

**DEPARTMENT OF HUMAN RIGHTS  
SAURASHTRA UNIVERSITY,  
RAJKOT**



[ Accredited Grade "A" ]  
By NAAC

**FACULTY OF LAW**

**LL.M. Syllabus [ cbcs ]  
Effective From June - 2019**

**Saurashtra University  
University Campus, Rajkot – 360 005  
Gujarat , India.**

**Website : [www.saurashtrauniversity.edu](http://www.saurashtrauniversity.edu)**

**SAURASHTRA UNIVERSITY**  
**RAJKOT-360 005.**  
**(Established under the Gujarat Act, No.39 of 1965)**  
**Faculty of Law**  
**Ordinances and Regulations for the Degree of**  
**Master of Law (LL.M.)**  
**(Based on CBCS)**  
**Effective from June -2019**

**O.LL.M.-1**

No. candidate shall be admitted to the Degree of LL.M. unless he has passed the LL.B. (Special) examination with at least SECOND CLASS of this University or an examination of any other statutory University recognized as equivalent thereto. The Department may hold entrance test for admission with the previous approval of the Vice-Chancellor.

**O.LL.M.-2**

LL.M. Degree programme is of Two academic years duration consisting of four semesters, which will be required to be completed within 4 year from the date of first admission the Semester-I.

**O.LL.M.-3**

LL.M. two years (four semesters) Degree programme is a regular fulltime programme and therefore admitted candidate can not join any other course of study without prior permission of the University.

**O.LL.M.-4**

Medium of instruction & examination shall be English, Hindi or Gujarati as the case may be which will not be changed during the entire Degree programme.

**O.LL.M.-5**

The Choice Based Credit System (CBCS) Programme of the University is a comprehensive and continuous evaluation programme and minimum attendance as per 0.98 is mandatory for the students. Non-Compliance of these requirements may result into rejection of the concerned term (Semester).

**O.LL.M.-6**

The Head of Department shall have to take appropriate measure against Ragging & Gender problems arising in the University Department. In case of occurrence of any such incident, the violator shall be dealt with very seriously and appropriate stringent action shall be taken by the Head of Department by observing principles of natural justice. The Head of Department may appoint a Committee to inquire in to the matter which will also observe the principle of natural justice. The Committee will submit its report to the Head of Department who will forward the same with his comment thereupon to the University Registrar, for taking further necessary action in the matter.

**O.LL.M.-7**

A candidate, at an University Semester End Examination, if fails to obtain minimum marks for passing in particular course he /she will be required to reappear in that course without keeping term for that semester. The candidate will have to reappear in the Semester End Examination by paying fresh examination fee along with an application form. Such a candidate when obtains minimum or more than minimum marks for passing in the course his /her marks of reappearance will be carried forward for award of class /CGPA.

### **O.L.L.M.-8.**

Admission granted by the University Department to any student shall be provisional till the enrolment / registration / enlistment is made by the University. In case admission is granted on the basis of provisional eligibility certificate, the conditions & instruction given by the University should be complied within the time limit fixed by the University or latest by the beginning of the next semester, otherwise term kept by the such a student will be forfeited and no fees on any account will be refunded.

### **O.L.L.M.-9**

The Dissertation / Project shall be on one of the topics approved by the committee of post-graduate teachers teaching in the department /centre . The student will submit the same for approval to the Head of post-graduate Deptt. / Centre not later than the beginning of the second semester. The topic on which candidate proposes to work for his/her dissertation, an approval should normally be communicated to the student well in advance by the P.G. Department

### **O.L.L.M.-10.**

All admitting authorities (Including the College / University Department / Centre / Institute or centralized admission committee etc.) will have to strictly observe the provisions of reservation policy of the Govt. / U.G.C. / Rehabilitation Council of India etc. before admission process is undertaken, the authority will ascertain quota & number of seats available for reserved class candidates and allot to the eligible candidates. The data based information should also be provide to the University only after conclusion of entire process of admission.

