

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

SEMESTER-I

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

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

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

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

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



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

Core

Term-end Assessment : 60
Internal Assessment: 40

SYLLABUS :-

Unit : I

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

Unit : II

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

Unit : III

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

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

Unit: IV

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

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



Unit : V

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

Select Bibliography:-

- i) Mare Galanter (ED) Law and Society In Modern India (1997) Oxford.
- ii) Robert Ling at The classical law of India (1998) Oxford.
- iii) Manushi A journal about women and society.
- iv) H.M. Seervai Constitution Law of India 1996 Tirpathi.
- v) Savitri Gunasekhare Children, Law and Justice 1997 Sage.
- vi) M.P. Jain outlines of Indian Legal History 1993 Tirpathi Bombay.
- vii) Manorajan Mohanty class caste Gender Reading in Indian Govt and Politics.



Jiwaji University, Gwalior
LL.M. Ist Semester
Paper – II
Indian Constitutional Law : The New Challenges –I

Core

Term-end Assessment : 60
Internal Assessment 40

SYLLABUS :-

Unit I

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

Unit II

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

Unit III

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

Unit IV

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

Unit V

Emerging Regime of New Rights and Remedies Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence, Right to education, Commercialisation of education and its impact, Brain Drain by foreign education market.

Select Bibliography:-

- a) D.D. Basu. Shoeter Constitutions of India.
- b) Constitutional Assembly Debates Vol. 1 & 12 1989.
- c) H.M. Seeravi: Constitutional Law
- d) V.N. Shukla: Constitutional Law of India (M.P. Singh ed.)
- e) G. Austin: Constitutional Costume of a nation. J.N. Pandey: The Constitution of India (Hindi & English)
- f) B.K. Sharma: Bharat ka Samvidhan.



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

Core

Term-end Assessment : 60
Internal Assessment 40

Syllabus

Unit – I

Law – Definition and Content

Unit – II

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

Unit – III

Jurisprudential Concepts – Personality, Right and Duty and Ownership.

Unit – IV

Nature of Judicial Process –

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

Unit – V

Special Dimensions of Judicial Process in Constitutional Adjudications.

1. Notions of judicial review
2. Role' in constitutional adjudication various theories of judicial 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, Legal System and Lawyers' Resonances (1999), Universal, Delhi
U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
Rajeev Dhavan, The Supreme Court of India A Socio – Legal Critique of its 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.
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 :-

Objectives of the course

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

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

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

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

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

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

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



Syllabus

Unit – I

Introductory

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

Unit – II

The International Legal Regime

Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1954, 1972

Analysis of the Convention on Psychotropic Substances, 1972

International collaboration in combating drug addiction

The SARC, and South-South Cooperation

Profile of international market for psychotropic substances

Unit – III

The Indian Regulatory System

Approaches to narcotic trafficking during colonial India

Nationalist thought towards regulation of drug trafficking and usage

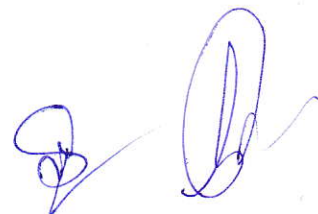
The penal provisions (under the IPC and the Customs Act)

India's role in the evolution of the two international conventions

Judicial approaches to sentencing in drug trafficking and abuse

The Narcotic Drugs and Psychotropic Substances Act, 1985

Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation



Unit – IV

Human Rights Aspects

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

Possibilities of misuse and abuse of investigative prosecutory powers
Bail
The Problem of differential application of the Ugal Regimes, especially in relation to the resource less

Unit – V

The Role of Community In Combating Drug Addiction

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

The role of educational systems

The role of medical profession

The role of mass media

Initiatives for compliance with regulatory systems

Law reform initiatives

Select bibliography

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

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

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

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

P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" *7 Indian Journal of Criminology*, 65-68 (1979)

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

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

Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome,

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

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-

Unit – I

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

Unit – II

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

Unit – III

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

Unit – IV

Human Rights and judicial Process : Judicial activism.

Unit – V

Human Rights Protection Agencies.

Select Bibliography:-

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

