 4.1 Concept of Secularism and Constitutional Provisions : Historical perspective of Indian secularism
 - 4.2 Non-discriminatory State
 - 4.3 Freedom of Religion : Scope and limits of freedoms
 - 4.4 Religion and State in India : State control and non-interference with religion
 - 4.5 Minority rights : Scope and meaning of minority
 - minority rights to educational institutions

5. Fundamental rights and Directive principles
 - 5.1 Fundamental rights and directive principles - judicial balancing
 - 5.2 Directive Principles : Directions of social change
 - 5.3 Judicial policy towards Directive Principles
 - 5.4 What is State? Meaning, Scope and expansion - need to widen definition in wake of liberalisation.
 - 5.5 What is law? Meaning, Scope and expansion.
 - 5.6 Reading Directive Principles into Fundamental rights
 - 5.7 Emerging of new rights and compensation jurisprudence.

6. Fundamental Duties
 - 6.1 the need and status in constitutional setup
 - 6.2 the relationships of the fundamental duties with fundamental rights and directive principles.

Select Bibliography

- Granville Austine : **History of Democratic Constitution : The Indian Experience** (2000) Oxford : The Indian Constitution : Cornerstone of a Nation (1999) Oxford **Corner Stone of a nation** (1972).
- D.D. Basu, **Constitutional Law of India** : Prentice Hall of India.
- Rajeev Bhargava, **Secularism and Its Critics** (2009) Oxford.
- Constituent Assembly Debates Vol.1 to 12
- Reajeev Bhargava, **Politics and Ethics of Indian Constitution**, Oxford.
- H.M. Seervai : **Constitution of India** : Vol. 1 to 3, Tripathi
- M.P. Singh (ed) **V.N. Shukla's : Constitutional Law of India** (2008) Oxford
- T.K. Tope's : **Constitutional Law of India**
- Marc Gallenter : **Competing Equalities - Law and Backward Classes in India** (1984) Oxford.
- B. Sivaramayya, **Inequalities and the Law** (1984). Eastern.
- M.P. Jain, **Indian Constitutional Law**, Vol. I & II (2010) Lexis Nexis

1. Natural Law
 - 1.1 What is Natural Law? Natural Law and search of absolute values
 - 1.2 Greek origins and Jus Gentium
 - 1.3 Medieval period
 - 1.4 Renaissance, Reformation and counter reformation
 - 1.5 Grotius and International Law
 - 1.6 Natural Law & Social Contract
 - 1.7 Kant and Human Freedom
 - 1.8 The Meaning and Development of Natural Law in Eighteenth and Nineteenth Century
 - 1.9 Fuller and Morality of law
 - 1.10 Hart on Natural Law
 - 1.11 Finnis and Restatement of Natural Law
 - 1.12 Indian concept and perception of Natural law
2. Classical Legal Positivism
 - 2.1 What is legal positivism
 - 2.2 Jeremy Bentham and Utilitarians
 - 2.2.1 Bentham's "of Laws in General"
 - 2.3 John Austin
 - 2.4 Bentham and Austin compared
 - 2.5 Classical Legal Positivism and Indian Legal System
3. Modern Legal Positivism
 - 3.1 HLA and the Concept of Law
 - 3.2 Hans Kelsen and the Pure Theory of Law
 - 3.3 Modern Trends in Analytical and Normative Legal Theory
 - 3.4 John Rawls and Distributive Justice
 - 3.5 Robert Nozick and the Minimal State
 - 3.6 Joseph Raz and the 'Source' thesis
4. Law and Social Theory
 - 4.1 What is sociological jurisprudence and sociology of law?
 - 4.2 Rescoe Pound and Social Engineering
 - 4.3 August Comte and Sociology
 - 4.4 Herbert Spencer and Laissez Faire
 - 4.5 Emile Durkheim and Law and Social Solidarity
 - 4.6 Max Weber and theory of legitimate domination
 - 4.7 Sociological Jurisprudence Since Rescoe Pound
 - 4.7.1 Laswell
 - 4.7.2 McDougal
 - 4.7.3 Talcott Parsons
 - 4.7.4 Selznick

- 4.8 From Sociological Jurisprudence to Sociology of Law
 - 4.8.1 Unger and Development of Modern Law
 - 4.8.2 Michael Foucault
 - 4.8.3 Jurgen Habermas
 - 4.8.4 Autopoiesis
- 4.9 Sociological Jurisprudence and Indian Perspective
- 5. Legal Realism
 - 5.1 American Realism
 - 5.1.1 Oliver Wendell Holmes
 - 5.1.2 Karl Llewellyn
 - 5.1.3 Jerome Frank
 - 5.1.4 American Realist Method
 - 5.2 The Scandinavian Realism
 - 5.2.1 Alf Ross
 - 5.2.2 Karl Olivecrona
 - 5.3 Comparing American Realism and Scandinavian Realism
 - 5.4 Modern Realism.
- 6. Historical and Anthropological Approaches
 - 6.1 The Historical School
 - 6.1.1 Savigny
 - 6.1.2 Sir Henry Maine
 - 6.2 Anthropological Jurisprudence
 - 6.3 Legal Pluralism
 - 6.4 Historical Perception and Indian Perspective
- 7. Marxist Theories of Law & State
 - 7.1 Marx and Hegel's Philosophy
 - 7.2 Marx and Justice, Morality and Human Rights
 - 7.3 The "withering away of the State"
 - 7.4 Other Marxist thinking
 - 7.5 Marxist Theories of Law and State - a Critique.
- 8. Critical Legal Theory
 - 8.1 Critical Legal Studies
 - 8.2 Postmodern Legal Theory
 - 8.3 Feminist Jurisprudence
 - 8.4 Critical Race Theory

Select Bibliography

- Raymond Works, Understanding Jurisprudence (2009) Oxford.
- S.N. Dhyani, Fundamentals of Jurisprudence The Indian Approach (1992) Central Law Agency.
- R.W.M. Dias, Jurisprudence (1994) Butterworth & Co.
- Avtar Singh, Introduction to Jurisprudence (2001) Wadhwa.
- Wayne Morrison, Jurisprudence From the Greeks to Post-modernism (1997) Lawman (India).
- M.D.A Freeman, Llyod's Introduction to Jurisprudence (1994) Sweet and Maxwell.
- W. Friedman, Legal Theory (2002-Indian Reprint) Universal.
- G.W. Paton : A Text book of Jurisprudence (2007). Oxford.
- Bodenheimer, Jurisprudence - The Philosophy and Method of Law (1996) Universal.
- Fitzgerald (ed). Salmond on Jurisprudence (1999) Universal.
- H.L.A. Hart : The Concept of Law (1970) Oxford.
- Rescoe Pound, Introduction to Philosophy of Law (1998-Reprint) Universal.
- V.D. Mahajan, Jurisprudence and Legal Theory (1996-Reprint) Eastern.
- Upendra Baxi, Towards Sociology of Indian Law (1986) Satvahan.
- , Marx, Law and Justice : Some Indian Perspectives (1992).
- , The Crisis of Indian Legal System (1982) Vikas.
- Yash Ghai et al, The Political Economy of Law, A Third World Reader (1987).
- John Rawls, A Theory of Justice (2000) Universal.
- Jeremy Bentham, Theory of Legislation (1985)
- W. Friedman, Law in a Changing Society (1996) Universal.

1. Nature of Crime
 - 1.1 What is crime?
 - 1.2 Criminal Law and Morality
 - 1.3 Law & Ethics
 - 1.4 Definitions of Crime

2. Historical Outline

3. Penal Law in India
 - 3.1 Religious approaches
 - 3.2 Under the British Rule
 - 3.3 Making of the IPC

4. Constituent Elements of Crime

5. Mens Rea
 - 5.1 Mens Rea in IPC
 - 5.2 Public Welfare Offences & Mens Rea
 - 5.3 Criminal liability of a Corporation

6. General Exceptions
 - 6.1 Mistake of Fact
 - 6.2 Juridical Acts
 - 6.3 Accident & Misfortune
 - 6.4 Infancy
 - 6.5 Insanity or Mental Abnormality
 - 6.6 Intoxication
 - 6.7 Consent and Compulsions
 - 6.8 Trivial Acts

7. Private Defence
 - 7.1 The Right of Private Defence - legislative framework
 - 7.2 General Principles availability and non-availability
 - 7.3 Circumstances and Plea of the right
 - 7.4 Limits of the Rights

8. Attempt
9. Abetment
10. Criminal Conspiracy
11. Joint Liability
12. of Punishments
 - 12.1 Types of Punishments

Selected Bibliography

- P.S. Atchuthen Pillai : **Criminal Law** (1996) M.N. Tripathi
- Harri's : **Criminal Law** (2000-Indian reprint) Universal.
- K.N. Chandrasekharan Pillai : **General Principles of Criminal Law** (2005) Eastern.
- Kenny's : **Outlines of Criminal Law** (19th edn.) Universal.
- T.S. Batra : **Criminal Law Principles of Liability** (1978) Metropolitan
- Smith and Hogan : **Criminal Law Cases and Materials** (1975), Butterworths.
- K.I. Vibhute : **P.S.A. Pillai's Criminal Law** (2008) Lexis Nexis.
- L. Radzinowicz : **A History of English Criminal Law**, Vol. I & II (1969) Stevens.
- Russell : **On Crime**, Vol. I & II, Universal
- Cross and Jones : **An Introduction to Criminal Law** (1972) Butterworths.
- R. Prakash : **O.P. Srivastav's Principles of Criminal Law** (2010) Eastern.
- Shamsul Huda's : **Principles of Law of Crimes** (with suppl by O.P. Srivastava) Eastern
- O.P. Srivastava : **Principles of Criminal Law**

