### Jiwaji University, Gwalior

**Choice Based Credit Systems (CBCS)**

**L.L.M.**

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

#### SEMESTER-I

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**Total Credit Value: #20+4 (virtual credit)**
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Human Rights -
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| LM 403     | Criminal Law-
ii. IT Offences(Generic)
Human Rights -
ii. Media Law(Generic) | Generic     | 4 | 0 | 0 | 4      | 100   |
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| LM 404     | Dissertation -                        | Core        | 0 | 0 | 12| 12     | 100   |
| LM 405     | Comprehensive Viva-Voce (Virtual Credit) | Core        | 0 | 0 | 4  | 4      | 100   |
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Jiwaji University, Gwalior
P.G. Programme Choice Based Credit Systems (CBCS)
Term-end Assessment: 60; Internal Assessment: 40
LL. M. 1st SEMESTER

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

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

*** Ability enhancement and skill development (e.g. Seminar)
# Option of minor+major project (4credits+8credits) or major project (12 credits).
SYLLABUS:

1. Law and social change: Law as an instrument of social change, law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.


3. Language and the law: Language as a devise factor: formation of the linguistic states Constitutional guarantees to linguistic minorities, Language policy and the constitution official language: multi-language system, Non-discrimination on the ground of language.

4. Community and the Law: Caste as a devise factor Concept Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, protective discrimination Scheduled caste tribes and backward classes Reservation for Economically and social back classes statutory commissions statutory provisions.

5. Regionalism and the Law: Regionalism as a diverse factor Concept of India as one unit, right of movement, residence and business: impermissibility of state or regional barriers, Equity in matters of employment: the slogan Sons
of the soil and its practice Admission to educational institutions: preference to residents of a state.


Select Bibliography:

iii) Manushi A journal about women and society.
vi) M.P. Jain outlines of Indian Legal History 1993 Tirpathi Bombay.
vii) Manoranjan Mohanty clss caste Gendar Reading in Indian Govt and Polities.
Jiwaji University, Gwalior  
LL.M. 1st Semester  
Paper – II  
Indian Constitutional Law: The New Challenges –I  
Core  

SYLLABUS:–

1. Federalism:- Creation of new states, Allocation and share of resources- distribution of grants in aid, The interstate disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Directions of the Center to the state under Article 356 and 365.

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


Select Bibliography:–

a) D.D. Basu, Shoeter Constitutions of India.


c) H.M. Seeravi: Constitutional Law

d) V.N. Shukla: Constitutional Law of India (M.P. Singh ed.)

e) G. Austin: Constitutional Costume of a nation. J.N. Pandey: The Constitution of India (Hindi & English)

f) B.K. Sharma: Bharat ka Samvidhan.
Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
Paper – III
Judicial Process – I

Core

Syllabus

1. Law – Definition and Content

3. The tools and techniques of judicial creativity and precedent.
4. Legal development and creativity through legal reasoning under statutory and codified systems.
   1. Notions of indicial review
   2. Role’ in constitutional adjudication various theories of indicial role.
   3. Tools and techniques in policy – making and creativity in constitutional adjudication.
   4. Varieties of judicial and juristic activism
   5. Problems of accountability and judicial law – making.

Select Bibliography

J. Stone, Lecial System and Lawyers’ Resonances (1999), Universal, Delhi
Rajeev Dhavan, The Supreme Court of India A Socio – Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
John Rawis, A Theory of Justice (2000), Universal, Delhi
Dias – Jurisprudence
Petan – Concepts of Jurisprudence
Friedman – Legal Theories of Jurisprudence.
Jiwaji University, Gwalior
LL.M. Ist Semester
Paper – IV
(Criminal Group)
Drug Addiction, Criminal Justice and Human Rights

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-

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

Anagaphic and Social Characteristics of Drugs Usera

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

The International legal Regine

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

The Indian Regulatory system .

