

**SHRI GOVIND GURU UNIVERSITY,
GODHRA**



Faculty of Law

Syllabus for

LL.M.

(Criminal Law)

Choice Based Credit System

With Effect From: 2021-22

**SHRI GOVIND GURU UNIVERSITY
GODHRA**

(ANNEXURE – II)

LL. M. GROUP – B : CRIMINAL LAW

SEMESTER : I (w.e.f. July, 2021)

Course Code : Course Credit : 05	Course Title : Indian Constitutional Law : The New Challenges – I Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The postgraduate students in law, who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they allowed choosing an area of law for specialization. As such, the subject is divided into two courses to have a deeper insight into the emerging challenges.

Syllabus :

1. Federalism.

- 1.1. Creation of new States.
- 1.2. Allocation and sharing of resources – distribution of grants in aid.
 - 1.2.1. The inter-state disputes on resources.
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Union to the State under Article 356 and 365.
- 1.6. Federal Comity : Relationship of trust and faith between Union and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas.

2. 'State' : Need for widening the definition in the wake of Liberalization.

3. Right to equality : Privatization and its impact on affirmative action.

- 4. Freedom of press and challenges of new scientific development.**
 - 4.1. Freedom of speech and right to broadcast and telecast.
 - 4.2. Access to Information.
 - 4.3. Right to strike, *hartal* and *bandh*.

- 5. Emerging Regime of New Rights and Remedies.**
 - 5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
 - 5.1.1. Compensation jurisprudence.
 - 5.2. Right to education.
 - 5.2.1. Commercialisation of education and its impact.
 - 5.2.2. Brain drain by foreign education market.

Text Books:

No specific book is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

**LL. M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : I (w.e.f. July, 2021)

Course Code : Course Credit : 05	Course Title : Legal Education and Research Methodology. Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

Post-graduate students of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL. M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. Level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus :

- 1. Objectives of Legal Education.**
- 2. Lecture Method of Teaching – Merits and Demerits.**
- 3. The Problem Method.**
- 4. Discussion Method and its suitability at postgraduate level teaching.**
- 5. The Seminar Method of teaching.**
- 6. Examination system and problems in evaluation – external and internal assessment.**
- 7. Student participation in law school programmes – organization of seminars, publication of journal and assessment of teachers.**
- 8. Clinical legal education – legal aid, arbitration, mediation.**
- 9. Research Methods.**
 - 9.1. Socio Legal Research.**
 - 9.2. Doctrinal and non-doctrinal.**
 - 9.3. Relevance of empirical research.**
 - 9.4. Induction and deduction.**
- 10. Identification of Problem of research.**

- 10.1. What is a research problem?
- 10.2. Survey of available literature and bibliographical research.
- 10.3. Legislative materials including subordinate legislation, notifications and policy statements.
- 10.4. Decisional materials including foreign decisions : methods of discovering the ‘rule of the case’ tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area Pertaining to the research problem and the reasons thereof.
- 10.5. Juristic writings – a survey of juristic literature relevant to select problems In India and foreign periodicals.
- 10.6. Compilation of list of reports or special studies conducted relevant to the Problem.

11. Preparation of the Research Design.

- 11.1. Formulation of the Research problem.
- 11.2. Devising tools and techniques for collection of data :
Methodology
 - 11.2.1. Methods for the collection of statutory and case materials and juristic Literature.
 - 11.2.2. Use of historical and comparative research materials.
 - 11.2.3. Use of observation studies.
 - 11.2.4. Use of questionnaires / interview.
 - 11.2.5. Use of case studies.
 - 11.2.6. Sampling procedures – design of sample, types of sampling to be adopted.
 - 11.2.7. Use of scaling techniques.
 - 11.2.8. Jurimetrics.

12. Classification and tabulation of data.

- 12.1. Use of cards for data collection.
- 12.2. Rules for tabulation.
- 12.3. Explanation of tabulated data.
- 12.4. Analysis of data.

