

SRI VENKATESWARA UNIVERSITY, TIRUPATI

LL.M (RESEARCH DEGREE) COURSE REGULATIONS

(For regular students studying in Affiliated Law Colleges)

(To come into effect from the academic year 2010-11)

1. ELIGIBILITY FOR ADMISSION IN TO THE COURSE:

a) A candidate seeking admission into LL.M (Research) Degree course should have passed 3Year / 5year B.L / LL.B Degree examination or equivalent thereto, with a minimum of 40% of marks on the aggregate of all the years including internal assessment / Sessional marks if any. Besides, the candidate has to qualify in the prescribed entrance examination of that year. (PGLCET)

b) The total seats sanctioned for each branch classified into two categories namely i.e. convener seats 80% and management quota seats 20%.

II. COURSE OF STUDY: The course shall be a regular / full time course with the branches of (1) Constitution and Legal Order and (2) Criminal Law. The course of study shall be of two academic years consisting of four semesters where in first and second semesters during the first academic year and third and fourth semesters during second academic year. The duration of each semester is ninety instruction days of six hours a day including the days allotted for tests, examinations and preparation holidays. The inter semester break shall be two weeks.

III. SCHEME OF EXAMINATION:

a). The Course of study shall comprise of first and second semesters during the first academic year and third and fourth semester during the second academic year. In the first semester there will be four theory papers and in the second semester there will be three theory papers and one practical training and in third semester there will be three theory papers respectively. The fourth semester is exclusively allotted for dissertation and viva-voce examination. The total marks for four semesters put together are 1300 including practical training and dissertation marks.

b) **The maximum mark for each theory paper** shall be 100 where in 20 marks are allotted for internal assessment and 80 marks for semester end university examination.

c).**The maximum marks for practical trainings** paper shall be 100 where in 50 marks for research methodology, 25 marks for clinical work and 25 marks for Law teaching. This practical training paper shall be taken up at the end of second semester. The faculty shall evaluate the components of practical training internally. This paper is purely practical hence no university examination. For details see the syllabus.

d). **Dissertation and viva-voce:** At the end of fourth semester a candidate shall submit a dissertation on any topic approved by the Supervisor faculty. The maximum marks allotted for dissertation and viva-voce shall be 200 where in 150 marks for dissertation written part and 50 marks for viva-voce examination. The submission of dissertation shall not be later than the last working day of the course of study of 4th semester. The viva voce will be conducted at the end of 4th semester exams and on submission of dissertation. A Candidate who fails to submit his / her dissertation for any reason has to submit the same along with subsequent batches or after obtaining permission from HOD and faculty concerned.

IV. ATTENDANCE:

a). A candidate who gets 75% and above attendance in each semester shall be allowed for university examinations.

b) Condonation for shortage of attendance may be considered in case of students who put in at least 62.5% of attendance in each semester on recommendation of Head of the Institutions, may also be allowed for university examinations.

c). A student who could not satisfy the above a & b requirements shall have to repeat that semester again and put in again minimum required attendance then he/she be allowed for university examinations.

V. PROMOTION

A student shall be eligible for promotion to the next semester, if he / she satisfies the minimum attendance requirements as stipulated in IV a & b above, the semester in which he / she studied, irrespective of his / her results, provided he / she should register for the semester end university examinations along with his / her regular batch of students in that semester.

VI. COMPLETION OF THE COURSE:

A candidate has to complete the course of study of LL.M Degree with any of the branch already chosen within four years from the date of his/her admission with internal assessment marks obtained during the course of study

VII. QUESTION PAPER SETTING:-

a). Paper setting: The university for 80 mark semester end examinations and the college for 20 marks internal assessment shall set the question papers, as per the scheme of the examination.

b). Conduct of the examination: Semester end examination questions paper shall be sent to the respective Principal of the concerned affiliated colleges by the controller of the examination and the Principal of the affiliated college shall conduct the examination as per the schedule given by the university.

VII. EVALUATION: - There shall be internal and external evaluation. The answer papers shall be sent to The Controller of examination who will coordinate the evaluation of the answer paper of semester end university examination of theory papers.