1. The concept of crime
 - 1.1 Notion of deviance and crime
2. Nature and Scope of Criminology
3. Schools of Criminology
4. Individualistic Approaches to Crime-Bio-anthropological theories
 - 4.1 Lombroso
 - 4.2 Modern Crimino-Biological School
 - 4.3 Frustration - Aggression Theories
5. Individualistic Approaches to Crime : Psychodynamic Theories
 - 5.1 Mental disorders and Criminality
 - 5.2 Psychoanalytical theories
6. Environment Approaches to Crime : Socio-legal approaches.
 - 6.1 Social Disorganisation Theories
 - 6.2 Sutherland's Theory of Differential Association
 - 6.3 Anomie
7. Crime and Economic Conditions
 - 7.1 Bonger
 - 7.2 Marxian Approaches
8. Organised Crimes

Select Bibliography

- S.M.A. Qadri : **Ahmed Siddiques Criminology - Problems and Perspectives** (2005) Eastern.
- N.V. Pananjpe : **Criminology and Penology** (2005) Central Law Publications
- Sutherland Edwin and Crassey Donald - **Principles of Criminology** (1900)
- Taft and England : **Criminology**
- Barnes and Teeters : **New Horizons in Criminology** (1960)
- K.D. Gaur : **Criminal Law and Criminology** (2003) Deepand Deep
- Glanville Williams : **The Text Book on Criminal Law** (2nd Edition) Universal.
- Katherine S Williams : **Textbook of Criminology** (2001-Indian reprint) Universal.
- K.S. Pillai : **Theories of Criminology**
- M.J. Sethna : **Society and the Criminal** (1989) M.N. Tripathi
- J. Robert Lilly etal : **Criminological Theory Context and Consequences** (2007) Sage.
- R.P. Kathuria's : **Law of Crimes and Criminology**. Vol. I to IV.

1. Central Conceptions in Law of Evidence
 - 1.1 Facts
 - 1.2 Evidence - Oral & documents Admissibility and in admissibility
 - 1.3 Presumption
 - 1.4 Witness
 - 1.5 Appreciation of Evidence
2. Facts : Relevancy
 - 2.1 The Doctrine of Res Gestae
 - 2.2 Common intention-evidence
 - 2.3 The problems of "otherwise irrelevant facts"
 - 2.4 Customs : facts for proof
 - 2.5 Facts concerning bodies - mental state
3. Admission and Confessions
 - 3.1 General principles concerning admissions
 - 3.2 General principles concerning confessions
 - 3.3 admissibility and in admissibility of admissions and confessions
 - 3.4 Comparison
4. Dying Declarations
 - 4.1 the justification for relevance
 - 4.2 judicial standards of appreciation - evidentiary value
5. Other statement by persons who cannot be called as witnesses
 - 5.1 General Principles
 - 5.2 Some special problems
6. Judgments : Relevance
 - 6.1 General Principles
 - 6.2 Admissibility in civil and criminal matters
 - 6.3 "Frand" and "Collusion"
7. Expert Testimony
 - 7.1 General Principles
 - 7.2 Who is an Expert - types of expert evidence
 - 7.3 Problems of judicial defence to expert testimony
8. Oral and Documentary Evidence
 - 8.1 General Principles concerning Oral Evidence
 - 8.2 General Principles concerning Documentary Evidence
 - 8.3 General Principles regarding Exclusion
 - 8.4 Special Problems of Hearing Evidence
9. Witnesses : Examination and Cross examination
 - 9.1 Competence
 - 9.2 Privileges
 - 9.3 General Principles
10. Burden of Proof
 - 10.1 General conception of onus probandi
 - 10.2 General and special exceptions to onus probandi

- 10.3 the justification of presumptions and of judicial notice scope of judicial notice
 - 10.4 justification as to presumption
 - 10.4.1 of certain offences
 - 10.4.2 of dowry death
11. Estoppel :
- 11.1 Meaning Rationale
 - 11.2 Estoppel, Res judicata and waiver; and presumption
 - 11.3 kinds of Estoppel
 - 11.4 Distinction in civil and criminal cases

Select Bibliography

- Sarkar and Manohar : **Sarkar on Evidence** (1999) Wadhwa.
- Ratanlal and Dhirajlal : **Law of Evidence**, Wadhwa
- Avtar Singh : **Principles of Law of Evidence** (1992) Central Law Agency.
- Vepa P. Sarathi : **Law of Evidence** (2002-Supple-2003) Eastern.
- Law Commission of India Reports Sixty-ninth Report (1977) on the Indian Evidence Act.
- Albert S. Osborn : **The Problem of Proof** (1998-First Indian Reprint) Universal.
- Polein Murphy : **Evidence** (5th Edn. Reprint 2000) Universal

1. Organising of Courts and Prosecuting Agencies
 - 1.1 Hierarchy of Criminal courts and their jurisdiction
 - 1.2 Nyaya Panchayats in India and in Tribal Areas
 - 1.3 Police Prosecutors and Defence Counsels
 - 1.4 Withdrawal of prosecution
2. Pre Trial Procedures
 - 2.1 General Observations
 - 2.2 Steps to ensure accused's presence
 - 2.3 Arrest and questioning of accused-Rights of arrested person
 - 2.4 Search, Seizure and production of materials
 - 2.5 Investigation by Police
3. Trial Procedures
 - 3.1 The Accusatory system of Trial and the Inquisitional system
 - 3.2 Role of judge the prosecutor and the defense attorney
 - 3.3 Cognizance of offences
 - 3.4 Commencement of Trial Proceedings
 - 3.5 Charge and common features
 - 3.6 Disposal of Criminal cases without full Trial
 - 3.7 Plea-Bargaining
4. Bails and Bonds
5. Principal Features of a Fair Trial
6. Trial Procedures-
 - 6.1 Preliminary pleas to bar trial
 - 6.2 Trial before Court of Session
 - 6.3 Trial of warrant cases, summons cases and summary trial
 - 6.4 Trial Procedure and Special Rules of Evidence
7. Judgment
8. Review Procedures
 - 8.1 Appeals
 - 8.2 Revision
9. Transfer of Cases
10. Sentences : Execution, Suspension, remission and commutation of sentences
11. Preventive and Precautionary measures-Special enactments
12. Public Interest Litigations and Criminal justice

The paper will be taught with reference, wherever necessary to the procedures in India, England, US, France, Russia, China and Germany.

Select Bibliography

- K.N. Chandrasekhan Pillai : **R.V. Kelkar's Criminal Procedure** (2008) Eastern.
- K.N.S. Pillai : **Lectures on Criminal Procedure**
- K.I. Vibhute : **Criminal Justice** (2004) Eastern
- R.V. Kelkar's : **Criminal Procedure** (4th Edn.) Eastern
- Justice Malimath Committee Report on Reforms of Criminal Justice System (2003)
Government of India, Ministry of Home Affairs
- Law Commission of India Reports
- Woodroffe : **Commentaries on Code of Criminal Procedure**, Vol. I & II (2000)
Universal.

Semester - II

C-103 Constitutional Law-II (Comparative Constitutionalism and Federalism)

4 Credits

1. Comparative Constitutionalism
 - 1.1 Authoritarianism-Dictatorship Democracy-Historic Evolution of Constitutional Government
 - 1.2 Limited Government-Concept-Limitations on Government Power
 - 1.3 Separation of Powers
 - 1.4 Rule of Law-Concept and New Horizons
 - 1.5 Judicial Review and its Reach

2. Federalism
 - 2.1 Confederation and Federation-Distinction
 - 2.2 Patterns of Federal Government, What is Federal Government
 - 2.3 Judicial Review for Federal Umpiring
 - 2.4 Principles of Federalism, Indian Constitutional Provisions & Scheme : Central Control Vs. State Autonomy
 - 2.5 New Trends in Federalism : Co-operative Federalism
 - 2.6 Plural Aspects of Indian Federalism : Special Status of Jammu & Kashmir; Tribal Areas, Scheduled Areas.
 - 2.7 Nature and Characteristics of Indian Federalism : Territory-Federal Implications; Creation of new states.

3. Centre-State Relations
 - 3.1 Legislative Relations & Management of Legislative Conflicts within Federal Framework.
 - 3.2 Administrative Relations and Management of Executive Conflicts within Federal Framework.
 - 3.3 Distribution of Fiscal Power, Financial Relations and Management of Financial Conflicts, Restrictions and Regulations of Fiscal Power and Allocation within Federal Framework.
 - 3.4 Judicial Machinery for settlement of Centre-State and Inter-State Disputes
 - 3.5 Inter-State Disputes, Comity and Co-operation within Federal Framework.
 - 3.6 Justice Sarkaria Commission : Recommendations on Centre-State Relations.