### **O.L.L.M.-11.**

Each of the admitting authority shall have to prepare and publish the merit list in the three fold as mentioned below :-

- (1) Candidate who have passed the qualifying examination from the Saurashtra University indicating category against each of the name in the last column such as General /S.T. / S.C. / S.E.B.C./ P.H. /Widow / Divorcee etc.
- (2) Candidate who have passed the qualifying examination from the other University situated in the State of Gujarat indicating General / S.T. / S.C. /S.E.B.C. / P.H. / Window / Divorcee etc.
- (3) Candidate who has passed the qualifying examination from University situated out of the Gujarat State.

Candidate who have passed National or State level entrance test conducted by the competent authority should be given priority in admission.

### **Regulations :**

#### **R.L.L.M.-1**

Candidates must forward their applications for admission to University examination section through head of the department, who may forward the same to the Controller of Examination duly signed by him on or before the prescribed date with a certificate of attendance duly signed by the Head of the Department along with the examination fees fixed by the University.

### **R.LL.M.-2**

A student desiring to appear at the LL.M. Semester – IV Examination shall submit his/her Dissertation / Project Report not later than 20<sup>th</sup> March in the second year of his / her studies.

### **R.LL.M.-3**

Three copies of the dissertation / Project Report shall be submitted in typewritten or printed form.

### **R.LL.M.-4 [ Passing Standard ]**

- (1) To pass any of the Semester Examination candidates shall be required to obtain :
- (i) Not less than 40 out of total 100 marks in each course of three hours examination duration at the University examination.
- AND
- (ii) Not less than aggregate 50% of the total marks obtainable separately in each semester.

### **[ Award of Class ]**

- (2) Class shall be awarded on the basis of total marks obtained in the aggregate i.e.
- (a) A successful candidate who obtains less than 70% but not less than 60% of the total marks obtainable in the aggregate i.e. of semester – I to IV taken together will be placed in the First Class.
  - (b) A successful candidate who obtains less than 60% but not less than 50 % of the total marks obtainable in the aggregate i.e. of semester – I to IV taken together will be placed in the Second class.

### **R.LL.M.-5**

At the end of the each semester, there shall be held an examination at which a student will appear in the course for which he has kept term irrespective of whether he has passed earlier semester/s.

### **R.LL.M.-6**

The result of semester – IVth will not be declared if there is a backlog of any semester on account of failure, lack of attendance, non- submission dissertation / project work etc.

### **R.LL.M.-7**

A candidate who fails to obtain minimum marks for passing in any of the subject / course he will have to reappear in the term end examination for the same subject / course without keeping term. When he/she passes the same subject/course his/her marks will be carried forward for determining the class.

### **R.LL.M.-8**

If a candidate fails any of the semester end examination he / she will have to reappear in the concerned semester end examination as provided in OLL.M. 7.

### **R.LL.M.-9**

The following are the courses for study and examination of LL.M. Semester I to IV.

1. One Course shall usually consist of 90 periods spread over 17 weeks, at the rate of 6 Lectures per week, thus one course will earn 6 credits.
2. LL.M. Teaching Scheme

**Semester- I**

Sr. No.	Course Code	Course Title	Credit	Maximum Marks	Teaching Hours
1.	CLW-1001	Law & Social Transformation in India Compulsory (Core Course-1)	06	100	90
2.	CLW-1002	Judicial Process Compulsory (Core Course-2)	06	100	90
3.	CLW-1003	<b>Human Rights &amp; Duties</b>	06	100	90
4.	ELW-1001	Elective Course-1 <b>Drug Addiction and Criminal Justice System</b>	06	100	90
	OR ELW-1002	<b>Concept and Development of Human Rights</b>			
<b>Sub-Total</b>			<b>24</b>	<b>400</b>	<b>360</b>