A. Qualifying marks for pass:

a. A candidate appearing for the first time for the examination for any semester has to register for the whole examination of that semester

b A candidate shall be declared to have passed the whole (or) a part of the whole examinations if he (or) she secured not less than 40% of marks in each theory / Practical / semester end university examination and not less than 40% of marks in internal assessment and semester end university examination put together. Paper wise pass is allowed.

c In case of dissertation, the candidate should get 40% of marks in dissertation and an aggregate of 40% of marks in dissertation and vivo-voce put together. A candidate Who could not get pass marks for dissertation should submit the revised dissertation along with the next batch of students in consultation with the supervisor

d. In case of practical training examination the faculty concerned shall evaluate the three components of that paper. There shall be no semester end university examination. However the paper is purely practical hence the student will have to undertake the model exercises and involve himself / herself in the said three components practically i.e., i. Research methodology ii. Clinical work iii Law teaching. A candidate has to participate in all the three components and should obtain 40% of marks. In case of a candidate absents for any of the three components, he/she has to take part in all the three components again along with the subsequent batch of students of that semester. See details in the syllabus,

e. There shall be no supplementary examination since the course is in semester pattern. The failed candidates shall appear for the same semester subjects in the next academic year.

IX. CLASSIFICATION OF SUCCESSFUL CANDIDATES.

- a. Those who secured 75% of marks and above shall be placed in "Distinction".
- b. Those who secured 60% and above but below 75% be placed in "First class".
- c. Those who secured 50% and above but below 60% be placed in "Second class".
- d. Those who secured 40% and above but below 50% be placed in "Third class".
- e. Those who passed after completion of duration of the course be placed in "pass class",

X. AWARD OF RANKS:

a) Ranks shall be awarded for the top three students or 10% of the total strength of the students in affiliated colleges whichever is higher provided the candidate who must pass all the semester end examinations in first attempt on the basis of aggregate marks in all the 4 semester marks put together.

b) Supplementary / Improvement candidates are not eligible for the award of the ranks.

XI. IMPROVEMENT:

The candidates are permitted to improve their marks in one or more theory papers of any semester as per the regulations and the syllabus in force. If the candidate fails to improve the marks, original marks stands. There is no provision for improving the marks of dissertation. The candidate shall be permitted to improve their marks within the period of 8 semesters, from the date of his/her admission into first semester.

XII. CONDITIONS FOR THE AWARD OF THE DEGREE:

A candidate for the award of the LL.M (Research) Degree with the branch already chosen at the time of admission shall be required to satisfy the following conditions:

- a. The program of study for the LL.M (Research Degree) shall cover normally a period of two academic years comprising of 4 semesters.
- b. No students shall be permitted to complete the course of study of LL.M Degree earlier than 4 semesters or to take not more than 8 semesters. Failing which he / she shall forfeit his/ her seat in LL.M.

XIII. RESIDUARY:

The university shall have the right to amend or modify or alter any of the above regulations whenever necessary.

2 YEARS LL.M DEGREE COURSE

(Semester System)

Scheme of instruction and examination for Affiliated colleges w.e.f.-2010-11

Branch – I- Constitution and Legal Order

Semester	Course Code	Title of Course	Internal Assessment	University Exam	Total Marks	Duration
I Semester	LL.M 101	Law and Social Transformation in India	20 Marks	80 Marks	100	3 Hours
	LL.M 102	Indian Constitutional Law; The New Challenges	20 Marks	80 Marks	100	3 Hours
	LL.M 103	Constitutionalism, Pluralism and Federalism	20 Marks	80 Marks	100	3 Hours
	LL.M 104	Union-State Financial Relations	20 Marks	80 Marks	100	3 Hours
II Semester	LL.M 201	Legal Education and Research Methodology	20 Marks	80 Marks	100	3 Hours
	LL.M 202	Judicial Process	20 Marks	80 Marks	100	3 Hours
	LL.M 203	Human Rights	20 Marks	80 Marks	100	3 Hours
	LL.M 204	❖ Practical Training		*100 Marks		
III Semester	LL.M 301	Public Utilities Law	20 Marks	80 Marks	100	3 Hours
	LL.M 302	National Security, Public Order and Rule of Law	20 Marks	80 Marks	100	3 Hours
	LL.M 303	Mass Media Law	20 Marks	80 Marks	100	3 Hours
IV Semester	LL.M 401	Dissertation and Viva-Voce	Viva 50 Marks	Dissertation 150 Marks	200	

* Practical Training paper distributed in Three components

Total Marks 1300

- Research Methodology --- 50 Marks
 - Clinical work --- 25 Marks
 - Law Teaching --- 25 Marks
- Total Marks 100**

2 YEARS LL.M DEGREE COURSE

(Semester System)

Scheme of instruction and examination for Affiliated colleges w.e.f.-2010-11

Branch – II- Criminal Law.