4. Democratic Government
 - 4.1 Parliamentary Government at the Centre and State
 - 4.2 Union Executive :
 - 4.2.1 President : Election, Qualifications, Powers, Impeachment and Relationship with Council of Ministries.
 - 4.2.2 Council of Ministries : Prime Minister-Cabinet System-Collective & Individual Responsibility
 - 4.2.3 Attorney General of India

- 4.3 State Executive :
 - 4.3.1 Governor and State Government Constitutional Relationship
 - 4.3.2 Governor's position from the perspective of Federalism
- 4.4 Legislative Processes, Powers and Privileges and Immunities.
 - 4.4.1 Comptroller & Auditor General of India
- 4.5 Coalition Government and Anti Defection Law
- 4.6 Local Governments : Panchayats, Municipalities
 - 4.6.1 Union Territories
 - 4.6.2 Scheduled & Tribal Areas
- 4.7 Free & Fair Elections as essence of Democracy and the Role of Election Commission

- 5. Constitutional Processes of Adaptation and Alterations.
 - 5.1 Methods of Constitutional Amendments
 - 5.2 Limitations upon Constituent Power
 - 5.3 Development of Basic Structure, Doctrine of Judicial Activism and Restraint
 - 5.4 Power, Procedure of Constitutional Amendment and its implications of Federal Structure.

- 6. Inter-State Trade and Commerce : Problems and Perspectives.
 - 6.1 Freedom
 - 6.2 Exceptions
 - 6.3 Implications on the Concept of Federalism

- 7. Services Under the Constitution
 - 7.1 Doctrine of Pleasure of the President and the Governor
 - 7.2 Protection against arbitrary removal, reduction and dismissal.
 - 7.3 Public Service Commissions.

- 8. Federalism and Emergency Situations
 - 8.1 Proclamation and Effect of Proclamation.
 - 8.2 Duty of Union to protect States
 - 8.3 Failure of Constitutional machinery in State and Centre's responsibility.
 - 8.4 Emergency and its impact on Fundamental rights : Direction of the Centre to the State under Article-356 and 365.
 - 8.5 Financial Emergency and its Implications

Select Bibliography

- M.V. Pylee : **Constitutions of the World** (2003), Universal.
- M.P. Singh (ed). V.N. Shukla' : **Constitutional Law of India** (2008), Oxford
- M.P. Singh (ed) : **Comparative Constitutional Law, Festschrift in Honour of Professor P.K. Tripathi**, (2011) Eastern.
- H.M. Seervai : **Constitutional Law of India** (1991), Tripathi.
- M.P. Jain : **Indian Constitutional Law** (Vol-I & II - 2010) Lexis Nexis
- T.K. Tope : **Constitutional Law of India**
- Constituent Assembly Debates : Vol-9 (pp.203, 240, 302-349) and Vol-10 (325-342)
- Administrative Reforms Commission : **Report of the Study Team on Central-State Relationships** (1967) Vol-I Sections-I & II.
- L.M. Singhvi (ed) : **Union-State Relations in India** (1969)
- K. Subba Rao : **The Indian Federation.**
- K.C. Wheare : **Federal Government**, Oxford.
- D.D. Basu : **Constitutional Law of India**, Prentice-Hall
- D.T. Lakdawala : **Union-State Financial Relation**, (1967)
- V.D. Sebastian : **Indian Federalism and Legislative Conflicts** (1985)
- Granville Austin : **Indian Constitution Cornerstone of the Nation : Fifty years of the working of the Indian Supreme Court**
- B.N. Rau : **Making of the Indian Constitution**
- V.M. Dandekar : **"Unitary Elements in a Federal Constitution"** 22 EPW, 1865 (1988)
- S.P. Sathe : **Fundamental Rights and Amendment of Indian Constitution** (1968)
- G.C.V. Sabhu Rao : **Legislative Powers in Indian Constitutional Law** (1982)
- International Commission of Jurists : **Status of Emergency and Human Rights** (1984)
- S.K. Verma and Kusum (eds) : **Fifty Years of the Supreme Court of India - Its Grasp and Reach** (4th Impression-2009) Indian Law Institute Oxford.
- Report of the National Commission to Review the Working of the Constitution (2002)
- Revelant Volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law-II) New Delhi.

C-104 Legal Education and Research Methodology

4 Credits

1. Legal Education
 - 1.1 Objectives of Legal Education
 - 1.2 Methods of Law Teaching - Merits & Demerits
 - 1.2.1 Lecture Method
 - 1.2.2 Problem Method
 - 1.2.3 Discuss Method
 - 1.2.4 Seminar Method
 - 1.2.5 Pedagogy & Use of ICT
 - 1.3 Post Graduate Teaching : Pedagogy and Use of ICT.
 - 1.4 Examination System - Internal and External Evaluation and Problems in evaluation.
 - 1.5 Students Participation in law school programmes - Organisation of seminars, publication of journal, students' feedback
 - 1.6 Clinical Legal Education : Legal aid, legal literacy, legal survey and law reform
2. Research Methodology
 - 2.1 Research, Legal Research and Socio-Legal Research
 - 2.2 Research Methods and Research Methodology-distinction
 - 2.3 Kinds of research methods
 - 2.3.1 Doctrinal and non-doctrinal
 - 2.3.2 Relevance of empirical research
 - 2.3.3 Induction and Deduction methods of Reasoning
3. Research Problem
 - 3.1 What is research problem?
 - 3.2 Identification and formulation of research problem
 - 3.3 Survey of literature and bibliographical research
 - 3.4 Legislative materials including subordinate legislations, notifications and policy statements
 - 3.5 Decisional materials including foreign decisions, methods of discovering "rule of the case", tracing history of important cases and whether overruled; discovering judicial conflict in areas pertaining to the research problem and the reasons thereof.
 - 3.6 Juristic writings-survey of juristic literature relevant to select problem in Indian and Foreign periodicals.
 - 3.7 List of Reports and Special Studies conducted relevant to the research problem
4. Preparation of Research Design
 - 4.1 Meaning, Contents, Steps of Research Design
 - 4.2 Characteristics and Significance of Research Design
 - 4.3 Types of Research Designs
 - 4.4 Designs of Study in Empirical Research
 - 4.5 Sampling Method in Legal Research

- 4.6 Legal Impact Analysis and Impact of Judicial decisions
- 4.7 Scaling Technique
- 4.8 Socio-metry in Socio-legal Research
- 5. Devising Fools and Techniques for Data Collection
 - 5.1 Questionnaire and Schedule
 - 5.2 Interviewing : Art and Skill
 - 5.3 Scaling Technique in Socio-legal Research
 - 5.4 Use of observation studies
 - 5.5 Use of Historical and Comparative research and case materials and juristic literature
 - 5.6 Methods of collection of statutory and case materials and juristic literature
 - 5.7 Use of case studies
 - 5.8 Jurimetrics
- 6. Classification and Tabulation of Data
 - 6.1 Use of cards for data collections and Rules for tabulation
 - 6.2 Analysis and Interpretation of Data
- 7. Use of Computers and Law Library
- 8. Report writing

Select Bibliography

- Robert Watt : **Concise Legal Research** (2001) Universal.
- S.K. Myneni : **Legal Research Methodology** (2001) Allahabad
- Hugh Brayne, Nigel Duncan and Richard Grimes : **Clinical Legal Education - Active Learning in your Law School** (2003) Oxford.
- N.R. Madhava Menon (ed) : **A Handbook on Clinical Legal Education** (1998) Eastern
- S.K. Agrawal (ed) : **Legal Education in India** (1973), Tripathi
- Indian Law Institute Publication : **Legal Research and Methodology** (2001)
- M.O. Price , H. Bitner and Bysiewicz : **Effective Legal Research** (1979)
- Pauline V. Young : **Scientific Social Survey and Research** (1962)
- Morris L. Cohen : **Legal Research in a Nutshell** (1996) West Publishing Co.
- Harvard Law Review Association : **Uniform System of Citations**.
- William J. Goode and Paul K. Hatt : **Methods in Social Research** (1952)
- H.M. Hyman : **Inter viewing 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)
- UGC Report of the Curriculum Development Centre in Law Vol-I & II (1990) and UGC Model Curriculum in Law Report (2001).