13. Computerized Research – A study of legal research programmes such as Lexis and West law coding.

Text Books:

- 1. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- 2. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lucknow.
- 3. ILI Publication, Legal Research and Methodology.
- 4. N.K. Indrayan, Application of Epistemology to Legal Research, Indian Bar Review, 1987

**LL. M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : I (w.e.f. July, 2021)

Course Code : Course Credit : 05	Course Title : Criminology & Penology: Treatment of Offenders Course Type : Subject Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course:

By Criminology we mean the Science whose Purpose is the study of the Phenomenon called Criminality ,in its entire extent (this is theoretical or 'Pure' criminology)Whilst side by side with this theoretical Science, and founded upon its Conclusions, we have what is called Practical or Applied Criminology. Criminology is an Inductive Science which ,like other Inductive Sciences ,Observes the facts with the greatest Possible Exactitude, and endeavours with the Aid of available methods to trace the causes of the Phenomena Corning to its notice (aetiology) vere scire est per causas Scire-as-Bacon has Already thought us.

Crime and the threat of victimization are inescapable realities of contemporary society. Crime is so commonplace that prevention and security measures are viewed as natural and necessary precautions in both public and private life. A considerable and growing percentage of public resources are allocated for juvenile delinquency prevention initiatives, law enforcement training and technology, corrections, substance abuse treatment and numerous other aspects of criminal justice. The Subject - matter, therefore, of the Science of Criminology is Criminality, i.e. the Crimes which are Committed and Person who Commit them; the Judicial Aspect of the problem, i.e. the legal Formulation of the various Crimes being at the best a matter of Indirect Interest to the Criminologist. Penology is multi-disciplinary Subject that aims for the Study and Evaluation of the Application of Penal Laws onto the Wrongdoers. It Broadly Explains the Justification, Characteristics, and effectiveness of Punishment in its various forms. In other words, it is a Systematic Study of different facets of Punishment and its Impact on Crimes, Criminals, and Society. As per matter of fact, Penology owes its Origin to Beccaria, the Classical school of Criminology .This Italian Criminologist Argued that Justification of Punishment must be to deter Potential Criminal, and not merely to punish the Effectiveness of Punishment in its various forms. In other words, it is a Systematic Study of different facets of Punishment and its Impact of Crimes, Criminals, and Society.

Syllabus :

1. Criminology

1.1. Definition, Nature and Scope

2. Methods of studying, importance and classification of crime.

2.1. Criminal Behaviour.

2.2. Explanations.

2.3. Psychological Theories - alcoholism and Drugs.

2.4. Crime and Social Process: Economic Motivation,

- 2.5. Socio-cultural motivations,
- 2.6. Home and community influences,
- 2.7. White collar crime,
- 2.8. Female offender,
- 2.9. Juvenile Delinquency,
- 2.10. Cyber Crime,
- 2.11. Influence of mass-media

3. Schools of Criminology

- 3.1. Ancient School,
- 3.2. Classical School,
- 3.3. Cartographic or Ecological School,
- 3.4. Socialistic School,
- 3.5. Typological School and Multi - Factor School

4. Control of Crime

- 4.1. Police and Law Courts
- 4.2. Prison System Re-socializations of the offender,
- 4.3. Rehabilitation of discharged Prisoners in the Administration of Criminal Justice,
- 4.4. Prevention of Crime Delinquency.

5. Constitutional Guarantees

- 5.1. Principle of Natural Justice as applicable to procedural law,
- 5.2. Protection to arrested persons, Under-trials, detainee and convicted persons.
- 5.3. Double jeopardy and self-incrimination, rights to life and legal aid.

6. Definition of penology, nature and scope

7. Theories of punishment

- 7.1. Retribution
- 7.2. Utilitarian Prevention: Deterrence
- 7.3. Utilitarian Intimidation
- 7.4. Behavioural Prevention - Incapacitation
- 7.5. Behavioural Prevention- Rehabilitation Expiation

8. Penal Science in India

- 8.1. History of punishment
- 8.2. Pre Classical School
- 8.3. Classical School
- 8.4. Neo Classical School