Semester	Course Code	Title of Course	Internal Assessment	University Exam	Total Marks	Duration
I Semester	LL.M 101	Law and Social Transformation in India	20 Marks	80 Marks	100	3 Hours
	LL.M 102	Indian Constitutional Law; The New Challenges	20 Marks	80 Marks	100	3 Hours
	LL.M 103	Penology: Treatment of Offenders	20 Marks	80 Marks	100	3 Hours
	LL.M 104	Privileged Class Deviance	20 Marks	80 Marks	100	3 Hours
II Semester	LL.M 201	Legal Education and Research Methodology	20 Marks	80 Marks	100	3 Hours
	LL.M 202	Judicial Process	20 Marks	80 Marks	100	3 Hours
	LL.M 203	Drug Addiction, Criminal Justice and Human Rights	20 Marks	80 Marks	100	3 Hours
	LL.M 204	❖ Practical Training		*100 Marks		
III Semester	LL.M 301	Comparative Criminal Law	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 302	Juvenile Delinquency	20 Marks	80 Marks	100	3 Hours
	LL.M 303	Collective Violence and Criminal Justice System	20 Marks	80 Marks	100	3 Hours
IV Semester	LL.M 401	Dissertation and Viva-Voce	Viva 50 Marks	Dissertation 150 Marks	200	

* Practical Training paper distributed in Three components

Total Marks 1300

- Research Methodology --- 50 Marks
- Clinical work --- 25 Marks
- Law Teaching --- 25 Marks

Total Marks 100

S. V. UNIVERSITY
2 YEARS LL.M. (Semester System) DEGREE COURSE
 Scheme of instruction and examination
 For Affiliated college offering LL.M. Degree Course with effect from the academic year 2010-11.
Branch – I - Constitution and Legal Order

Semester	Course Code	Title of the Course	Internal Assessment	University Exam	Total Marks	Duration
1st Semester	LL.M 101	Law and Social Transformation in India	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 102	Indian Constitutional Law: The New Challenges	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 103	Constitutionalism, Pluralism and Federalism	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 104	Union – State Financial Relations	20 Marks	80 Marks	100 Marks	3 Hours

S.V. UNIVERSITY
 2 YEARS LL.M. (Semester System) DEGREE COURSE
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Branch – II - Criminal Law

Semester	Course Code	Title of the Course	Internal Assessment	University Exam	Total Marks	Duration
1st Semester	LL.M 101	Law and Social Transformation in India	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 102	Indian Constitutional Law: The New Challenges	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 103	Penology; Treatment of Offenders	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 104	Privileged Class Deviance	20 Marks	80 Marks	100 Marks	3 Hours

LL.M. SYLLABUS

BRANCH –I – CONSTITUTION AND LEGAL ORDER

I SEMESTER

LL.M 101: LAW AND SOCIAL TRANSFORMATION IN INDIA.

(common for both branches)

UNIT I. 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.

UNIT -II Community, religion and the law

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

UNIT –III Women, children and law

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

UNIT- IV Modernization and law

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

UNIT-V Alternative approaches to law

The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan---Surrender of dacoits; concept of grama nyayalayas.

Select Bibliography

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

LL.M 102: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.
(common for both branches)

UNIT-I Federalism

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

UNIT-II “State” right to equality

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

UNIT-III Emerging regime of new rights and remedies

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

UNIT - IV Separation of powers stresses and strain

National Judicial Appointment Commission, Objectives, Filling up of Vacancies, The procedure for selection of Judges of Supreme court and High court, Functions, 121st Constitution Amendment Bill, Collegium system, The Lokpal and Lokayuktas Act 2013, Objectives, Establishment of Lokpal, Composition, Functions, Establishment of special court, Establishment of Lokayukta .

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

UNIT-V Democratic process

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

Select bibliography

No specific bibliography 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. – 103: CONSTITUTIONALISM, PLURALISM AND FEDERALISM

(Branch – I - Constitution and Legal Order only)

UNIT – I: Constitutionalism

Authoritarianism – Dictatorship, Democracy – Communism, Limited Government concept Limitations on government power, What is a Constitution? Development of a democratic government in England – Historical evolution of constitutional government. Conventions of constitutionalism – law and conventions Written constitutions: U.S.A, Canada, Australia and India, Separation of powers: Montesquieu, Rule of law: Concept and new horizons

UNIT – II: Federalism

What is a federal government? Difference between confederation and federation, conditions requisite for federalism patterns of federal government – U.S.A, Australia, Canada, India Judicial review – for federal umpiring New trends in federalism: Co-operative federalism Dynamic of federalism.