1. Introduction
 - 1.1 Meaning and sources of International Criminal Law
 - 1.1.1 Other concepts of international criminal law
 - 1.1.2 Sources of international criminal law
 - 1.1.3 International criminal law and other areas of law
 - 1.1.4 A body of criminal law
 - 1.2 The objectives of international criminal law

2. Prosecutions in National Courts
 - 2.1 Jurisdiction of national courts
 - 2.2 National prosecutions of international crimes
 - 2.3 State co-operation with respect to national proceedings

3. International Prosecutions
 - 3.1 History international criminal prosecutions; Nuremberg and Tokyo
 - 3.2 The Ad-hoc International Criminal Tribunal : Yugoslavia (1993), Rwanda (1994).
 - 3.3 The International Criminal Court (ICC)
 - 3.3.1 Creation of ICC
 - 3.3.2 Structure and Composition of ICC
 - 3.3.3 Crimes within jurisdiction of ICC
 - 3.3.4 Proceedings before the ICC
 - 3.3.5 Jurisdiction of the ICC
 - 3.3.6 Enforcement of decisions of the ICC
 - 3.3.7 Appraisal of the ICC
 - 3.4 Other Courts with international elements

4. Substantive Law of International Crimes
 - 4.1 Genocide
 - 4.2 Crimes against humanity
 - 4.3 War crimes
 - 4.4 Aggression
 - 4.5 Transitional Crimes, Terrorism and Torture

5. Principles and Procedures of International Prosecutions
 - 5.1 General principles of liability
 - 5.2 Defences/grounds for excluding criminal liability
 - 5.3 Procedures of international criminal investigations and prosecutions
 - 5.4 Victims in the international criminal process
 - 5.5 Sentencing and penalties

6. Relationship between National and International Systems
 - 6.1 State co-operation with the international courts and tribunals
 - 6.2 Immunities
 - 6.3 Alternatives and complements to criminal prosecution
 - 6.4 Future of International criminal law

Select Bibliography

- Malcolm Shaw : **International Law** (6th edn-2008) Cambridge
- Robert Cryer, Hakan Friman, Darryl Robinson and Elizabeth Wilmhurst : **An Introduction of International Criminal Law and Procedure** (2nd edn-2010) Cambridge
- Robert Cryer : **Prosecuting International Crimes : Selectivity and the International Criminal Law** (2005) Cambridge
- Ian Brownlie : **Principles of Public International Law** (2008) Oxford
- S.P. Gupta : **Internal Law and Human Rights** (2009) Allahabad.
- Devin O. Pendas : **The Frankfurt Auschwitz Trial 1963-65 Genocide History and the Limits of the Law** (2010) Cambridge.
- Mark Osiel : **Making Sense of Mass Atrocity** (2009) Cambridge
- Victor Peskin : **International Justice in Rwanda and the Balkans - Virtual Trials and Struggle, for State co-operation** (2009) Cambridge
- Phi Clark : **The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda- Justice without Lawyers** (2010) Cambridge
- Willem J.M. Van Genugten, Michael P. Scharf and Sasha E. Radin (eds) : **Criminal Jurisdiction 100 years after the 1907 Hague Peace Conference** (2009) Cambridge
- Gerhard Werle : **Principles of International Criminal Law** (2009) Cambridge
- Jarinde Temminck Tuinstra : **Defence Counsel in International Criminal Law** (2009) Cambridge
- Ellen L. Lutz and Caitiin Reigner (eds) : **Prosecuting Heads of State** (2009) Cambridge
- Larry May and Zachary Hoskins : **International Criminal Law and Philosophy** (2009) Cambridge
- Larry Alexander, Kimberly Kessler Ferzan and Stephen J. Morse : **Crime and Culpability A theory of Criminal Law** (2009) Cambridge
- Nancy A. Combs : **Fact-Finding in International Criminal Law** (2010) Cambridge
- Chantal Meloni : **Command Responsibility in International Criminal Law** (2010) Cambridge
- Carsten Stahn and Larissa Van den Herik (eds) : **Future Perspectives on International Criminal Justice** (2010) Cambridge
- Yasmin Naqvi : **Impediments to Exercising Jurisdiction over International Crimes** (2010) Cambridge
- Christine Schvon : **International Criminal Procedure - A Clash of Legal Cultures** (2009) Cambridge

- William A. Schabas : **An Introduction to the International Criminal Court** (2011) Cambridge
- Guenael Mettraux : **International Crimes and Adhoc Tribunals** (2005) Cambridge
- Antonio Casses : **The Oxford Companion to International Criminal Justice** (2009) Oxford
- Knut Dormann, Louise Doswald - Beck, Robert Kolb : **Elements of War Crimes under the Rome Statute of the International Criminal Court** (2002) Cambridge
- Dominic Mc Goldrick, Peter J. Rowe, Eric Donnelly : **The Permanent International Criminal Court** (2004) Cambridge
- Alexander Zahar, Goran Sluiter : **International Criminal Law** (2008) Cambridge
- M. Cherif Bassiouni : **International Criminal Law : Sources, Subjects and Contents** (2008) Cambridge
- Ilias Bantekas, Susan Nash, Mark Mackarel : **International Criminal Law** (2001) Cambridge

1. Forensic Science
 - 1.1 Meaning and Definition
 - 1.2 Historical Perspective
 - 1.3 Need and Principles
 - 1.4 Tools and Techniques
 - 1.5 Forensic Science Institutions

2. Laws in Forensic Science
 - 2.1 The Indian Constitution and Article 20(3)
 - 2.2 The Indian Evidence Act and Expert Evidence and Expert Testimony :
Sections 45, 73, 51, 159.
 - 2.2.1 Problems of Proof
 - 2.3 Code of Criminal Procedure, 1973 and Section 293.
 - 2.4 Judicial Approach - Important Case Law regarding techniques and expert evidence

3. Recent Advances in Forensic Sciences
 - 3.1 The Polygraph (Lie-Detector Test)
 - 3.1.1 Development, Principle, Instrument
 - 3.1.2 Whether Self-incriminating, Fundamental Rights to life, privacy
 - 3.1.3 Admissibility and in-admissibility
 - 3.2 Voice Identification Spectrograph
 - 3.2.1 Development, Principle & Technique
 - 3.2.2 Evaluation & Interpretation
 - 3.3 Narco-Analysis Test
 - 3.3.1 Brain Mapping Test
 - 3.3.2 Confession and its Evidentiary Evaluation
 - 3.3.3 Conducting of tests and Permissibility
 - 3.3.4 Principles of Natural Justice
 - 3.4 DNA Fingerprinting
 - 3.4.1 What is DNA, Source of DNA
 - 3.4.2 DNA Profiling Technique
 - 3.4.3 Evidentiary clue materials
 - 3.4.4 Forensic Applications of DNA Test
 - 3.4.4.1 DNA Testing and Human Right Implications in Civil & Criminal Cases
 - 3.4.5 DNA and Expert Evidence-Evidentiary Standards and Relevancy

4. Identification of Disputed Documents, Foot Prints, Fingerprints, Ballistics and Toxicology
 - 4.1 Disputed Documents - their Examination - identification and handwriting
 - 4.2 Fingerprints and Footprints identification
 - 4.3 Ballistics - Firearms - identifications
 - 4.4 Toxicology - poison - kinds of poison

5. Medical Evidence in Offences against Women
 - 5.1 Statutory Provisions of Penal Law as to Rape. Sections 375, 376-A to 376-D of the Indian Penal Code and Section 114-A of the Indian Evidence Act.
 - 5.1.1 Sources of evidence in rape cases and essentials for medical examination of the prosecutrix.
 - 5.2 Dowry death : Sections 498-A and Section 304-B of the IPC; Sections 198-A, 174 & 176 of Cr.P.C. and Section 113-A and 113-B of the Indian Evidence Act, Scope and Presumption as to cause of death.
 - 5.3 Expert Evidence
 - 5.3.1 Medical Evidence
 - 5.3.2 Non-Medical Evidence
6. Role of Investigator including Death Investigator
 - 6.1 Scene of Occurrence of Crime : Problems, Evaluation, Modern aids, Scene management, documentation.
 - 6.2 Post-mortem examination (autopsy)
 - 6.2.1 Possibilities, whether natural or unnatural death - suicide, murder or accident
 - 6.2.2 Identification and time of death and identification of dead
 - 6.2.3 Cause of death
7. Experts
 - 7.1 Who is an expert?
 - 7.2 Kinds of Experts : Medical Expert, Chemical Analyst, Public Analyst, Radiologist, Serologist, Microscopist, Photography expert, Experts in Mineralogy, Zoology, Botany, Handwriting expert, Fingerprints expert, Ballistic Expert, Forensic Expert, Dog tracking.
 - 7.3 Evidentiary value and Admissibility of Expert opinion

Select Bibliography

- B.R. Sharma : **Forensic Science in Criminal Investigations and Trials** (4th edn-2005) Universal
- : **Firearms in Criminal Investigations & Trials** (4th edn-2011) Universal
- : **Scientific Criminal Investigation** (2010) Universal
- : **Law relating to Handwriting Forensics** (2012) Universal
- H.J. Walls : **Forensic Science - An Introduction to Scientific Crimes Investigation** (2nd Indian Reprint-2008) Universal
- R. Ramchandran : **Scientific Techniques of Criminal Investigation** (2011) Kamal.
- B.S. Nabar : **Forensic Science in Crime Investigation** (Reprint-2005) Asia Law House
- Quzalbash Yawer : **Law of Lie Defectors Narco-analysis, Polygraphy, Brain mapping, Brain fingerprints** (2011) Universal

