

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

Paper Code	Course	C/CE/GE	L	T	P	Credit	Marks
LM 101	Judicial Process and legal theories II	Core	4	0	0	4	100
LM 102	Legal Education and Research Methodology	Core	4	0	0	4	100
LM 103	Indian Constitutional Law New Challenges-II	Core	4	0	0	4	100
LM 104	Choose any one elective 1.Criminal Law- Principle of Criminal Law	Centric Elective	4	0	0	4	100
LM 105	2.Human Rights - Human Right and International order	Centric Elective					
LM 106	Seminar-II	Core	0	0	1	1	100
LM 107	Assignment-II	Core	0	0	1	1	100
LM 108	Project Work-II	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 (M.P.)
LL.M. IInd Semester
Paper – Ist
Judicial Process and Law and Legal Theories-II

Core

Term-end Assessment : 60

Internal Assessment : 40

Syllabus

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 judicial 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 is 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 cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select Bibliography'

Juflus Store, - The Province and Function of Law, Part II, Chs. 1.816(2000), Universal, New Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi

Henry J. Abraham The Judicial Process (1998), Oxford.

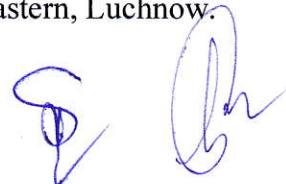
J.Stone, Precedent and the Law : Dynamics of Common Law Growth (1985) Butterworths

W. Friedmann, Legal Theory (1960), Stevens, London

Bodenheimer, Jurisprudence the Philosophy and Method of the Law (1997), Universal, Delhi

J. Stone, Legal System and Lawyers' Resonances (1999), Universal, Delhi

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.



Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
Paper – IInd
Legal Education and Research Methodology

Core

Term-end Assessment : 60
Internal Assessment 40

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 Brayal, Niqel Dunean and Richard Crimes, Clinical Legal Education : Active Learning in your Law School, (1998) Blackstone Press Limited, London

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

N.R. Madhava Menon, (ed) A Handbook of clinical Legal Education(1998) Eastern Book Company, Lucknow.

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

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

William J. Grade and Paul K. hiatt, Methods in Social Research, Mc Graw – Hill Book Company, London

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

Payne, The Art of Asking Questions (1965)

Erwin C.Surrency, B. Fielf and J.Crea, A Guide to Legal Research (1959)

Morris L.Cohan, Leqal Research/n Nutshell, (1996), West Publishing Co.

Havard Law Review Association, Uniform System of Citations.

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

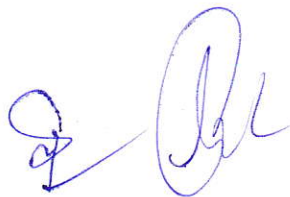
Internal Assessment : 40

SYLLABUS :-

1. Rights of Minorities to Establish and Administer Educational institutions and state Control.
2. Secularism and Religious fanaticism.
3. Legislative Procedure.
4. Separation of Powers : Stresses and strain, Judicial activism and judicial rests, PII implementation judicial independence Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.
5. Democratic process: Next of politics with criminals and the Business, Election, Election Commission: status, Electoral Reforms, Coalition Government stability, durability, corrupt practice grass root democracy.
6. Constitutional Emergency Provisions.

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.
- g) M.D. Chaturavadi Indian Constitutional Law of India.
- h) ILI. Journal
- i) AIR SCC



Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
(Criminal Group)
Principle of Criminal Law

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

SYLLABUS :-

Principle of Criminal Law

1. Crime
2. Element of Crime
3. Stages of Crime
4. Factors Defining mens-rea 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
K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000),
Eastern, Law 225



Jiwaji University, Gwalior (M.P.)
LL.M. IInd Semester
(Human Rights law Group)
Human Rights and International Order

Centric
Elective

Term-end Assessment : 60
Internal Assessment : 40

Syllabus

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)
 - 1.4. Covenant on Economic, Social and Cultural Rights (1966)
 - 1.5. I L O 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
 - 3.9. National and State Human Rights Commissions.
4. International enforcement of Human Rights
 - 4.1. Role of ICJ and regional institutions

Select Bibliography

- Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
R.K.Sinha, Human Rights of the World,(1997).
Francisco Forrest Martin, International Human Rights Law and Practice,(1997).
Luck Clements, European Human Rights Taking a Case under the Convention, (1994).



Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).

Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).

R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).

The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.

B.P.Singh Seghal, Human Rights in India, (1996).

Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).

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