**Semester- II**

Sr. No.	Course Code	Course Title	Credit	Maximum Marks	Teaching Hours
1.	CLW-2001	Indian Constitutional Law : New Challenges Compulsory (Core Course-3)	06	100	90
2.	ELW-2001 OR ELW-2002	Elective Course-2 Penology: Treatment of Offenders /	06	100	90
3.		<b>Environment and International Legal Order</b>			
4.	ELW-2003 Or ELW-2004	Elective Course-3 Juvenile Delinquency/	06	100	90
5.		<b>International Humanitarian Law and Refugee Law</b>			
6.	ELW-2005 Or	Elective Course-4 Collective Violence and Criminal Justice System/	06	100	90
7.		ELW-2006 <b>Gender Justice Standard at International Law</b>			
<b>Sub-Total</b>			<b>24</b>	<b>400</b>	<b>360</b>

**Semester- III**

Sr. No.	Course Code	Course Title	Credit	Maximum Marks	Teaching Hours
1.	CLW-3001	Legal Education & Research Methodology Compulsory (Core Course-4)	06	100	90
2.	CLW-3002	Compulsory (Core Course-5) Practical	06	100	90
3.	ELW-3001 Or ELW-3002	Elective Course-5 Forensic Science /	06	100	90
4.		<b>Protection and Enforcement of Human Rights in India</b>			
5.	ELW-3003 Or ELW-3004	Elective Course-6 Privileged Class Deviance/	06	100	90
6.		<b>Human Rights of Disadvantaged groups : Problems and Issues in the Protection and Enforcement</b>			
<b>Sub-Total</b>			<b>24</b>	<b>400</b>	<b>360</b>

**Semester- IV**

Sr. No.	Course Code	Course Title	Credit	Marks SEE	Guidance Hours
1.	CLW-4001	Compulsory (Core Course-6) (Dissertation / Project Report Writing / Viva, Presentation)	15 3	150 50	225 45
		<b>Sub-Total</b>	<b>18</b>	<b>200</b>	<b>360</b>
		<b>Grand Total</b>	<b>90</b>	<b>1400</b>	<b>1350</b>

$$\text{Course Grade Point} = \frac{\text{Marks obtained}}{\text{Max. Marks}}$$

$$\text{Course Credit Point} = \text{Credits} \times \text{Grade Point}$$

$$\text{Total SGPA} = \frac{\text{Credit Points}}{\text{Total Credits}}$$

The examination duration for each of the theory paper shall be of two hours duration.

5. The question paper shall be set in the following form :

Question No.	Type	Weightage (Marks)
1	Short Essay- 2	20 (10 each)
2,3, 4 & 5	Long Essay - 4	80(20 each)
	Total	100

**R.L.L.M.-11** PROMOTION, RE-ADMISSION RULES & MAXIMUM TIME FOR COMPLETION OF COURSE

11.1 Rules of promotion shall be as under:

**A candidate having enrolled for semester -I shall be eligible for admission up to semester- IV provided his/her term is sanctioned by the department irrespective of passing or appearing in and registered for Semester End Examination & examination seat number is allotted to the candidate for all respective semesters.**

**The result of semester IV will be declared only when he/she have cleared all the courses of semester I to III and obtained minimum credits and percentage of marks in each of the course as prescribed in the syllabus.**

11.2 Rules and the Procedure for granting Re-admission to the student shall be as under,

11.2.1. Who had not put in the required attendance in a Course in the concerned Programme or a semester and thus detained, or

11.2.2. Who had not cleared the required number of Courses and thus detained; where applicable or

- 11.2.3. A student who had put in not less than 75% of attendance in a Semester and not registered for the examination shall be considered for the re-admission in the same semester.
- 11.2.4. The student, who after completing the first two semesters of the Programme if opts out of the Programme, then he or she shall be eligible to rejoin the Programme, subject to the time period elapsed has not exceeded two years.
- 11.2.5. Such readmissions shall be granted by the Head of the concerned Department directly, subject to the fulfillment of the following conditions :
- a) The concerned teachers have granted the attendance of the Courses in each semester.
  - b) The student shall complete the Programme within 4 years from the year of the original admission.
  - c) No readmission shall be granted after the first four weeks of the Semester in which he/she is seeking admission.