- 8.5. The Reforms
- 8.6. Clinical School and Multiple Causation Approach

9. Kinds of Punishments

- 9.1. Modes of treatment of offenders
- 9.2. Corporeal Punishments
- 9.3. Transportation of criminals
- 9.4. Capital punishment
- 9.5. Imprisonment
 - 9.5.1. Rights of Prisoners and duties of Custodial Staff
 - 9.5.2. Open Prisons
- 9.6. Rational Treatment
- 9.7. Probation
- 9.8. Parole
- 9.9. Compensation
- 9.10. Admonition
- 9.11. Treatment of Habitual Juvenile
- 9.12. Sex and Adolescent offender
- 9.13. Indefinite Sentences
 - 9.13.1. Principal of Sentence in the Penal Code and Special Laws
 - 9.13.2. Sentencing in White Collar Crime
 - 9.13.3. Sentencing for Habitual Offender
- 9.14. Borstal School
- 9.15. Criminal Procedural Jurisprudence

10. The Problem of Capital Punishment

- 10.1. Constitutionality of Capital Punishment
- 10.2. Judicial Attitude towards Capital Punishment in India – an enquiry through the Statute Law and Case Laws.

Selected Bibliography:

- 1. Pillai – Principal of Criminology
- 2. Bonger- Criminology
- 3. Gillin –Criminology and Penology
- 4. H.L.A,HART, Punishment and Responsibility
- 5. Law Commission of India 42 Report Ch.3(1971)

LL. M. (CBCS)
CRIMINAL LAW GROUP

SEMESTER : I (w.e.f. July., 2021)

Course Code : Course Credit : 05	Course Title : Drug Addiction, Criminal Justice and Human Rights Course Type : Subjective Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

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

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

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

Assuming that both addiction and trafficking have to be regulated, what penal polices should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986. Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected.

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

Syllabus:

Unit - 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”.

Unit - 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.

Unit - 3. Ana graphic 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)

Unit - 4. The International Legal Regime

- 4.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs 1961, 1972.
- 4.2. Analysis of the Convention on Psychotropic Substances, 1972.
- 4.3. International collaboration in combating drug addiction
- 4.4. The SAARC and South-South Cooperation.
- 4.5. Profile of international market for psychotropic Substances.

Unit - 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.
- 5.7. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

Unit - 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 the Ugal Regimes, especially in relation to the resource less.

Unit - 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 & aftercare)
- 7.2. The role of 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.

Selected Bibliography:

1. J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974).
2. Social Defence Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, PublicationNo.21)

**LL. M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2022)

Course Code : Course Credit : 05	Course Title : Indian Constitutional Law : The New Challenges – II Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The postgraduate students in law, who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they allowed choosing an area of law for specialization. As such, the subject is divided into two courses to have a deeper insight into the emerging challenges.

Syllabus :

1. Fundamental Duties.

- 1.1. The need and status in Constitutional setup.
- 1.2. Relationship of Fundamental Duties with Fundamental Rights and Directive Principles of State Policies.

2. Right of minorities to establish and administer educational institutions and State control.

- 2.1. Scope and Meaning of Minority
- 2.2. Minority rights to Educational Institution.

3. Secularism and religious fanaticism.

- 3.1. Concept of Secularism and Constitutional Provisions.
 - 3.1.1. Historical perspective of Indian Secularism
- 3.2. Non-discriminatory State.
- 3.3. Freedom of Religion.
 - 3.3.1. Scope and Limits of Freedoms.
- 3.4. Religion and State in India.
 - 3.4.1. State control and non-interference with religion.

4. Separation of powers : stresses and strain.

- 4.1. Judicial Activism and Judicial restraint.
 - 4.2. PIL : Implementation.
 - 4.3. Judicial independence.
 - 4.3.1. Appointment, transfer and removal of judges.
 - 4.4. Accountability of executives and Judiciary.
5. **Democratic process.**
- 5.1. Nexus of politics with criminals and the business.
 - 5.2. Election.
 - 5.3. Election commission: status.
 - 5.4. Electoral Reforms.
 - 5.5. Coalition government, stability, durability, corrupt practices.

Text Books:

No specific book is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

**LL.M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2022)

Course Code : Course Credit : 05	Course Title : Law and Social Transformation in India Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

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 and exploit law and legal institutions as a means to achieve development within the framework of law.

The endeavour is to make the students aware of the role the 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.
- 1.3. Criticism and evaluation of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Modernisation and the Law.