- Jurgen Thorwald : **Crime and Science : The New Frontiers of Criminology** (1967) A Helen and Kurt Welff Book, New York
- R. Deb : **Principles of Criminology, Criminal Law and Investigation** (1991) S.C. Sarkar & Sons Pvt. Ltd. Calcutta.
- R.L. Gupta : **The Medico-Legal Aspects of Sexual offences** (1979) Eastern
- R.L. Gupta : **Law relating to Identification and Expert Opinion** (1990) Eastern
- H.R. Hardless : **Venkaiah's Law of Prints and Impressions** (1979) Law Book Co.
- M.L. Chandak : **V. Mitter's Law of Identification and Discovery** (1978) Law Book Co.
- S.P. Tyagi : **Ejaz Ahmed's Expert Evidence** (2007) Vinod Publication (P) Ltd.
- B.S. Bhuvan : **Examination of Disputed Documents** (2010) Dwivedi
- Gaur's : **Firearms and Forensic Ballistics, Forensic Chemistry and Criminal Jurisprudence** (2006) Delhi Law House.
- K. Kumar : **Russell A. Grgory's Identification of Disputed Documents Fingerprints and Ballistics** (1989) Eastern
- A.K. Singla : **B.L. Saxena's Law and Technique relating to Identification of Handwriting, Disputed Documents, Fingerprints, Footprints and Detection of Forgeries** (1990) Central Law Agency
- Abhijeet Sharma : **DNA Tests in Paternity Determination and Criminal Investigation : A Lawyer's Handbook** (2007) Lexis Nexis
- Jyotirmoy Adhikary : **DNA Technology in Administration of Justice** (2008) Lexis Nexis
- D.K. Ganguly : **Medical Jurisprudence and Toxicology : Principles, Practice and Procedure** (2007) Dwivedi Law Agency
- Debashish Moitra and Rakesh Kaushal : **Medical Jurisprudence and Toxicology** (2007) Delight Law Publishers
- K. Mathiharan and Amrit K. Patnaik : **Modi's Medical Jurisprudence and Toxicology** (23rd edn-2008) Lexis Nexis

1. Cyber Space and Cyber Law : Emerging Jurisprudence
 - 1.1 Understanding and defining Cyber Space
 - 1.2 Regulation of Cyber Space
 - 1.3 Legal Regulation of Cyber Space
 - 1.4 Cyber Law & Regulation of Cyber Space
 - 1.5 Scope of Cyber Laws : e-commerce, online contracts; IPRs (copyright, patent, trademarks, software patenting, e-taxation, e-governance and cyber crimes)
 - 1.6 Cyber Law in India with special reference to the Information Technology Act, 2000
 - 1.7 Related Foreign Legislations, e.g. UK, USA, European Union, etc-comparative study

2. Information Technology and Its Influence.
 - 2.1 What is Information Technology?
 - 2.2 Information Technology : Different Facets and Divergent Dimensions eg. Computers & Network Systems, Internet, Internet services, Networking etc.

3. Regulatory Framework
 - 3.1 International Legal Regime
 - 3.1.1 International Legal Regime relating to cyber crimes
 - 3.1.2 European Convention on Cyber Crimes
 - 3.1.3 Hague Convention on Jurisdiction and Foreign Judgments
 - 3.2 Domestic Legal Regime : Cyber Law in India
 - 3.2.1 Information Technology Act, 2000 with Amendments
 - 3.2.2 Rules & Regulations and Guidelines under the Act.
 - 3.2.3 State Rules

4. Cyber Crimes : Criminality & Technology
 - 4.1 Criminality : Technological Influence
 - 4.2 Current Forms of Criminality
 - 4.2.1 Crimes affecting Individuals : Infringement of privacy, identity thefts, cyber stalking, libel, issues of censorship.
 - 4.2.2 Crimes affecting Economy : hacking, virus, sabotage, fraud, forgery, counterfeiting, piracy, espionage, cyber squatting, spam, trespass, mischief.
 - 4.2.3 Crimes affecting National Security : cyber terrorism, cyber warfare, sedition, subversion, hate speech.
 - 4.2.4 Contents based crimes : Racial and Hate propaganda; child pornography.

5. Computer Crimes and Cyber Crimes
 - 5.1 Multiple Terms and definitions and attempts to harmonize definitions by OECD (Organisation for Economic Co-Operation and Development), Council of Europe, United Nations etc.

- 5.2 Criminological insight into Cyber Crimes
- 5.3 Typology of Cyber Crimes : Trends & Patterns
 - 5.3.1 Typology based on Role of computer in cyber crimes : computer as target tool of crime
 - 5.3.2 Typology based on perpetrators based on perpetrators of cyber crime. Insiders vs. Outsiders
 - 5.3.3 Typology based on victims of cyber crimes, crimes affecting individuals, economy and national security
 - 5.3.4 Typology based on contents

- 6. Issues Pertaining to Criminalization and criminal liability
 - 6.1 State's sovereign power
 - 6.2 Indian Criminal Law : Actus Reus/Mens Rea
 - 6.3 Rule of Law and Fair Procedure

- 7. Cyber Crimes : Country Specific Responses
 - 7.1 Indian Legal Response in Context of Information Technology Act, 2000.
 - 7.2 Responses of Foreign countries namely UK, USA, Australia, Germany etc.
 - 7.3 International Initiatives to combat cyber crimes : OECD, G7 & G8 Groups, Council of Europe, UN Conventions and of Council of Europe, WTO, WIPO, INTERPOL, National Police Organisations etc.

- 8. Regulation of Cyber Crimes
 - 8.1 Issues Relating to investigation. provisions of the Criminal Procedure Code, Pre-Trial Investigations and challenges in context of cyber crimes.
 - 8.2 Issues relating to jurisdiction
 - 8.2.1 Concept of jurisdiction
 - 8.2.2 Internet jurisdiction
 - 8.2.3 Indian context of jurisdiction
 - 8.2.4 International position of Internet jurisdiction, case in cyber jurisdiction.
 - 8.3 Issues relating to evidence; Evidence Law as applicable to cyber crimes; principles of evidence; typology of evidence; discovery of evidence; evidence collection; search, seizure and information; forensic examination of seized data; admissibility of computer generated evidence and appreciation of computer generated evidence by judiciary.

- 9. Human Rights in Cyber Space : Concerns & Conflicts
 - 9.1 Civil liberties and Cyber Regulation
 - 9.2 Issues and Implications : Freedom of Expression, Illegal contents, Privacy, Individual vs. Collective Rights.

Select Bibliography

- S.K. Verma and Raman Mittal (eds) : **Legal Dimensions of Cyber Space** (2004) Indian Law Institute
- Yatindra Singh Justice : **Cyber Laws** (2005) Universal
- Ranbir Singh and Ghanshyam Singh : **Cyber Space and the Law** (2004) NALSAR University.
- Richard Morgan and Kit Burden : **Legal Protection of Software-A Handbook** (Indian Reprint-2007) Universal.
- Rodney D. Ryder : **Guide to Cyber Laws** (2007) Wadhwa
- S.V. Joga Rao : **Law of Cyber Crimes and Information Technology Law** (2004) Wadhwa
- : **Computer Contracts & Information Technology Law** (2005) Wadhwa (Chapters I to IV, X & XII)
- K. Mani's : **A Practical Approach to Cyber Laws** (2008) Kamal Publishers.
- : **Legal Framework on Cyber Crimes** (2009) Kamal Publishers.
- Sarla Gupta and Beniprasad Agrawal : **Cyber Laws** (2008), Premier
- Barkha & U. Rama Mohan : **Cyber Law & Crimes**, (2011) Asia.
- Stewart Room : **Butter Worths Data Security Law & Practice** (2009) Lexis Nexis
- Nandan Kamath : **Guide to Information Technology Act, Rules & Regulations** (2001) Universal.
- : **Law relating to Computers, Internet & E-Commerce** (2007) Universal.
- Vakul Sharma : **Information Technology Law and Practice** (2004) Universal.
- Alex Samuel and A.K. Upadhyaya : **Investigation of Cyber Crimes** (2011) Dwivedi & Company.
- Vimlendu Tayal : **Cyber Law, Cyber Crime Internet and E-Commerce** (2011) Bharat Law Publications
- Talat Fatima : **Cyber Crimes** (2011) Eastern
- Apar Gupta : **Commentary on Information Technology Act** (2007) Lexis Nexis
- Priti Suri & Associates : **Open Space & Law** (2006) Lexis Nexis
- Yee Fen Lim : **Cyberspace Law - Cases and Materials** (2007) Oxford
- Aparna Vishwanathan : **Cyber Law** (2012) Laxis Nexis, Butterworths Wadhwa
- Editions of the Annual Survey of Indian Law and the Journal of Indian Law Institute published by the Indian Law Institute, New Delhi.