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


**Human Rights Aspects:**

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

**The Role of Community In Combating Addiction**

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

**Select Bibliography:**

H.S. Becker, Outsiders: The Students in Sociology of Deviance (1966)
J.A. Incard, C.D. Chambers, (eds), Drugs and the Criminal Justice System (1974)
R.A. Cocken, Drug Abuse and Personality in Young Offenders (1971)
Lok Sabha and Rajya sabha Debates on 1986 bill on psychotropic Substances
Jiwaji University, Gwalior
LL.M. 1st Semester
Paper – V
(Human Rights Law – Group)
Concept and Development of Human Rights

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-


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


5. Human Rights Protection Agencies.

Select Bibliography:-


iii) Rma Jois, Human Rights, : Bharatiya values 1998


v) John Finnis, Natural Law and natural Rights 19982.

vi) M.G. Chitlara, Human Rights : Commitment and Betrayal, 1996

## Jiwaji University, Gwalior

### Choice Based Credit Systems (CBCS)

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

**LL. M. IInd SEMESTER**

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

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

*** Ability enhancement and skill development (e.g. Seminar) 
# Option of minor+major project (4credits+8credits) or major project (12 credits).
Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
Paper – Ist
Judicial Process and Law and Legal Theories-II

Core

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1. Judicial Process in India
   1. Indian debate on the role of judges and on the notion of judicial review.
   2. The "independence" of judiciary and the "political" nature of indicial process
   3. Judicial activism and creativity of the Supreme Court the tools and techniques of creativity/
   4. Judicial process in pursuit of constitutional goals and values new dimensions of judicial activism and structural challenges.
   5. Institutional liability of courts and judicial activism scope and limits.

2. The Concepts of Justice
   1. The concept of justice or Dharma in Indian thought
   2. Dharma as the foundation of legal ordering in Indian thought.
   3. The concept and various theories of justice in western thought.
   4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

3. Relation between Law and Justice
   1. Equivalence Theories Justice as nothing more than the positive law of the stronger class
   2. Dependency theories For its realization justice depends on law, but justice in not the same as law.
   3. The independence of justice theories means to end relationship of law and justice The relationship in the context of the Indian constitutional ordering.
   4. Analysis of selected cades of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography
W. Friedmann, Lecial Theory (1960), Stevens, London
Bodenheimer, Jurisprudence the Philosophy and Method of the Law (1997), Universal, Delhi
J. Stone, Lecial System and Lawyers' Resonances (1999), Universal, Delhi
Jiwaji University, Gwalior (M.P.)
LL.M. IIrd Semester
Paper – IIrd
Legal Education And Research Methodology

Core

Syllabus:-

1. Objectives of Legal Education
2. Lecture Method of Teaching Merits and demerits
3. The Problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching
6. Examination system and problems in evaluation external and internal assessment.
7. Student Participation in law school programmes Organisation of Seminars, Publication of journal and assessment of teachers
8. Clinical legal education legal aid, legal literacy, legal survey and law reform
9. Research Methods
   1. Socio Legal Research
   2. Doctrinal and non – doctrinal
   3. Relevance of empirical research
   4. Induction and deduction

10. Identification of Problem of research
    1. What is a research problem?
    2. Survey of available literature and bibliographical research.
       (I) Legislative materials including subordinate legislation, notification and policy statements
       (II) Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over – ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
       (III) Juristic Writings a survey of juristic literature relevant to select problems in India and foreign periodicals.
       (IV) Compilation of list of reports or special studies conducted relevant to the problem.

11. Preparation of the Research Design
    1. Formulation of the Research problem
    2. Devising tools and techniques for collection of data Methodology
       (i) Methods for the collection of statutory and case materials and juristic literature.
(ii) Use of historical and comparative research materials.
(iii) Use of observation studies.
(iv) Use of questionnaires/interview
(v) Use of case studies.
(vi) Sampling procedures design of sample, types of sampling to be adopted.
(vii) Use of scaling techniques.
(viii) Jurimetrics
(ix) Computerized Research A study of legal research programs such as Lexis
and West law coding.
(x) Classification and tabulation of data use of cards for data collection Rules
for tabulation Explanation of tabulated data.
(xi) Analysis of data

Bibliography:-

High Bralyal, Nigel Duncan and Richard Crimes, Clinical Legal Education: Active Learning

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

Company, Lucknow.