- 2.1. Modernisation as a value : Constitutional perspectives reflected in the fundamental duties.
- 2.2. Modernisation of social institutions through law.
 - 2.2.1. Reform of family law.
 - 2.2.2. Agrarian reform – Industrialisation of agriculture.
 - 2.2.3. Industrial reform: Free enterprise v. State regulation.
 - 2.2.4. Industrialisation v. environmental protection.
- 2.3. Reform of court processes.
 - 2.3.1. Criminal law : Plea bargaining ; compounding and payment of compensation to victims.
 - 2.3.2. Civil law :(ADR) Confrontation v. Consensus; mediation and conciliation; *lok adalats*.
 - 2.3.3. Prison reforms.
- 2.4. Democratic decentralization and local self-government.

3. Alternative approaches to Law.

- 3.1. The jurisprudence of *Sarvodaya* --- Gandhiji, Vinoba Bhave, Jayaprakash Narayan --- Surrender of dacoits; Concept of *gram nyayalayas*.
- 3.2. Socialist thought on law and justice : An enquiry through constitutional debates on the right to property.
- 3.3. Indian Marxist critique of law and justice.
- 3.4. Naxalite movement : causes and cure.

4. Religion and the Law.

- 4.1. Religion as a divisive factor.
- 4.2. Secularism as a solution to the problems.
- 4.3. Reform of the law on secular lines: Problems.
- 4.4. Freedom of religion and non-discrimination on the basis of religion.
- 4.5. Religious minorities and the law.

5. Language and the Law.

- 5.1. Language as a divisive factor: formation of linguistic States.
- 5.2. Constitutional guarantees to linguistic minorities.
- 5.3. Language policy and the Constitution: Official language; Multi-language system.
- 5.4. Non-discrimination on the ground of language.

6. Caste and the Law.

- 6.1. Caste as a divisive factor.
- 6.2. Non-discrimination on the ground of caste.
- 6.3. Acceptance of caste as a factor to undo past injustices.
- 6.4. Protective discrimination : Scheduled castes, tribes and backward classes.
- 6.5. Reservation; Statutory Commission, Statutory provisions.

7. Regionalism and the law.

- 7.1. Regionalism as a divisive factor.
- 7.2. Concept of India as one unit,
- 7.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 7.4. Equality in matters of employment; the slogan 'Sons of the soil' and its practice.
- 7.5. Admission to educational institutions : preference to residents of a State.

8. Women and the Law.

- 8.1. Crimes against women.
- 8.2. Gender injustice and its various forms.

8.3. Women's Commission. Empowerment of women : Legal Provision apart from Constitutional

9. Children and the Law.

- 9.1.** Child labour.
- 9.2.** Sexual exploitation.
- 9.3.** Adoption and related problems.
- 9.4.** Children and education.

Text Books:

- 1.** U. Baxi (Ed.), Law and Poverty : Critical Essays (1988).
- 2.** Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).

**LL. M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2022)

Course Code :	Course Title : Practical - I
Course Credit : 05	Course Type : Core compulsory
Examination Marking Scheme	100 marks

Objectives of the course

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

Syllabus :

(A) Doctrinal research (50 marks)

Each student will be assigned in advance a separate topic and will be asked to collect materials. Sufficient number of days may be set apart for carrying out this assignment in the library. The material indicated or collected during the assignment shall be evaluated by a team of faculty members.

(B) Non-doctrinal research (50 marks).

Each student will be assigned in advance a separate topic and will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The same will be assessed by a team of faculty members.

LL. M. (CBCS)
CRIMINAL LAW GROUP

SEMESTER : II (w.e.f. Jan., 2022)

Course Code : Course Credit : 05	Course Title : Collective Violence and Criminal Justice System Course Type : Subject Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

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 forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

Syllabus

Unit -1.Introductory

- 1.1 Notions of „force“, “coercion”, “violence“
- 1.2 Distinctions: „symbolic“violence,“institutionalized”violence,“Structuralviolence”
- 1.3 Legal order as a coercive normative order Force-monopoly of modern law
- 1.4“Constitutional” and “criminal” speech: Speech as incitement to violence.
- 1.5“Collective political violence” and legal order.
- 1.6 Notion of legal and extra-legal“ repression”

Unit -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.