CLE-208 Drug Addiction, Human Rights and Criminal Justice System 4 Credits

1. Introductory
 - 1.1 Basic conceptions
 - 1.1.1 "Drugs" "narcotics", "psychotropic substances"
 - 1.1.2 'Dependence', "addiction"
 - 1.1.3 "Crimes without victims"
 - 1.1.4 "Trafficking" in "drugs"
 - 1.1.5 "Primary drug abuse"
2. How Does One Study the Incidence of Drug Addiction and Abuse?
 - 2.1 Self-reporting
 - 2.2 Victim-studies
 - 2.3 Problems of comparative studies
3. Anagraphic and Social Characteristics of Drug Users
 - 3.1 Gender
 - 3.2 Age
 - 3.3 Religiousness
 - 3.4 Single individuals/cohabitation
 - 3.5 Socio-economic level of family
 - 3.6 Residence patterns (urban/rural/urban)
 - 3.7 Educational levels
 - 3.8 Occupation
 - 3.9 Age at first use
 - 3.10 Type of drug use
 - 3.11 Reasons given as cause of first use
 - 3.12 Method of intake
 - 3.13 Pattern of the Use
 - 3.14 Average Quantity and Cost
 - 3.15 Consequences on addict's health (physical/psychic)
4. The International Legal Regime
 - 4.1 Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961 & 1972, Geneva Protocol 1972
 - 4.2 Analysis of the Convention on Psychotropic Substances, 1972
 - 4.3 International collaboration in combating drug addiction
 - 4.4 The SARC, and South-South Co-operation
 - 4.5 Profile of international market for psychotropic substances
5. The Indian Regulatory System
 - 5.1 Approaches to narcotic trafficking during colonial India
 - 5.2 Nationalist thought towards regulation of drug trafficking and usage
 - 5.3 The penal provisions (under the IPC and the Customs Act)
 - 5.4 India's role in the evolution of the two international conventions

- 5.5 Judicial approaches to sentencing in drug trafficking and abuse
 - 5.6 The Narcotic Drugs and Psychotropic Substances Act, 1985, including Rules, Orders, State Legislations and Prevention of Illicit Traffic in NDPS Act, 1988
 - 5.7 Patterns of resource investment in India : policing adjudication, treatment, aftercare and rehabilitation.
- 6. Human Rights Aspects
 - 6.1 Deployment of marginalized people as carrier of narcotics
 - 6.2 The problem of juvenile drug use and legal approaches
 - 6.3 Possibilities of misuse and abuse of investigative prosecutory powers
 - 6.4 Bail
 - 6.5 The Problem of differential application of Legal Regimes, especially in relation to the resource less.
- 7. The Role of Community in Combating Drug Addiction
 - 7.1 Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare)
 - 7.2 The role or educational systems
 - 7.3 The role of medical profession
 - 7.4 The role of mass media
 - 7.5 Initiatives for compliance with regulatory systems
 - 7.6 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 Murthy : **"Drug Abuse and Crime : A preliminary Study" 7 Indian Journal of Criminology, 65-68** (1979)
- Mehraj Uddin : **Drug Addiction : Socio-Legal Dimension** (1997) Book Media
- Khan M.Z. : **Drug Abuse Amongst College Youth** (1985) Somaiyya Mumbai
- P.R. Rajgopal : **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, July 1984, Publication No.21)

Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful Journals in this area are :

- (i) The Law and Society Review (USA)
- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addiction (New York)
- (iv) British Journal of Criminology
- (v) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- (vi) Journal of Criminal Law and Criminology (Chicago, Ill)
- (vii) International Journal of Offender Therapy and Comparative Criminology (London)
- (viii) Bulletin on Narcotics (United Nations)
- (ix) Indian Journal of Criminology

SEMESTER - III

C-105 Law and Social Transformation in India

4 Credits

This course is designed to offer the teacher and the taught with –(a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore the law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware the role that law has played and has to play in the contemporary Indian society.

Syllabus

1. Law and Social Change

- 1.1 Law as an instrument of social change.
- 1.2 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 of further development of law and legal institutions in India.

2. Religion and the law

- 2.1 Religion as a divisive factor.
- 2.2 Secularism as a solution to the problem.
- 2.3 Reform of the law on secular lines: Problems.
- 2.4 Freedom of religion and non-discrimination on the basis of religion.
- 2.5 Religious minorities and the law.

3. Language and the law

- 3.1 Language as a divisive factor: formation of linguistic states.
- 3.2 Constitutional guarantees to linguistic minorities.
- 3.3 Language policy and the Constitution: Official language: multi-language system.
- 3.4 Non-discrimination on the ground of language.

4. Community and the law

- 4.1 Caste as a divisive factor.
- 4.2 Non-discrimination on the ground of caste.
- 4.3 Acceptance of caste as a factor to undo past injustices.
- 4.4 Protective discrimination: Scheduled castes, tribes backward classes.
- 4.5 Reservation; Statutory Commissions, Statutory provisions.

5. Regionalism and the law

- 5.1 Regionalism as a divisive factor.

- 5.2 Concept of India as one unit.
 - 5.3 Right of movement, residence and business; impermissibility of state of region barriers.
 - 5.4 Equality in matters of employment: the slogan "Sons of the Soil" and its practice.
 - 5.5 Admission to educational institutions: preference to residents of a state.
- 6. Women and the law**
- Crimes against women.
 - Gender injustice and its various forms.
 - Women's Commission.
 - Empowerment of women: Constitutional and other legal provisions.
- 7. Children and the law**
- 7.1 Child labour.
 - 7.2 Sexual exploitation.
 - 7.3 Adoption and related problems.
 - 7.4 Children and education.
- 8. Modernisation and the law**
- 8.1 Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
 - 8.2 Modernisation of social institution through law.
 - 8.2.1 Reform of family law
 - 8.2.2 Agrarian reform- Industrialisation of agriculture.
 - 8.2.3 Industrial reform- Free enterprise v. State regulation- Industrialisation v. environmental protection.
 - 8.3 Reform of court processes.
 - 8.3.1 Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2 Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3 Prison reforms.
 - 8.4 Democratic decentralization and local self-government.
- 9. Alternative approaches to law**
- 9.1 The jurisprudence of Sarvodaya- Gandhiji, Vinoba Bhave; Jayaprakash Narayan Surrender of dacoits; concept of grama nyanalayas.
 - 9.2 Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
 - 9.3 India Marxist critique of law and justice.
 - 9.4 Naxalite movement: causes and cure.

Select Bibliography

- Marc Galanter (ed.) : **Law and Society in Modern India** (1997) Oxford.
- Robert Lingat : **The Classical Law of India** (1998), Oxford
- U. Baxi : **The Crisis of the Indian Legal System** (1992), Vikas, New Delhi.
- U. Baxi (ed.) : **Law and Poverty Critical Essays** (1988), Tripathi, Bombay.
- : **Towards Sociology of Law**, 1986, Satvahan
- : **Human Rights in Post-Human World** 2007, Oxford
- Manushi : **A Journal About Women and Society.**
- Duncan Derret: **The State, Religion and Law in India**(1999), Oxford University Press, New Delhi.
- H.M. Seervai : **Constitutional Law of India** (1996), Tripathi.
- D.D. Basu: **Shorter Constitution of India** (1996) Prentice- Hall of India(P) Ltd. New Delhi.
- Sunil Deshta and Kiran Deshta: **Law and Menace of Child Labour** (2000) Anmol Publication, Delhi.
- Savitri Goonasekhare: **Children, Law and Justice** (1997) Sage.
- Indian Law Institute: **Law and Social Change: Indo-American Reflections,** Tripathi(1988).
- J.B. Kripalani : **Gandhi: His Life and thought** (1970) Ministry of Information and Broadcasting Government of India,
- Agnes, Flavia: **Law and Gender inequality: The Politics of Women's Rights in India** (1999) Oxford.
- P Ishwara Bhat : **Law and Social Transformation**, Eastern
- Amarya Sen : **Identity and Violence** : The Illusion of Destiny (2005)
- : **Development as Freedom** (2000) Oxford
- Andre Batille : **Antinomies of Society**, Oxford
- A.R. Desai : **Rural Sociology in India**, Popular
- : **Social Background of Indian Nationalism**, Popular
- B.A. Masodkar : **Society, State and the Law**, N.M. Tripathi
- Bhikhu Parekh : **Rethinking Multiculturalism**, Palgrave M'c Millan
- : **Colonialism, Tradition and Reform : An Analysis of Gandhi's Political Discourse**, Sage
- Biplab Das Gupta : **The Naxalite Movement**, Allied Publishers

- B.K. Sinha and Pushendra (Eds.) : **Land Reforms in India : An Unfinished Agenda**, Sage
- B.R. Ambedkar : **Need for Checks and Balances : Articles on Linguistic States** (1947-1953)
- : **Thoughts on Liguistic States** (1955)
- Catherine Mackinnon : **Feminism Unmodified** : Discourses on Life and Law, 1987, Harvard.
- : **Towards Feminist Theory of State** 1989, Harvard
- W. Friedman : **Law in a changing Society** 1996, University Book House
- Veena Das (ed.) : **Sociology and Social Ahthropology**, 2003, Oxford
- V.D. Mahajan : **Ancient India** 1970, Chand
- V.R. Verma : **The Political Philosophy of Mahatma Gandhi and Sarvodaya**
- V.R. Krishna Iyer : **Law and Life**, 1979, Vikas.
- Girish Agarwal and Colin Gonsalves : **Dalits and the Law**, 2005, Human Rights Law Network, New Delhi.

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper of Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus

1. Judicial System under the Constitution

- 1.1 Supreme Court – Establishment and constitution – Appointment and Removal of Judge – Court of Record – Jurisdiction – Original, Exclusive, Appellate – Special Leave - Advisory Jurisdiction – Interpretation of the Constitution. Supreme Court as a political institution. The Supreme Court's approach to the question of determination of its own jurisdiction Article-32, Article-136
- 1.2 High Courts – Courts of Record – Constitution of High Courts – Appointment, Transfer and Removal – Jurisdiction – Power to issue writs and other powers
- 1.3 Subordinate Judiciary – Appointment of district judges – control over subordinate courts – other courts
- 1.4 Court System in India : backlogs, arrears, alternatives Lok Adalats, Public Interest Litigations.
- 1.5 Stare Decisis – the Doctrine, techniques – Supreme Court's authority to over-rule its own decision –Advisory Jurisdiction and its Import on Precedent; Prospective Over-ruling in India;

2. Nature of judicial process

- 2.1 Judicial process as an instrument of social ordering
- 2.2 Judicial process and creativity in law-common law model-Legal Reasoning and growth of law-change and stability.
- 2.3 The tools and techniques of judicial creativity and precedent.