**Note :**

The provisional grade card will be issued at the end of the every semester end examination indicating the courses completed successfully. Upon successful completion of Masters Degree Program a Final Grade card, which shall consist of grades of all courses will be issued by the Controller of Examinations of the University.

**MARKING SCHEME**

Every paper shall carry 100 marks and shall be evaluated externally. Dissertation / Project carrying 200 marks shall be evaluated externally.

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**MONSOON SEMESTER**  
**[SEMESTER – 1]**  
**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Core	1604010002010100	Law & Social Transformation in India	6	--	100	-	Three Hours

**MODULE-1 : LAW AND SOCIAL TRANSFORMATION IN INDIA.**  
**(Core Course)**

**Course Objectives:**

- This course is designed to offer the teacher and the taught with
- (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and
- (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law.
- The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

**Course Contents:**

**Unit -1. Law and Social change.**

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**Unit - 2. Modernisation and the Law.**

- 2.1 Modernisation as a value : Constitutional perspectives reflected in the fundamental duties.  
 Modernisation of social institutions through law.
- 2.2.1. Reform of family law.
- 2.2.2. Agrarian reform – Industrialisation of agriculture.
- 2.2.3. Industrial reform : Free enterprise v. State regulation.
- 2.2.4. Industrialisation v. environmental protection.  
 Reform of court processes.
- 2.3.1. Criminal law : Plea bargaining ; compounding and payment of compensation to victims.
- 2.3.2. Civil law :(ADR) Confrontation v. Consensus; mediation and conciliation; lok adalats.
- 2.3.3. Prison reforms.
- 2.4. Democratic decentralization and local self-government.



**Unit - 3. Alternative approaches to Law.**

- 3.1. The jurisprudence of Sarvodaya --- Gandhiji, Vinoba Bhave , Jayaprakash Narayan --- Surrender of dacoits; Concept of gram nyayalayas.
- 3.2. Socialist thought on law and justice :An enquiry. through constitutional debates on the right to property.
- 3.3. Indian Marxist critique of law and justice.
- 3.4. Naxalite movement : causes and cure.

**Unit - 4. Religion and the Law.**

- 4.1. Religion as a divisive factor.
- 4.2. Secularism as a solution to the problems.
- 4.3. Reform of the law on secular lines : Problems.
- 4.4. Freedom of religion and non-discrimination on the basis of religion.
- 4.5. Religious minorities and the law.

**Unit - 5. Language and the Law.**

- 5.1. Language as a divisive factor : formation of linguistic States.
- 5.2. Constitutional guarantees to linguistic minorities.
- 5.3. Language policy and the Constitution : Official language; Multi-language system.
- 5.4. Non-discrimination on the ground of language.

**Unit - 6. Caste and the Law.**

- 6.1. Caste as a divisive factor.
- 6.2. Non-discrimination on the ground of caste.
- 6.3. Acceptance of caste as a factor to undo past injustices.
- 6.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 6.5. Reservation; Statutory Commission, Statutory provisions.

**Unit - 7. Regionalism and the law.**

- 7.1. Regionalism as a divisive factor.
- 7.2. Concept of India as one unit,
- 7.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 7.4. Equality in matters of employment; the slogan “Sons of the soil” and its practice.
- 7.5. Admission to educational institutions : preference to residents of a State.

**Unit - 8. Women and the Law.**

- 8.1. Crimes against women.
- 8.2. Gender injustice and its various forms.
- 8.3. Women's Commission. Empowerment of women : Legal Provision apart from Constitutional.

**Unit - 9. Children and the Law.**

- 9.1. Child labour.
- 9.2. Sexual exploitation.
- 9.3. Adoption and related problems.
- 9.4. Children and education.

**Text Books:**

- 1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
- 2. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Core	1604010002010200	Judicial Process	6	--	100	-	Three Hours

### **MODULE – 2 :        JUDICIAL PROCESS.** (Core course)

#### **Course Objectives:**

- A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective.
- Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum.
- The objective of this paper is to study the nature of judicial process as an instrument of social ordering.
- It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change.
- This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.
- Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required.
- This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

#### **Course Contents:**

##### **Unit - 1.        Nature of Judicial Process.**

- 1.1.            Judicial process as an instrument of social ordering.
- 1.2.            Judicial process and creativity in Law – Common law model – Legal reasoning and growth of law - Change and stability.
- 1.3.            The tools and techniques of judicial creativity and precedent.
- 1.4.            Legal development and creativity through legal reasoning under statutory and codified systems.