Unit -3.Agrarian Violence and Repression

- 3.1 The nature and scope of agrarian violence in the 18-19CenturiesIndia.
- 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 on Arwal Massacre.

Unit -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, aftermath of Atrocities.
- 4.4 Violence against Women.

Unit -5.Communal Violence.

- 5.1 Incidence and causes of “communal” violence.
- 5.2 Findings of various commissions of enquiry
- 5.3 The role of police and Para-military systems in dealing with communal violence
- 5.4 Operation of criminal justice system during, and in relation to, communal violence.

Selected Bibliography:

1. U. Baxi, “Dissent, Development and Violence” in R. Meagher (ed.), Law and Social Change : Indo-American Reflections 92 (1988).
2. G. Shah, Ethnic Minorities and Nation Building : Indian Experience (1984)

**LL.M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : III (w.e.f. July., 2022)

Course Code :	Course Title: Judicial Process
Course Credit : 05	Course Type : Core compulsory
Examination Marking Scheme	
3 Hours – 100 Marks	

Objectives of the course

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 on 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 familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus :

- 1. Nature of Judicial Process.**
 - 1.1. Judicial process as an instrument of social ordering.
 - 1.2. Judicial process and creativity in Law – Common law model – Legal reasoning and growth of law – Change and stability.
 - 1.3. The tools and techniques of judicial creativity and precedent.
 - 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.
- 2. Special Dimensions of Judicial Process in Constitutional Adjudications.**
 - 2.1. Notion of Judicial Review.
 - 2.2. “Role” in constitutional adjudication – various theories of judicial role.
 - 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
 - 2.4. Varieties of judicial and juristic activism.
 - 2.5. Problems of accountability and judicial law-making.
- 3. Judicial Process in India.**
 - 3.1. Indian debate on the role of judges and on the notion of judicial review.
 - 3.2. The “independence” of judiciary and the “political” nature of judicial process.

- 3.3. Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity.
- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.
- 3.5. Institutional liability of courts and judicial activism- scope and limits.
- 4. **The Concepts of Justice.**
 - 4.1. The concept of justice or Dharma in Indian thought.
 - 4.2. Dharma as the foundation of legal ordering in Indian Thought.
 - 4.3. The concept and various theories of justice in the western thought.
 - 4.4. Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.
- 5. **Relation between Law and Justice.**
 - 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
 - 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
 - 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
 - 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Text Books:

- 1. Henry J. Abraham, The Judicial Process (1998), Oxford.
- 2. Cardozo : The Nature of Judicial Process (1995) Universal, New Delhi
- 3. Cardozo : The Growth of Law, Universal
- 4. Henry J. Abraham : The Judicial Process (1996), Oxford.
- 5. John Rawls : A Theory of Justice (2000), Universal, Delhi.
- 6. Rajeev Bhargava, Michael Dusehe and Helmut Reifeld : Justice, Political, Social, Juridical 2008, Sage.
- 7. S.P. Sathe : Judicial Activism in India, Oxford
- 8. S.P. Sathe and SathyaNarayan : Liberty, Equality and Justice; Struggles for New Social order, 2003.
- 9. U. Baxi : 'Introduction to Justice' in K.K. Mathew's; Democracy Equality and Freedom (1978)

**LL.M. (CBCS)
CRIMINAL LAW GROUP**

SEMESTER : III (w.e.f. July., 2022)

Course Code :	Course Title: Practical- II
Course Credit : 06	Course Type : Core compulsory
Examination Marking Scheme	
100 marks	

Objectives of the course

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

Syllabus :

(A) Classroom Teaching (50 marks)

Each student will be assigned a topic in advance. He is required to handle Two classes for 30 to 40 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach in the classes of LL.B. students. The students can select any of the methods of teaching. In legal education practical, the LL.M. students will be evaluated by a team of Faculty members as under:

Mode of Evaluation	Marks
Two Classroom Lectures (2 x 15 marks each)	30
Lecture Plan and Teaching Methodology	10
Responses	10
Total Marks	50

clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint with court proceedings, working of a business organization, tackling of labour disputes, family disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him in form of a Detailed Report shall be assessed by a team of Faculty members.

