

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

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

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

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

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

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

Centric
Elective

Term-end Assessment: 60
Internal Assessment: 40

Syllabus

1. Introduction

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

2. Official Deviance

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

3. Police Deviance

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



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

4. Professional Deviance

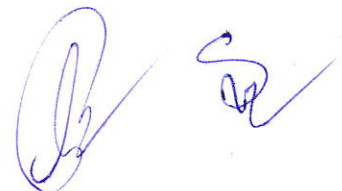
- 4.1. Unethical practices at the Indian bar
- 4.2. The Lentin Commission Report
- 4.3. The Press Council on unprofessional and unethical journalism
- 4.4. Medical malpractice

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

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

Select bibliography

- Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- Upendra Baxi (ed.), Law and Poverty: Essays (1988)
- Upendra Baxi, Liberty and Corruption: The Antulay Case and 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 Rothem 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

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. The Basic Concepts

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

2. Determining Factors of Juvenile Delinquency

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

3. Legislative Approaches

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

4. Indian Context of Juvenile Delinquency

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



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

5. Judicial Contribution

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

6. Implementation

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

7. Preventive Strategies

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

Select bibliography

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



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

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

1. Introductory

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

2. Approaches to Violence in India

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

3. Violence against the Scheduled Castes

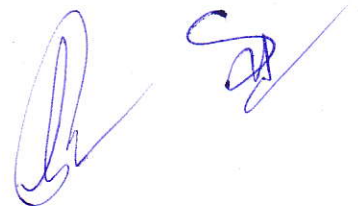
- 3.1. Notion of Atrocities
- 3.2. Incidence of Atrocities
- 3.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 3.4. Violence Against Women

4. Communal Violence

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

1. Criminal Liability.

1. Group Liability



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

Select bibliography

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

Jiwaji University, Gwalior (M.P.)

**LL.M. IIIrd Semester
(Human Rights Group)**

Paper – Ist

Protection and Enforcement of Human Rights in India

**Centric
Elective**

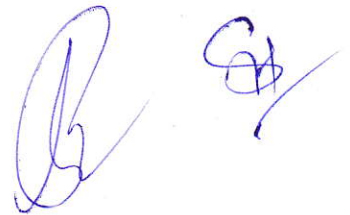
**Term-end Assessment : 60
Internal Assessment : 40**

Syllabus

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

Select bibliography

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



Jiwaji University, Gwalior (M.P.)

LL.M. IIIrd Semester

(Human Rights Group)

Paper – IInd

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

Centric

Elective

Term-end Assessment : 60

Internal Assessment : 40

Syllabus

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

Select bibliography

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

Jiwaji University, Gwalior (M.P.)

LL.M. IIIrd Semester

(Human Rights Group)

Paper – IIIrd

International Humanitarian Law and Refugee law

**Centric
Elective**

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

Syllabus

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

Select bibliography

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

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

Kelly Dawn Askin, War Crimes Against Women, (1997).

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

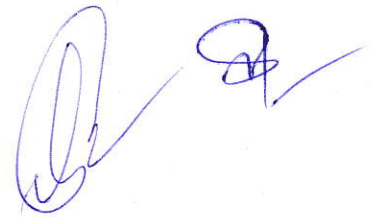
Guy S. Goodwin-Gill, The Refugee in International Law, (1996).

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

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

Resettlement Handbook, The United Nations High Commissioner for Refugees.

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

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