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

- 2.1.            Notion of Judicial Review.
- 2.2.            ‘Role’ in constitutional adjudication – various theories of judicial role.
- 2.3.            Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4.            Varieties of judicial and juristic activism.
- 2.5.            Problems of accountability and judicial law-making.

**Unit - 3. Judicial Process in India.**

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

**Unit - 4. The Concepts of Justice.**

- 4.1. The concept of justice or Dharma in Indian thought.
- 4.2. Dharma as the foundation of legal ordering in Indian Thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. 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.**

- 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
- 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

**Text Books:**

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

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Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Core	1604010002010300	Human Rights & Duties	6	100	-	Three Hours

### **MODULE – 3 : HUMAN RIGHTS & DUTIES**

**(Core course)**

#### **Course Objectives:**

Protection of Human Rights (HR) became an important issue after the second world war and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the ‘citizens’ in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school.

Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligation not only towards the other fellow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

Human rights are the rights of all human beings. Violation of these rights in human rights violations. Due to frequent violations to particular groups in disadvantageous position, new categories of human rights have emerged. These groups are of people such as women, children, prisoners and dalits. Violation of human rights of these groups is of great concern of every nation today. The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations.

This course is intended to highlight the concept of human rights, their evolution their importance in our society and duties.

#### **Course Contents:**

- Unit - 1. Concept and Development of Human Rights.**
- Unit – 2. International Instruments on Human Rights.**
- Unit – 3. Indian Constitution and Human Rights.**
  - 3.1. Constitutional Philosophy – Preamble.**
  - 3.2. Fundamental Rights.**
  - 3.3. Directive Principles of State Policy.**
  - 3.4. Fundamental Duties.**

**Unit- 4. Emerging Human Rights.**

- 4.1. Rights of Women.**
- 4.2. Children.**
- 4.3. Dalits.**
- 4.4. Tribals.**
- 4.5. Minorities.**
- 4.6. Disabled.**
- 4.7. Prisoners.**
- 4.8. Refugees.**
- 4.9. Aids victim.**
- 4.10. Unorganized Labour.**

**Unit-5. Enforcement of Human Rights.**

- 5.1. Formal Mechanism.**
  - 5.1.1. Protection of Human Rights Act.**
  - 5.1.2. Commissions of Human Rights.**
  - 5.1.3. Role of Courts in India.**
  - 5.1.4. Role of International Course.**

**Unit-6. Human Duties.**

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Elective Course	1604020202010400	Drug Addiction and Criminal Justice System	6	--	100	-	Three Hours

### **MODULE -3A : DRUG ADDICTION, CRIMINAL JUSTICE AND Elective Course HUMAN RIGHTS**

#### **Course Objectives:**

- 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?

#### **Course Contents:**

##### **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)

**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 SAARC, 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



- 6.4. 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 & 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.

**Text Books:**

1. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974).
2. Social Defence Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No.21)

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Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Elective Course	1604020302010500	Concept and Development of Human Rights	6	--	100	-	Three Hours

### **MODULE – 3B :      **CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS****

**(Elective Course)**

#### **Course Objectives:**

- Protection of Human Rights (HR) became an important issue after the Second World War and after the acceptance of Universal Declaration of Human Rights.
- The growth of HR Law and jurisprudence thereafter was spontaneous and continuous.
- The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy.
- Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school.
- Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligation not only towards the other fellow beings, but also towards the society at large.
- Only when a society is aware of this right-duty relationship can there be any meaning to human rights.
- This course is intended to highlight the concept of human rights, their evolution and their importance in our society now particularly in the era of privatisation, globalisation and liberalisation.