- 2.4 Legal development and creativity through legal reasoning under statutory and codified systems.
 - 2.5 Statutory interpretation as aspects of judicial process – rules of statutory interpretation; Legalism and Rule of Literal Interpretation; Creativity : Mischief and Golden Rule; Self Discipline and Rules of Construction in fiscal and Criminal Statutes; Technicality : Rules as to necessary and implied repeal; Rules for interpretation of codifying, consolidating and amending statutes; Values and Interpretation.
- 3. Special Dimensions of Judicial Process in Constitutional Adjudications.**
- 3.1 Notions of and nature and objection to judicial review – Articles-32, 222, 227 – Constitutional basis for judicial review
 - 3.2 Constitutional Interpretation – ways in which it differs from statutory interpretation – Literal Construction, Harmonious Construction, Reference to Constituent Assembly Debates; Doctrine of Pith and Substance; Occupied Field"; Residuary Power; Approaches to interpretation of repugnancy; Approaches to Interpretation of Amending Power; Directive Principles as canons of constitutional interpretation.
 - 3.3 'Role' in constitutional adjudication-various theories of judicial role.
 - 3.4 Tools and techniques in policy-making and creativity in constitutional adjudication.
 - 3.5 Varieties of Judicial and juristic activism, judicial and juristic restraint
 - 3.6 Problems of accountability and judicial law-making.
- 4. Judicial Process in India**
- 4.1 Indian debate on the role of judges and on the notion of judicial review.
 - 4.2 The 'independence' of judiciary and the 'political' nature of judicial process.
 - 4.3 Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity.
 - 4.4 Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.
 - 4.5 Institutional liability of courts and judicial activism-scope and limits.
- 5. The Concepts of Justice**
- 5.1 The concept of justice or Dharma in Indian thought
 - 5.2 Dharma as the foundation of legal ordering in Indian thought.
 - 5.3 The concept and various theories of justice in the western thought.
 - 5.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.
- 6. Relation between Law and Justice**
- 6.1 Equivalence Theories – Justice as nothing more than the positive law of the stronger class

- 6.2 Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- 6.3 The Independence of justice theories – means to end-relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- 6.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography

- Julius Stone : **The Province and Function of Law**, Part II, Chs. 1.8-16(2000), Universal, New Delhi
- : **Social Dimension of Law and Justice**, Universal.
- Cardozo : **The Nature of Judicial Process** (1995) Universal, New Delhi
- : **The Growth of Law**, Universal
- Henry J. Abraham : **The Judicial Process** (1996), Oxford.
- J.Stone : **Precedent and the Law: Dynamics of Common Law Growth** (1985) Butterworths.
- W.Friedmann : **Legal Theory** (1960), Stevens, London.
- Bodenheimer : **Jurisprudence – the Philosophy and Method of the Law** (1997), Universal, Delhi.
- J.Sotne : **Legal System and Lawyers' Reasoning** (1999), Universal, Delhi
- Rajeev Dhavan : **The Supreme Court of India – A Socio-Legal Critique of the Juristic Techniques** (1977), Tripathi, Bombay.
- John Rawls : **A Theory of Justice** (2000), Universal, Delhi.
- Edward H. Levi : **An Introduction to Legal Reasoning** (1970), University of Chicago.
- G.P. Singh : **Select Judgments** (2012) Lexis Nexis, Butterworths Wadhwa
- S.K. Verma and Kusum : **Fifth Years of the Supreme Court of India – Its Grasp and Reach** (2009) Oxford.
- Rajeev Bhargava, Michael Dusehe and Helmut Reifeld : **Justice, Political, Social, Juridical** 2008, Sage.
- S.P. Sathe : **Judicial Activism in India**, Oxford
- : **Constitutional Amendments 1950-1988 Law and Politics**, Tripathi
- S.P. Sathe and Sathya Narayan : **Liberty, Equality and Justice; Struggles for New Social order**, 2003.
- U. Baxi : 'Introduction to Justice' in K.K. Mathew's; **Democracy Equality and Freedom** (1978)
- : **The Indian Supreme Court and Politics** (1980)
- : **Courage, Craft and Contention : The Indian Supreme Court in the mid-eighties** (1985)

- A.R. Blackshield : "Fundamental Rights and the Institutional Viability of the Indian Supreme Court" 8, **JILI** 139 (1966)
- : "Fundamental Rights and the Economic Viability" 10, **JILI** 1-120 (1968)
- U. Baxi : "The Travails of Stare Decisis in India" in A.R. Blackshield (ed) : **Legal Change : Essays in Honour of Professor Julius Stone**, (1984).
- A. Lakshminath : **Stare Decisis in India : A. Critique** (1988)
- P.K. Tripathi : **Spotlights on Constitutional Interpretation** (1972)
- V. Sarathi : **Interpretation of Statutes**
- S.R. Sharma : **The Supreme Court in the Indian Constitution** (1959)
- W. Twining et. al. : **How to do Things with Rules : A Primer of Interpretation** (1976)
- R. Dhavan and P. Kalpakam : **The Supreme Court under Strain : The Challenge of Arrears** (1979)
- S.P. Sathe : **Social Justice, Public Law and Jurisprudence in India – Selected Writings of Prof. S.P. Sathe (1931-2006)** (2010) Oxford
- O. Chinnapaa Reddy : **The Court and Constitution of India – Summits and Shallows** (2009) Oxford.
- B.N. Kripal : H. Desai, Gopal Subramaniam, Rajeev Dhawan & Raju Ramchandran (eds) : **Supreme But Not Infallible – Essays in Honour of the Supreme Court of India** (2004) Oxford.

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus, normally absent in law curricula so far.

The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalization, dependization, deinstitutionalization, Broadly, the course will concern itself with:

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives of Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial Institutions.
- (e) The problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginazlized deviance of riminality
- (h) The distinctive Indian (historical and contemporary) approaches to penology
- (i) Victims of crime – approaches, problematic, emerging trends, policies

Syllabus

1. Introductory

1.1 Definition of Penology

2. Theories of Punishment

2.1 Retribution

2.2 Utilitarian prevention: Deterrence

2.3 Utilitarian : Intimidation

2.4 Behavioural prevention : Incapacitation

2.5 Behavioural prevention : Rehabilitation - Expiation

2.6 Classical Hindu and Islamic approaches to punishment

3. The Problematic of Capital Punishment

3.1 Constitutionality of Capital Punishment

3.2 Judicial Attitudes Towards Capital Punishment in India - An inquiry through the statute law case law.

3.3 Law Reform Proposals

- 4. Approaches to Sentencing**
 - 4.1 Alternatives of Imprisonment
 - 4.1.1 Probation
 - 4.1.2 Corrective labour
 - 4.1.3 Fines
 - 4.1.4 Collective fines
 - 4.1.5 Reparation by the offender/by the court
- 5. Sentencing**
 - 5.1 Principal types of sentences in the Penal Code and special laws
 - 5.2 Sentencing in white collar crime
 - 5.3 Pre-sentence hearing
 - 5.4 Sentencing for habitual offender
 - 5.5 Summary punishment
 - 5.6 Plea-bargaining
- 6. Imprisonment**
 - 6.1 The state of India's jails today
 - 6.2 The disciplinary regime of Indian prisons
 - 6.3 Classification of prisoners
 - 6.4 Rights of prisoner and duties of custodial staff
 - 6.5 Open prisons
 - 6.6 Judicial surveillance - basis - development reforms
- 7. Victim of Crime**
 - 7.1 Nature and Development
 - 7.2 Role and Typology of Victims
 - 7.3 Victim and Criminal Justice
 - 7.4 Victim Characteristics : Police and Judicial Attitudes
 - 7.5 Legal Responses
 - 7.6 Emerging Trends and Policies
 - 7.7 State Compensation Programmes
 - 7.8 Sentencing alternatives – Compensation Orders
 - 7.9 The Indian Position

Select bibliography

- S.Chhabbra : **The Quantum of Punishment in Criminal law** (1970).
- H.L.A. Hart : **Punishment and Responsibility** (1968)
- Herbert L. Packer : **The Limits of Criminal Section** (1968)
- Alf Ross : **On Guilt : Responsibility and Punishment** (1975)
- A.Siddique : **Criminology** (1984) Eastern, Lucknow.
- K.S.Shukla : "Sociology of Deviant Behaviour" in **3 ICSSR Survey of Sociology and Social Anthropology 1969-179** (1986)
- Tapas Kumar Benerjee : **Background to Indian Criminal Law** (1990), R. Campary & Co., Calcutta.
- K.I. Vibhute : **Criminal Justice**, 2004 Eastern
- Law Commission of India Reports – **Forty Second Report, Thirty-Fifth Report**
- Oppenheimer : **The Rational of Punishment**
- All India Jail Reforms Committee (1980-83) : **National Policy of Jail Reforms Draft : Report of the All India Jail Reforms Committee** (1980-83)
- Central Bureau of Correctional Services : **Probation and Prisons : A Statistical Analysis** (1964-68)
- : **Social Defence in India** (1970)
- Indian Jails Committee : **Report of the Indian Jails Committee** of 1919, 1836 and 1864
- Jones and Cormes : **Open Prisons** 1977
- Menon N.R.M : **Criminal Justice India Series** (2002)
- Report of the Fifth United Nations Congress on the Prevention of Crime and The Treatment of Offenders, Geneva, 1975.
- National Expert Committee on Women Prisoners : **Report of the National Expert Committee on Women Prisoners**, 1980-83.
- Reports of the National Human Rights Commission 1997-98, 1998-2000.
- B.K. Bhattacharya : **Violence, Delinquency and Rehabilitation**, 1977
- Ministry of Home Affairs, Government of India : **Crime in India**, 1983
- Hans Van Hentig : **The Criminal and His Victim**, 1948
- Henry Maine : **Ancient Law** 1901
- William McDonald : **Criminal Justice and the Victim**, 1976
- V.M. Rajan : **Victimology in India**
- Schneider, Burcart and Wilson : **The Role of Attitudes**, 1974