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

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

Company, London

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

Payne, The Art of Asking Questions (1965)


IL! Publication, Legal Research and Methodology.
Jiwaji University, Gwalior
LL.M. IInd Semester
Paper – III
Indian Constitutional Law : The New Challenges –II

Core

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-

1. Rights of Minorities to Establish and Administer Educational institutions and state Control.
2. Secularism and Religious fanaticism.
3. Legislative Procedure.

Select Bibliography:-
a) D.D. Basu. Shoeter Constitutions of India.
c) H.M. Seeravi: Constitutional Law
d) V.N. Shukla: Constitutional Law of India (M.P. Singh ed.)
e) G. Austin: Constitutional Costume of a nation. J.N. Pandey: The Constitution of India (Hindi & English)
f) B.K. Sharma: Bharat ka Samvidhan.
g) M.D. Chaturvadi Indian Constitutional Law of India.
h) ILI. Journal
i) AIR SCC
Jiwaji University, Gwalior (M.P.)
LL.M. IIInd Semester
(Criminal Group)
Principle of Criminal Law

Centric            Term-end Assessment : 60
Elective           Internal Assessment : 40

SYLLABUS :-

Principle of Criminal Law

1. Crime
2. Element of Crime
3. Stages of Crime
4. Factors Defining mens-rex under India penal code.
5. Acts not Punishable under Indian Penal code (General Exceptions)
6. Principle of Accusatorial and Inquisitorial system of trial
7. Principles of fair-trial

Select bibliography

Principle of Crime R.K. Nigam
Wilkins and Cross, Outline of the Law of Evidence
Archbold, Pleading, Evidence and Practice in Criminal Cases
Sarkar, Law of Evidence
Eastern, Law 225
Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
(Human Rights law Group)
Human Rights and International Order

Syllabus

Term-end Assessment : 60
Internal Assessment : 40

1. Development of the Concept of Human Rights Under International Law
   1.1. Role of International Organization and Human Rights
   1.2. Universal Declaration of Human Rights (1948)
   1.3. Covenant on Political and Civil Rights (1966)
   1.5. ILO and other Conventions and Protocols dealing with human rights

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

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

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

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

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

*** Ability enhancement and skill development (e.g. Seminar)
# Option of minor+major project (4credits+8credits) or major project (12 credits).
Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
Paper – Ist
(Criminal Group)
Criminology & Privileged class Deviance

Syllabus

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

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

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 paramilitary forces
3.7. Reform suggestions especially by the National Police Commissions

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

5. Response of Indian Legal Order to the Deviance of Privileged Classes
5.1. Vigilance Commission
5.2. Public Accounts Committee
5.3. Ombudsman
5.4. Commissions of Enquiry
5.5. Prevention of Corruption Act, 1947
5.6. The Antulay Case

Select bibliography

Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
Surendranath Dwevedi and G.S. Bhargava, Political Corruption in India (1967)
A.R. Desai (ed.) Violation of democratic Rights in India (1986)
A.G. Noorani, Minister's Misconduct (1974)
Indira Rotherm und, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)
Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Criminal Group)
Paper – IIInd
Juvenile Delinquency

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

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

2. Determining Factors of Juvenile Delinquency
   2.1. Differential association
   2.2. Anomie
   2.3. Economic pressure
   2.4. Peer group influence
   2.5. Gang sub-culture
   2.6. Class differentials