#### **Course Contents:**

##### **Unit - 1.      Human Rights : Concept.**

- 1.1.            Human rights in Indian tradition : ancient, medieval and modern.
- 1.2.            Human rights in western tradition.
- 1.3.            Development of natural rights.
- 1.4.            Human rights in international law national law.

##### **Unit - 2      Classification of Human Rights – First, Second and Third Generations : Historical Development.**

##### **Unit - 3.      Human Rights: Politics and Society.**

- 3.1      Colonization, imperialism and human rights
- 3.2      Power , practice, accountability and transparency
- 3.3      Liberalization, privatization and globalization
- 3.4      Human duties: responsibilities and obligations

**Unit - 4      Human Rights and Judicial Process.**

3.5      Judicial Activism.

**Unit - 5.      Human Rights Protection Agencies.**

**Text Books:**

1.      Lalit Parmar, Human Rights, (1998)
2.      Lon L. Fuller, The Morality of Law

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**(SEMESTER – III)**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Core	1604010002030100	Legal Education and Research Methodology	6	--	100	-	Three Hours

**MODULE – 1 :**            **LEGAL EDUCATION AND RESEARCH**  
**Core Course**            **METHODOLOGY.**

**Course Objectives:**

- A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.
- Law is taught in different ways in different countries.
- The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education.
- The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods.
- The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.
- The syllabus is designed to develop also skills in research and writing in a systematic manner.

**Course Contents:**

- Unit - 1. Objectives of Legal Education.**
- Unit -2. Lecture Method of Teaching – Merits and Demerits.**
- Unit - 3. The Problem Method.**
- Unit -4. Discussion Method and its suitability at postgraduate level teaching.**
- Unit - 5. The Seminar Method of teaching.**
- Unit - 6. Examination system and problems in evaluation – external and internal assessment.**
- Unit - 7. Student participation in law school programmes – organization of seminars, publication of journal and assessment of teachers.**
- Unit - 8. Clinical legal education – legal aid, arbitration, mediation.**
- Unit - 9. Research Methods.**
  - 9.1. Socio Legal Research.
  - 9.2. Doctrinal and non-doctrinal.
  - 9.3. Relevance of empirical research.
  - 9.4. Induction and deduction.

## **Unit - 10. Identification of Problem of research.**

- 10.1. What is a research problem ?
- 10.2. Survey of available literature and bibliographical research.
  - 10.2.1. Legislative materials including subordinate legislation, notifications and policy statements.
  - 10.2.2. 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.
  - 10.2.3. Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.
  - 10.2.4. Compilation of list of reports or special studies conducted relevant to the problem.

## **Unit - 11. Preparation of the Research Design.**

- 11.1. Formulation of the Research problem.
- 11.2. Devising tools and techniques for collection of data : Methodology.
  - 11.2.1. Methods for the collection of statutory and case materials and juristic literature.
  - 11.2.2. Use of historical and comparative research materials.
  - 11.2.3. Use of observation studies.
  - 11.2.4. Use of questionnaires / interview.
  - 11.2.5. Use of case studies.
  - 11.2.6. Sampling procedures – design of sample, types of sampling to be adopted.
  - 11.2.7. Use of scaling techniques.
  - 11.2.8. Jurimetrics.
- 11.3. Computerized Research – A study of legal research programmes such as Lexis and West law coding.
- 11.4. Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
- 11.5. Analysis of data.

### **Text Books:**

1. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
2. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lucknow.
3. ILI Publication, Legal Research and Methodology.

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Core	1604010002030200	Legal Education & Research Methodology [ Practical ]	6	100	00	100	--

### **PAPER – 4 : PRACTICAL EXAMINATION.**

#### **Course Objectives:**

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

The practical examination shall be held at the end of the third 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.

#### **Course Contents:**

##### **Unit -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 team of faculty members.

- ii) Non-doctrinal research (25 marks).

Here the students are asked to go out of the class room 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.

##### **Unit -2. Clinical work (25 marks).**

The modalities can be evolved by the law school. 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 with court proceedings, working of a business organization, tackling of labour disputes, family disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by a team of Faculty members.