Mode of Evaluation	Marks
Clinical Report (observation and work done)	30
Certificate / letter of appreciation	10
Responses	10
Total Marks	50

(B) Clinical research (50 marks)

The modalities can be evolved by the law schools. One method is that the legal aid

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SEMESTER : III (w.e.f. July, 2022)

Course Code : Course Credit : 05	Course Title : Juvenile Delinquency Course Type : Subject Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition 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 juveniles 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:

Unit - 1. The Basic Concepts.

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

Unit - 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

Unit - 3. Legislative Approaches.

- 3.1. Legislative approaches during the late colonial era.
- 3.2. Children's Act
- 3.3. Legislative position in various States
- 3.4. The Juvenile (Protection and Care) 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.

Unit - 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, destitute, vagrants.
- 4.3. Labourers
 - 4.3.1. In organized industries like zari, carpet, bidi, glass.
 - 4.3.2. In unorganized sector like domestic servant, shops and establishment, Rag-pickers, family trade.
- 4.4. Delinquent number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background.
- 4.5. Drug addicts.
- 4.6. Victims
 - 4.6.1. Of violence sexual abuse, battered, killed by parents
 - 4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach.

Unit - 5. Judicial Contribution, Implementation and Preventive Strategies

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

- 5.4. Institutions, bodies, personnel
- 5.5. Recruiting and funding agencies.
- 5.6. Recruitment qualifications and salaries or fund
- 5.7. Other responsibilities of each agency/person
- 5.8. Coordination among related agencies.
- 5.9. Accountability-annual reports and accessibility of public to juvenile justice institution. Preventive Strategies
- 5.10. State Welfare programmes health, nutrition, ICWS, grants-in-aid
- 5.11 Compulsory education
- 5.12 Role of community, family, voluntary bodies, individuals.

Text Books :

1. Myron Weiner, The Child and State in India (1990)
2. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986

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SEMESTER : III (w.e.f. July, 2022)

Course Code : Course Credit : 05	Course Title : Privileged Class Deviance Course Type : Subject Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

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 that 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:

Unit - 1. Introduction.

- 1.1. Conceptions of white collar crimes
- 1.2. Indian approaches to socio-economic offences
- 1.3. Notions of privileged class deviance as providing a wider categorization of understanding Indian development.

- 1.4. Typical forms of such deviance
 - 1.4.1. Official deviance (deviance by legislators, judges, bureaucrats) Professional deviance : Journalists, teachers, doctors, lawyers, engineers, architects & publishers.
 - 1.4.3. Trade union deviance (including teachers, lawyers/urban property owners)
 - 1.4.4. Landlord deviance (class/caste based deviance)
 - 1.4.5. Police deviance
 - 1.4.6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
 - 1.4.7. Gender-based aggression by socially, Economically and politically powerful.

Unit - 2. Official Deviance.

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

Unit - 3. Police Deviance.

- 3.1. Structures of legal restraint on police powers in India.
- 3.2. Unconstitutionality of “third-degree” methods and use of fatal force by police.
- 3.3. “Encounter” killings.
- 3.4. Police atrocities
- 3.5. The plea of superior orders
- 3.6. Rape and related forms of gender-based aggression by police and Para-military forces.
- 3.7. Reform suggestions especially by the National Police Commissions.

Unit - 4. Professional Deviance.

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

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

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

Selected Bibliography:

1. B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in the Other Side of Development 136 (1987; K.S. Shukla Ed.)

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CRIMINAL LAW GROUP**

SEMESTER : IV (w.e.f. Jan., 2023)

Course Code :	Course Title: Dissertation
Course Credit : 20	Course Type : Core Compulsory
Examination Marking Scheme	
200 Marks	

With the objective to make LL.M. Programme a research oriented programme 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 Internally and Externally followed by Pre-Viva Presentation and Viva-Voce to be conducted Externally by the examiners who assessed written thesis. The total marks for Dissertation will be 200 marks calculated as under:

Component	Marks	Credits
Dissertation (Dissertation/ Project Report Writing / Colloquium)	150	15
Presentation(Pre-Viva Presentation)	10	01
Viva Voce	40	04
TOTAL Marks	200	20