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

4. Indian Context of Juvenile Delinquency
   4.1. The child population percentage to total sex-ratio, urban/rural/rural-urban
   4.2. Neglected - below poverty line, physically and mentally disabled, orphans, destitutes,
       vagrants.
   4.3. Labourers
   4.3.1. In organised industries like zari, carpet, bidi, glass
4.3.2. In unorganised sector like domestic servant, shops and establishments, rag-pickers family trade.
4.4. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
4.5. Drug addicts
4.6. Victims
4.6.1. Of violence - sexual abuse, battered, killed by parents
4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach

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

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

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

Select bibliography
K.S. Shukla, Adolescent Offender (1985)
United Nations, Beijing Rules on Treatment of Young Offenders (1985)
The United Nations Declaration on the Rights of Children
UNICEF periodic materials
Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Criminal Group)
Paper – IIIrd
Collective violence and Criminal Justice System

Syllabus

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

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

3. Violence against the Scheduled Castes
   3.1. Notion of Atrocities
   3.2. Incidence of Atrocities
   3.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
   3.4. Violence Against Women

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

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

Select bibliography

Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba,
Rajni Kothari, State Against Democracy (1987)
Jiwaji University, Gwalior (M.P.)
LL.M. IIIrd Semester
(Human Rights Group)
Paper – 1st
Protection and Enforcement of Human Rights in India

Syllabus

1. History and Development of Human Rights in Indian Constitution
   1.1. Constitutional Philosophy - Preamble
   1.2. Fundamental Rights
   1.3. Directive Principles of State Policy
   1.4. Fundamental Duties

2. Judicial Activism and Development of Human Rights Jurisprudence

3. Enforcement of Human Rights
   3.1. Formal enforcement mechanisms
   3.1.1. Role of Supreme Court
   3.1.2. Role of High Courts
   3.1.3. Role of Civil and Criminal Courts
   3.1.4. Statutory Tribunals
   3.1.5. Special Courts

4. Role of India in implementing international norms and standards

Select bibliography

Jiwaji University, Gwalior (M.P.)
LL.M. 3rd Semester
(Human Rights Group)
Paper – II

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

Centric Elective

Term-end Assessment : 60 Internal Assessment : 40

Syllabus

1. Concept of Disadvantaged Groups

2. Emerging Human Rights Jurisprudence and the Role of the Judiciary
   2.1. Rights of women
   2.2. Rights of the child
   2.3. Rights of prisoners
   2.4. Rights of dalits
   2.5. The tribal and other indigenous people
   2.6. The mentally ill
   2.7. The stateless persons
   2.8. The unorganised labour
   2.9. 'Aids' victims
   2.10. Rights of minorities

3. Enforcement of Human Rights
   3.1. Protection Laws of the Disadvantaged Groups: Problems and Issues

4. Future Perspectives of the Human Rights of the Disadvantaged

Select bibliography

Paras Diwan and Piyush Diwan, Women and Legal Protection
Janaki Nair, Women and Law in Colonial India, (1996).
Syllabus

1. Humanization of Warfare.
   1.1. Amelioration of the wounded and sick
   1.1.1. Armed forces in the field
   1.1.2. Armed forces at sea
   1.1.2.1. The shipwrecked
   1.2. Protection and facilities
   1.2.1. Prisoners of war
   1.2.2. Civilians in times of War
   1.2.3. Cultural properties

2. Control of weapons
   2.1. Conventional
   2.2. Chemical
   2.3. Biological
   2.4. Nuclear

3. Humanitarian law: Implementation
   3.1. Red Cross - role
   3.2. National legislation

4. The Concept of refugees
   4.1. Definition of refugees and displaced persons - their problems
   4.2. The UN Relief and Rehabilitation Administration and other International Refugee organizations : international protection.
   4.3. Protection under national laws

5. Strategies to combat refugee problem
   5.1. Repatriation, resettlement local integration and rehabilitation.
   5.2. UNHCR - role
   5.3. UNHCR and India
Select bibliography

Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996).
Jiwaji University, Gwalior
P.G. Programme Choice Based Credit Systems (CBCS)
Term-end Assessment: 60; Internal Assessment: 40
LL. M. IVth SEMESTER

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

*** Ability enhancement and skill development (e.g. Seminar)
# Option of minor + major project (4credits+8credits) or major project (12 credits).
Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Criminal Group)
Penology: Treatment of Offenders

Term-end Assessment: 60
Internal Assessment: 40

Syllabus

1. Introductory
   1.1. Definition of Penology

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

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

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

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

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

Select bibliography

S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
H.L.A. Hart, Punishment and Responsibility (1968)
Herbert L. Packer, The Limits of Criminal Sanction (1968)
Alf Ross, On Guilt, Responsibility and Punishment (1975)
Law Commission of India, Forty-Second Report Ch. 3 (1971)
Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

Syllabus

1. Interrelationship between the Laws of Technology and Human Rights
   1.1. Laws on the Use of Science and Technology
   1.2. Laws on the Development of Science and Technology

2. Implications of Development of Science and Technology on Human Rights
   2.1. Laws on the Use of Science and Technology
   2.2. Laws on the Development of Science and Technology

3. Medicine and the Law
   3.1. Medical Jurisdiction
   3.2. Medical Ethics
   3.3. Medical Law

4. Issues of Human Rights in Science and Technology
   4.1. Human Rights in Science
   4.2. Human Rights in Technology

5. Development in Information Technology and Human Rights

   6.1. Rights to life
   6.2. Right to privacy
   6.3. Right to physical integrity
   6.4. Right to information
   6.5. Right to benefit from scientific and technological progress
   6.6. Right to adequate standard of living
Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Criminal Group)
Information Technology Offences

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

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

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

UNIT- III Regulation of certifying authorities
Digital signature certificates

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

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

Suggested Readings

Prof. S.R. Bhansali Information Technology Act 2000
Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Human Rights Group)
Science Technology and Human Rights

Syllabus

1. Interrelationship of Science, Technology and Human Rights

2. Implication of Development of Science and Technology on Human Rights
   2.1. Right to environment in the development of science and technology
   2.2. Right to development in the advancement of science and technology
   2.3. Right to human health and impact of developments in medical sciences

3. Medicine and the Law
   3.1. Organ transplantation
   3.2. Experimentation on human beings
   3.3. Euthanasia (mercy killing)
   3.4. Gene therapy

4. Issue of Human Rights Ethics in Scientific and Technological Development
   4.1. Sex determination test
   4.2. Induced abortion
   4.3. Reproductive technology
   4.4. Cloning
   4.5. Invitro fertilization
   4.6. Artificial insemination
   4.7. Surrogate motherhood

5. Development in Information Technology and Human Rights

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

Adwin W. Patterson, Law in a Scientific Age, (1963)
Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990
Kamenka, E., Ideas and Ideologies Human Rights (1978)
Galtung, Human Rights in Another Key, (1994)
Akbar, M.J., Roits After Riots, (1988)
Jiwaji University, Gwalior (M.P.)
LL.M. IVth Semester
(Human Rights Group)
MEDIA LAW

Syllabus

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

Unit - II Press Freedom of Speech and Expression – Article 19 (1) (a), Includes Freedom
of the Press, Laws or defamation, obscenity, blasphemy and sedition, The relating
Advertaisement – is it included within freedom of speech and expression ?, Press
And the Monopolies and Restrictive Trade Practices Act.

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

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

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

Select bibliography
John B. Howard, The Social Accountability of Public Enterprises in Law and
Community Controls in New Development Strategies (international Center for law
In Development) 1980
Bruce Michael Boyd, Film Censorship in India; A Reasonable on Freedom of
Rajeev Dhavan, Legitimating Government Rhetoric : Reflections on some Aspects
Students should consult relevant volumes of the Annual Survey of Indian Law
Published by the Indian Law Institute. (Constitutional Law I & II Administrative
Law and Public interest litigation)