UNIT – III: Pluralism

What is a pluralistic society, Ethnic, linguistic, cultural, political pluralism individual rights – right to dissent, Freedom of speech and expression, Freedom of religion, Freedom of association, Rights of the religious and linguistic minorities.

UNIT – IV: Equality in plural society

Right to equality and reasonable classification, prohibition of discrimination on ground of religion, caste, sex, language, compensatory discrimination for backward classes, Women-rights to equality and right to special protection, Abolition of untouchability, Secularism – constitutional principles, Scheduled tribes, District Identity – protection against exploitation, Tribal Groups and Equality.

UNIT – V: Pluralism and International concern

International declaration of Human rights, Conventions against genocide. Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self determination. The role of judiciary in plural society.

Select Bibliography:

1. Upendra Baxi, “Law, Democracy and Human Rights” – 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar “Unitary Elements in a Federal Constitution” 22 E.P.W 1965 (1988)
3. Rajeev Dhanvan, “The Press and Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I 299 (1986)
4. M.A. Fazal “Drafting an British Bill of Rights” 27, J.I.L.I 423(1985)
5. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
6. Jagat Narain “Judicial law making and the place of the Directive Principles in the Indian Constitution”, J.I.L.I 198 (1985)
7. Rhett Ludkwikowski, “Judicial Review in the socialist legal systems: Current Development” 37 I.C.I.D. 89-108 (1988)
8. S.P.Sathe, Fundamental Rights and Amendment of Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay
10. The Role of Judiciary in plural societies edited by Neale Tiruchuvam Radhika kumara swamy

LL.M. - 104: UNION-STATE FINANCIAL RELATIONS

(Branch – I - Constitution and Legal Order only)

UNIT – I: Federalism – Essentials

Models of Federal government - U.S.A, Australia, Canada, Difference between Federation and Confederation Evaluation of federal government of India

UNIT – II: Distribution of Legislative Power / Administrative Power / Physical power

Indian Constitution, Center-State relations, Factors responsible for subordination of State Administrative relations, Scheme of Allocation of taxing power, Extent of union power of taxation, Residuary power – inclusion of physical power, Fundamental rights Inter-Government tax immunities Difference between tax and fee.

UNIT – III: Distribution of tax Revenues and Borrowing Power of the state

Tax-sharing under the constitution finance commission – specific purpose grants (article 282), Borrowing by the government of India, Borrowing by the states.

UNIT – IV: Inter – State Trade and Commerce under the Indian constitution

Freedom of Inter-State trade and commerce, restrictions on legislative power of the Union and States with regard to trade and commerce

UNIT – V: planning and cooperative federalism

Planning commission, National Development Council, Plan grants, Full faith and credit, Inter-State Council, Zonal Councils.

Select Bibliography:

1. H.M. Seervai, Constitutional Law of India (1991), Tripati, Bombay
2. Sudha Batnagar, Union-State financial Relations and Finance Commissions, (1979)
3. Ashok Chandra, Federalism in India, (1965)
4. V.D. Sebastian, Indian Federalism :The Legislative Conflicts Chs. 6,7 & 8 (1980)
5. Chandrapal, Center-State Relations and cooperative federalism. Chs. 5 & 8 (1983)
6. G.C.V Subba Rao, Legislative Powers in Indian Constitutional law, Chs 37,38 & 39 (1982)
7. Richard M. Pious, the American Presidency, 293-331, Ch. 9 (1979)
8. Daniel J. Elzar, American Federalism. Chs 3 & 4 (1984)
9. K.P. Krishna Shetty, The law of Union-State Relations and the Indian Federalism Ch. 9 (1981)
10. Report of the English Finance corporation
11. Administrative Reforms commission on center-state relationship Ch.3 (1969)
12. Constituent Assembly debates Vol. 9, 203, 240 and 302-349; Vol 10, 325-342
13. Administrative reforms commission, Report of study Team o central-state relationship (1967) Vol. 1 Sections land 11 pp. IS-168
14. L.M. Singhvi (ed), Union state Relations in India 124-154 (1969)
15. Government of Tamilnadu report of the Center – State Relations Inquiry committee Ch. 5 (1971)
16. D.T. Lakadwala, Union – State Financial Relations (1967)
17. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
18. K. Subba Rao, The Indian Federation (1969)
19. K.C. Wheare, Federal Government (1963)

LL.M. SYLLABUS

BRANCH –II – CRIMINAL LAW

I SEMESTER

LL.M. 103: PENOLOGY: TREATMENT OF OFFENDERS

(Branch – II - Criminal Law only)

Objectives of the course

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far.