- Vidya Bhushan : **Prison Administration in India**
- Watter C. Reckless : **The Crime Problem** Indian Reprint, 1971
- Vasu Nair Rajan : **Victimology in India : Perspectives Beyond Frontiers** (1995) APH
- G.S. Bajpai : **Victim in the Criminal Justice Process : Perspectives on Police and Judiciary** (1997) Uppal.
- Natti Ronel, K. Jaishankar and Mosha Bensimon (eds.) : **Trends and Issues in Victimology** (2008) Cambridge
- Chockalingam (ed) : **Readings in Victimology** (1985), Ravi Raj Publications, Madras.
- Johnson Elmer Hubert : **Crime Correction and Society** (1978) Homeword Dorsay Press.
- James Howard : **Crime and Penal System**, University Tutorial Press, London
- Larry Alexander : Kimberly Kessler Ferzan and Stephen Morse : **Crime and Culpability : A Theory of Criminal Law**, Cambridge.

This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as : "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial which should help us understand both the aetiology and the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

Syllabus

1. Introductory

- 1.1 Notions of "force", "coercion", "violence"
- 1.2 Distinctions : "symbolic" violence, "institutionalized" violence, "structural violence"
- 1.3 Legal order as a coercive normative order
- 1.4 Force-monopoly of modern law
- 1.5 "Constitutional Law" and "criminal" speech : Speech as incitement to violence
- 1.6 "Collective political violence" and legal order
- 1.7 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. **Agrarian Violence and Repression**

- 3.1 The nature and scope of agrarian violence in the 18-19 centuries India.
- 3.2 Colonial legal order as a causative factor of collective political (agrarian) violence.
- 3.3 The Telangana struggle and the legal order.
- 3.4 The Report of the Indian Human Rights Commission of Arwal Massacre.

4. **Violence against the Scheduled Castes**

- 4.1 Notion of atrocities
- 4.2 Incidence of Atrocities
- 4.3 Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4 Violence Against Women

5. **Communal Violence**

- 5.1 Incidence and courses of "communal" violence
- 5.2 Findings of various commission of enquiry
- 5.3 The role of police and para-military systems in dealing with communal violence
- 5.4 Operation of criminal justice system tiring, and in relation to, communal violence

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, "Elementary any Aspets of Peasant Insurgency in Colonial India" (1983) Rankit Guba (ed.) : **Subaltern Studies Vol.1-6** (1983-1988)
- T.Honderich : **Violence of Equality** (1980)
- Mark Juergensmeyer : **"The Logic of Religious Violence : The Case of Punjab"** 22 Contribution 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)
- Ujjwal Kumar Singh : **The State Democracy and Anti-Terror Laws in India**, 2007, Sage.
- Jaideep Saikia and Ekaterina Stepanova (Eds.) : **Terrorism – Patterns of Internationalization**, 2009, Sage.
- K.S. Subramanian : **Political Violence and the Police in India**, 2007, Sage.
- Institute of Public Administration : **Collective Violence : Genesis and Response**, 1988
- M.J. Akbar : **Riots after Riots, Penguin**, 1988
- Hannah Arendt : **On Violence**
- S.K. Ghosh : **Communal Riots in India**, India Today, September 30, 1990

This course focuses on the Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power, Accordingly, the course focuses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here.

In designing teaching materials for this course, current developments in deviance, as reflected in newspapers/journals, law reports, and legislative proceedings should be highlighted.

It should be stressed that the objectives of the course include :

- (a) Dispelling of the commonly held belief the deviance crime is usually associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper; middle class deviance criminality in India;
- (c) Critical analyses of legal system responses and
- (d) Issues and dilemmas in penal and sentencing policies.

Syllabus

1. Introduction

Conceptions of white collar crimes

Indian approaches to socio-economic offences

Notions of privileged class deviance as providing a wider categorization of understanding Indian development

Typical forms of such deviance

Official deviance (deviance by legislation, judges, bureaucrats)

Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers

Trade union deviance (including teachers, lawyers/urban property owners)

Landlord deviance (class/caste based deviance)

Police deviance

Deviance of electoral process (rigging, booth capturing, impersonation, corrupt practices)

Gender-based aggression by socially, economically and politically powerful.

2. Official Deviance

Conception of official deviance - permissible limit of discretionary powers.

The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission - in 1959 and 1971.

The Chagla Commission Report on LIC-Mundhra Affair

The Das Commission Report on Pratap Singh Kairon

The Grover Commission Report on Dev Raj Urs

The Maruti Commission Report

The Ibakkar-Natarajan Commission Report on Fairfax.

3. Police deviance

Structures of legal restraint on police powers in India.

Unconstitutionality of "third-degree" methods and use of fatal force by police
"Encounter" killings

Police atrocities

The plea of superior orders

Rape and related forms of gender-based aggression by police and para-military forces.

Reform suggestions especially by the National Police Commissions.

4. Professional Deviance

Unethical practices at the Indian bar

The Lentin Commission Report

The Press Council on unprofessional and unethical journalism

Medical malpractice

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

Vigilance Commission

Public Accounts Committee

Ombudsman – Lokpal/Lokayukta

Commissions of Enquiry

Prevention of Corruption Act, 1947

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)
- Upendra Baxi : **Liberty and Corruption : The Antulay Cases Beyond** (1989)
- 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 Rotherm and "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I.523 (1981)

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology traditions does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juvenile in certain situations, as *parens patriae*. The Category of 'neglected children' defines the burdens of care which state and society have to assume for neglected children. Most categories of neglected children are also themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need.

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 State

- 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, varants.
- 4.3 Labourers
 - 4.3.1 In unorganized sector like zari, carpet, bidi, glass
 - 4.3.2 In unorganized 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 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.
- Ved Kumari : **The Juvenile Justice System in India : From Welfare to Rights** (2004) OUP
- (Select Bibliography in above book pp.324-346)
- Asha Bajpai : **Child Rights in India** (2003) Oxford
- John Muncie : **Youth Crime**, 3rd edn. (2009), Sage.
- Paul W. Tappan : **Juvenile Delinquency**
- Bhattacharya B. K. : **Violence, Delinquency and Rehabilitation**, 1977
- Sol Rubin : **Crime and Juvenile Delinquency**, 1988
- Wheeler and Cottrell : **Juvenile Delinquency, Its Prevention and Control**

SEMESTER – IV

C-107 : Practical/Project Work 100 Marks

Class room Teaching : 4 Credits

Each student will be assigned two topics in advance for teaching. The student may select any pedagogical method and shall be assessed accordingly.

Clinical Research Report : 4 Credits

Each students shall have to visit different legal institutions preferably indulging in alternate dispute resolutions, to understand the objectives and functioning of these institutions and their role and contribution in society at large, and shall submit a research report (type written/printed/hand written) for evaluation, not later than 20th April of the respective academic year

Doctrinal Research : 4 Credits

Each student shall submit for evaluation not later than 20th April of respective academic year a doctrinal research (type written/printed) based on doctrinal method of research, taught in the legal research methodology, by collecting data from various primary and secondary sources collating with socio-legal issues.

Non-Doctrinal Research : 4 Credits

Each student shall submit for evaluation not later than 20th April of respective academic year non-doctrinal research (type written/printed) based of non-doctrinal research method, taught in the legal research methodology, by collecting data from various sources, using appropriate methods of data collection, collating with socio-legal issues.

Each of the above components shall be of 25 marks each.

C-108 : Dissertation & Submission of Thesis : 8 Credits

With the objective to make LL.M. Programme a research oriented programme in Criminal Law (Law & Deviance) each student shall write a thesis selecting any topic from the subjects/courses/papers taught in the first three semesters applying appropriate research method and methodology, and shall submit the same, normally for external evaluation and shall have also to appear for Viva-Voce. The dissertation shall have to be submitted not later than 20th April of the respective academic year. The written thesis will be evaluated from 140 marks and Viva from 60 marks. The total marks for Dissertation will be 200 marks.

There will be no exemption for C-107 : Practical/Project Work and for C-108 : Dissertation. A student who has secured 50% or more marks in C-107 and/or C-108, the marks shall be carried forward till expiry of LL.M. Registration. In case a student fails to secure minimum 50% in C-107 and/or C-108, he/she shall have to submit the Dissertation and/or Practical/Project Work a fresh in the subsequent Academic year provided the LL.M. registration and his/her granted semester has not lapsed.