The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalisation, dependization, deinstitutionalization. Broadly, the course will concern itself with:

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial institutions
- (e) The problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginalized deviance or criminality
- (h) The distinctive Indian (historical and contemporary) approaches to penology

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

Syllabus

1. Introductory

1.1. Definition of Penology

2. Theories of Punishment

2.1. Retribution

2.2. Utilitarian prevention: Deterrence

2.3. Utilitarian: Intimidation

2.4. Behavioural prevention: Incapacitation

2.5. Behavioural prevention: Rehabilitation - Expiation

2.6. Classical Hindu and Islamic approaches to punishment.

3. The Problematic of Capital Punishment

3.1. Constitutionality of Capital Punishment

3.2. Judicial Attitudes Towards Capital Punishment in India - An inquiry through the statute law and case law.

3.3. Law Reform Proposals

4. Approaches to Sentencing

- 4.1. Alternatives to Imprisonment
 - 4.1.1. Probation
 - 4.1.2. Corrective labour
 - 4.1.3. Fines
 - 4.1.4. Collective fines
 - 4.1.5. Reparation by the offender/by the court

5. Sentencing

- 5.1. Principal types of sentences in the Penal Code and special laws
- 5.2. Sentencing in white collar crime
- 5.3. Pre-sentence hearing
- 5.4. Sentencing for habitual offender
- 5.5. Summary punishment
- 5.6. Plea-bargaining

6. Imprisonment

- 6.1. The state of India's jails today
- 6.2. The disciplinary regime of Indian prisons
- 6.3. Classification of prisoners
- 6.4. Rights of prisoner and duties of custodial staff.
- 6.5. Deviance by custodial staff
- 6.6. Open prisons
- 6.7. 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)
- A. Siddique, Criminology (1984) Eastern, Lucknow.
- Law Commission of India, Forty-Second Report Ch. 3 (1971)
- K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
- Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

LL.M. 104 : PRIVILEGED CLASS DEVIANCE

(Branch – II - Criminal Law only)

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.

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

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

NOTE: Depending on specialist interest by the teacher and the taught any three areas of deviance of privileged class may be explored. What follows is only illustrative of one model of doing the course.

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 Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 *J.I.L.I* 522 (1981)

S.V. UNIVERSITY
2 YEARS LL.M. (Semester System) DEGREE COURSE
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Branch – I - Constitution and Legal Order

Semester	Course Code	Title of the Course	Internal Assessment	University Exam	Total Marks	Duration
2nd Semester	LL.M 201	Legal Education and Research Methodology	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 202	Judicial Process	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 203	Human Rights	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 204	❖ Practical Training		* 100 Marks		
<ul style="list-style-type: none"> • Practical Training Paper distributed in Three Components • Research Methodology -- 50 Marks • Clinical Work -- 25 Marks • Law Teaching -- 25 Marks <p style="text-align: right;">Total Marks = 100</p>						

S.V. UNIVERSITY
2 YEARS LL.M. (Semester System) DEGREE COURSE
 Scheme of instruction and examination
 For Affiliated college offering LL.M. Degree Course with effect from the academic year 2010-11.
Branch – II - Criminal Law

Semester	Course Code	Title of the Course	Internal Assessment	University Exam	Total Marks	Duration
2nd Semester	LL.M 201	Legal Education and Research Methodology	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 202	Judicial Process	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 203	Drug Addiction, Criminal Justice and Human Rights	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 204	❖ Practical Training			* 100 Marks	
<ul style="list-style-type: none"> • Practical Training Paper distributed in Three Components • Research Methodology -- 50 Marks • Clinical Work -- 25 Marks • Law Teaching -- 25 Marks <p style="text-align: right;">Total Marks = 100</p>						

LL.M. SYLLABUS

BRANCH –I – CONSTITUTION AND LEGAL ORDER

II SEMESTER

LL.M 201: LEGAL EDUCATION AND RESEARCH METHODOLOGY

(Common for both Branches)

Unit - 1. Objectives of Legal Education and methods of teaching

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

Unit - 2. Research Methods

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

Unit - 3. Identification of Problem of research

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, 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, Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

Unit - 4. Preparation of the Research Design

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

Unit – 5. Analysis and report writing

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

Bibliography

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O.Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
7. H.M.Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)

10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

LL.M – 202: JUDICIAL PROCESS

(Common for both Branches)

Unit - 1. Nature of judicial process

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.

Notions of judicial review, ' Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

Unit - 3. Judicial Process in India

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

Unit - 4. The Concepts of Justice

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

Unit - 5. Relation between Law and Justice

Equivalence Theories - Justice as nothing more than the positive law of the stronger class. Dependency theories - For its realisation justice depends on law, justice is not the same as law. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

Select Bibliography

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J. Abraham, The Judicial Process (1998), Oxford.
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

LL.M. – 203 : HUMAN RIGHTS

(Branch – I - Constitution and Legal Order only)

Unit - 1. Panoramic View of Human Rights

Human Rights in Non-western Thought, Awareness of Human rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.) Fundamental Rights Jurisprudence as Incorporating Directive Principles. The Interaction between F.R and D.P.

Unit - 2. Freedom and judiciary

Free Press - Its role in protecting human rights, Right of association, Right to due process of law. Role of Judiciary in protecting Human Rights.

Unit - 3. Rights to development of Individuals and Nations

The UN Declaration on Right to Development, 1987. The need for constitutional and legal changes in India from human rights standpoint.

Unit – 4: Right not be Subject to Torture, Inhuman or Cruel Treatment

Conceptions of torture, third degree methods, "Justifications" for it, Outlawry of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform - proposed and pending

Unit - 5. People's Participation in Protection and Promotion of Human Rights

Role of International and National NGOs, Amnesty International, International Bar Association, Law Asia. PUCL, PUDR, Citizens for Democracy, Contribution of these groups to protection and promotion of human rights in India. European Commission/Court of Human Rights, Minorities Rights Commission, Remedies Against Violation of Human Rights, Role of Legal Profession

Select bibliography

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

LL.M 204. PRACTICAL EXAMINATION

(Common for Both Branches)

The practical examination shall be held in the second semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhered to.

1. Research Methodology

(i) Doctrinal research (25 marks)

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

(ii) Non-doctrinal research (25 marks)

Here the students are asked to go out of the classroom 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 results are to be assessed by a team of faculty members.

2. Clinical work (25 marks)

The law school can evolve the modalities. One method is that the legal aid 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 themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

3. Law Teaching (25 marks)

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

BRANCH –II – CRIMINAL LAW

II SEMESTER

LL.M. – 203 : DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

(Branch – II - Criminal Law only)

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. Anagraphic 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)

NOTE: Since no detailed empirical studies exist in India, the class should be sensitized by comparative studies. The principal objective of this discussion is to orient the class to a whole variety of factors which interact in the 'making' of a drug addict.

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 SARC, 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 and 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

Select bibliography

1. H.S. Becker, *Outsiders : The Studies in Sociology of Deviance* (1966)
2. J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)
3. R. Cocken, *Drug Abuse and personality in Young Offenders* (1971)
4. G. Edwards Busch, (ed.) *Drug Problems in Britain : A Review of Ten Years* (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" *7 Indian Journal of Criminology*, 65-68 (1979)
6. P.R. Rajgopat *Violence and Response: A Critique of the Indian Criminal System* (1988)
7. United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations
8. Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21).
9. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances.
Useful Journals in this area are:
 - (i) *The Law and Society Review* (USA)
 - (ii) *Journal of Drug Issues* (Tallahassee Florida)
 - (iii) *International Journal of Addictions* (New York)
 - (iv) *British Journal of Criminology*
 - (v) *Journal of Criminal Law, Criminology and Police Science* (Baltimore , Md.)
 - (vi) *Journal of Criminal Law and Criminology* (Chicago, III)
 - (vii) *International Journal of Offender Therapy and Comparative Criminology* (London)
 - (viii) *Bulletin on Narcotics* (United Nations)

S. V. UNIVERSITY
2 YEARS LL.M. (Semester System) DEGREE COURSE
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Branch – I - Constitution and Legal Order

Semester	Course Code	Title of the Course				
3rd Semester	LL.M 301	Public Utilities Law	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 302	National Security, Public Order and Rule of Law	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 303	Mass Media Law	20 Marks	80 Marks	100 Marks	3 Hours

S.V. UNIVERSITY
 2 YEARS LL.M. (Semester System) DEGREE COURSE
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Branch – II - Criminal Law

Semester	Course Code	Title of the Course	Internal Assessment	University Exam	Total Marks	Duration
3rd Semester	LL.M 301	Comparative Criminal Law	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 302	Juvenile Delinquency	20 Marks	80 Marks	100 Marks	3 Hours
	LL.M 303	Collective Violence and Criminal Justice System	20 Marks	80 Marks	100 Marks	3 Hours

BRANCH –I – CONSTITUTION AND LEGAL ORDER

III SEMESTER

LL.M. – 301 : PUBLIC UTILITIES LAW

(Branch – I - Constitution and Legal Order only)

Unit - 1. Growth and evolution of public utilities and their legislation

Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc. Government and Parliamentary Control Constitutional division of power to legislate, Public Utilities law - Why government monopoly?

Unit - 2. Administrative Authorities and Fair hearing

Structure of the Administrative Authorities, Subordinate legislation, Quasi-Judicial Decision – Administrative Discretion.

Unit - 3. Public Utilities And their Employees : Consumer Protection

Application of Articles 16 and 311, Application of Industrial law- right to strike, Rights of consumers protected by the Consumer Protection Act, Rights Arising from law of Contract and law of Torts

Unit - 4. Public Utilities and Fundamental Rights

The right to equality: the airhostess case, Are Public utilities "State" for the purpose of article 12 of the Constitution? Extension of the concept of State

Unit - 5. Liabilities and special privileges of public utilities

In contract, In tort, In criminal law

Select bibliography

1. P.M. Bakshi, Television and the Law, (1986)
2. Vasant Kelkar, "Business of Postal Service" 33 I.J.PA. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country Like India" 32 I.J.PA. 77 (1986)
4. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171-180 (1985)
5. Arvind K. Sharna "Semi-Autonomous Enterprise: Conceptual Portrait –
6. Further Evidence on the Theory of Autonomy" 33 I.J.PA. p. 99-113.
7. S.P. Sathe, Administrative Law (1998)
8. Jain & Jain, Principles of Administrative Law, (1986)
9. Jagdish Ul, Handbook of electricity Laws, (1978)
10. Bhaumik, The Indian Railways Act, (1981)
11. Law Commission of India, 38th Report : Indian Post Office Act, 1898, (1968)
12. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law I & II, Consumers Protection Law and Labour Law)

LL.M. – 302 : NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

(Branch – I - Constitution and Legal Order only)

Unit - 1. National Security, Public Orders and the Rule of Law

Emergency Detention in England - Civil Liberties, Subjective satisfaction or objective assessment? Pre-Independence law, Martial Law Provisions in English law and in the Indian Constitution.

Unit - 2. Preventive Detention and Indian Constitution

Article 22 of the Constitution, Preventive Detention and Safeguards, Declaration of Emergencies, 1962, 1965 and 1970 Emergencies, 1975 Emergency

Unit - 3. Exceptional Legislation

COFEPOSA and other legislation to curb economic offenders, TADA & POTA : "the draconian law"-comments of NHRC, Special courts and tribunals, Due process and special legislation

Unit - 4. Civil Liberties and Emergency

Article 19, Meaning of "Security of State", Meaning of "Public Order", Suspension of Article 19 rights on declaration of emergency, President's Right to suspend right to move any court, Article 21 - special importance - its non-suspendability, Suspendability -44th amendment

Unit - 5. Access to Courts and Emergency

Article 359: ups and downs of judicial review, Constitution (Forty-fourth), Amendment Act, 1978, Constitution (Fifty-ninth) Amendment Act., 1988.

Select bibliography

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).

LL.M – 303 – MASS MEDIA LAW.

(Branch – I - Constitution and Legal Order only)

Unit - 1. Mass media - Types of - Press Films, Radio Television

Ownership patterns - Press - Private – Public, Ownership patterns - Films – Private, Ownership patterns - Radio & Television, Public, Difference between visual and non- Visual Media- impact on People's minds.

Unit - 2. Press - Freedom of Speech and Expression - Article 19 (1) (a)

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, The law relating to employees wages and service conditions, Price and Page Schedule Regulation. Newsprint Control Order, Advertisement - is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

Unit - 3. Films - How far included in freedom of speech and expression?

Censorship of films – constitutionality, abbas Case, Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

Unit - 4. Radio and Television - Government monopoly.

Why Government departments ? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal Scrutiny of serials, etc. Judicial Review of Doordarshan decisions: Freedom to telecast.

Unit - 5. 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 licence fee.

Select bibliography

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and
4. Community Controls in New Development Strategies (International Center for law in Development 1980).
5. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).
6. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
7. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
8. Soli Sorabjee, Law of Press Censorship in India (1976).
9. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
10. D D. Basu, The Law of Press of India (1980).
11. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

BRANCH –II – CRIMINAL LAW

III SEMESTER

LL.M. – 301 : COMPARATIVE CRIMINAL LAW

(Branch – II - Criminal Law only)

1. Organisation of Courts and Prosecuting Agencies

- 1.1. Hierarchy of criminal courts and their jurisdiction
 - 1.1.1. Nyaya Panchayats in India
 - 1.1.1.1. Panchayats in tribal areas
- 1.2. Organisation of prosecuting agencies for prosecuting criminals
 - 1.2.1. Prosecutors and the police
- 1.3. Withdrawal of prosecution.

2. Pre-trial Procedures

- 2.1. Arrest and questioning of the accused
- 2.2. The rights of the accused
- 2.3. The evidentiary value of statements / articles seized / collected by the police
- 2.4. Right to counsel
- 2.5. Roles of the prosecutor and the judicial officer in investigation.

3. Trial Procedures

- 3.1. The accusatory system of trial and the inquisitorial system
- 3.2. Role of the judge, the prosecutor and defence attorney in the trial
- 3.3. Admissibility and inadmissibility of evidence
 - 3.3.1. Expert evidence
- 3.4. Appeal of the court in awarding appropriate punishment.
- 3.5. Plea bargaining

4. Correction and Aftercare services

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After - care services in India and France
- 4.3. The role of the court in correctional programmes in India.

5. Preventive Measures in India

- 5.1. Provisions in the Criminal Procedure Code
- 5.2. Special enactments

6. Public Interest Litigation

- 6.1. Directions for criminal prosecution.

Select bibliography

1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
6. Patric Devlin, The Criminal Prosecution in England
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)
10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha,
11. Criminal Procedure (1997), West
12. Criminal Procedure Code, 1973
13. The French Code of Criminal Procedure,
14. 14th and 41st Reports of Indian Law Commission.
15. The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China

LL.M. – 302 : JUVENILE DELINQUENCY

(Branch – II - Criminal Law only)

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

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

LL.M. – 303 : COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

(Branch – II - Criminal Law only)

1. Introductory

- 1.1. Notions of "force", "coercion", "violence"
- 1.2. Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. "Constitutional" and "criminal" speech: Speech as incitement to violence
- 1.6. "Collective political violence" and legal order
- 1.7. 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. Agrarian Violence and Repression

- 3.1. The nature and scope of agrarian violence in the 18-19 centuries India
- 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

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 or contain aftermath of Atrocities
- 4.4. Violence Against Women

5. Communal Violence

- 5.1. Incidence and courses 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 tiring, and in relation to, communal violence
- 5.5. Criminl Law Amendment act 2013, objective- Amendments to The Indian Penal Code 1860 (Ss.100, 228A,509), Insertion of new sections (Ss.166A, 166B, 354A- 354D)- Substitution of new sections (Ss.370, 370A, 375, 376, 376A-376D), Amendments to The Indian Evidence Act 1872 (S.146), Insertion of new section (S.53A), Substitution of sections (S.114A, 119), Amendments to The Code of Criminal Procedure 1973 (Ss. 54A, 154, 160, 164..etc), Amendments to The Protection of Children from Sexual offences Act 2012 (Ss.42, 42A), Delhi Rape case in December 2012 (Nirbhaya Case), Domestic Violence Act 2005

NOTE: Choice of further areas will have to be made by the teacher and the taught

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1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo- American Reflections 92 (1988)
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12. 12. Criminl Law Amendment act 2013
13. 13. Delhi Rape case in December 2012 (Nirbhaya Case)
14. 14. Domestic Violence Act 2005

S. V. UNIVERSITY
2 YEARS LL.M. (Semester System) DEGREE COURSE
Scheme of instruction and examination

For Affiliated college offering LL.M. Degree Course with effect from the academic year 2010-11.

Branch – I – Constitution and Legal Order

Branch – II - Criminal Law

Semester	Course Code	Title of the Course	Internal Assessment	University Exam	Total Marks	Duration
4th Semester	LL.M 401	Dissertation and Viva-Voce.	Viva 50 Marks	Dissertation 150 Marks	200 Marks	

BRANCH –I – CONSTITUTION AND LEGAL ORDER

&

BRANCH – II – CRIMINAL LAW

IV SEMESTER

LL.M 401. DISSERTATION

{Topic from optional group}

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part - 150 Marks

For Viva - 50 Marks