**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 by a team of Faculty members.

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective Course	1604020202030300	Forensic Science	6	--	100	-	Three Hours

### **MODULE -2A : FORENSIC SCIENCE**

**(Elective Course)**

#### **Course Objectives:**

- Crime in the society is as old as human race.
- With the advancement of science and technology types and methods of crime have undergone a radical change.
- Intelligent criminal has been quick to exploit science and technology for commission of crime.
- Present scenario of criminal justice system is sad
- Large percentage of criminals goes scot free These frequent acquittals not only waste the huge amount of public money and precious time but embolden the criminals, escalate crime and multiply criminals.
- Now a days old techniques of criminal investigation has become obsolete
- Use of third degree does not find favour with the new generation of administrators, judges and the public at large.
- Forensic Science has proved a very useful tool for identification the crime, criminal and victim.
- The syllabus is designed to make aware the students of this new science and technology.

#### **Course Contents:**

##### **Unit - 1. Principles & Perspectives.**

- 1.1. Need.
- 1.2. Function.
- 1.3. Development.
- 1.4. Principles.
- 1.5. Tools & Techniques.
- 1.6. Problems of Proof.

##### **Unit - 2. The Forensic Psychology.**

- 2.1. Importance.
- 2.2. Nature.
- 2.3. Classification.
- 2.4. Collection of Evidence.
- 2.5. Hypnosis.
- 2.6. Truth Serum.
- 2.7. Brain Printing.
- 2.8. Case Law.



**Unit – 3 Road Accidents.**

- 3.1. Scientific investigation and evaluation of clue, materials, Arson
- 3.2. Scientific investigation and evaluation of materials trace Analysis.
- 3.3. Nature, Location, Collection and evaluation of trace materials.

**Unit – 4 Nature, Identification, Classification, Collection, Location of Narcotics clue materials.**

- 4.1. Opium, Morphine, Heroin, Pathadin, Barbiturates.
- 4.2. Cocaine, Amphetamines, Methaquinon.
- 4.3. Cannabis, LSD, DMT.
- 4.4. Alcohol and Alcoholic Beverages.

**Unit - 5. Nature, Classification and mode of action of poison their symptoms, fatal dozes etc.**

- 5.1. Sodim hydroxide, Annonium Hydroxide and Potassium hydroxide.
- 5.2. Mercury, Arsenic, Lead, Copper, Zink.
- 5.3. Sulphuric acid, Nitric Acid, Hydrochloric acid.
- 5.4. Phenol, Phosphorous, Chlorine, Iodine.
- 5.5. Castor oilseed, Cotton seeds, Dhatura, Oleander seed, Abrus precatitions seeds.
- 5.6. Barbiturates, Opium, charas, Ethyl alcohol, methyl alcohol, Chloroforms, ether, Snake Venom, DDT, Endrin, Deldrin, Aldrin, B.H.C. (Gammoxene, Parathion, Malathion and Diazinon).

**Unit - 6. Micro traces.**

- 6.1. Importance.
- 6.2. Nature.
- 6.3. Location.
- 6.4. Collection.
- 6.5. Forensic Problems.
- 6.6. Individual Micro traces.
  - 6.6.1. Plant material.  
Wood, Leaves, Flowers, Seeds, Starch.
  - 6.6.2. Dusts.
  - 6.6.3. Soils, Glass.
  - 6.6.4. Biological Materials.  
Hair & Fibre, Blood, Semen & other body fluids  
(Saliva, Urine, Faeces, Sweat, Nasal secretions, Tears)

**Unit – 7 Elementary Forensic Medicine.**

- 7.1. Investigation of death.
- 7.2. Injuries.
- 7.3. Age determination of living person.
- 7.4. Insanity.

**Unit – 8      Evaluation of skeletal remains formage, height, sex, time of death, mode of death, and identification including skull and site marks.**

**Unit - 9.      Finger Prints & Foot Prints.**

Nature, Location, Preservation, Collection, Identification, Comparison, Recording, Ridges,

**Book Recommended :**

Sharma B.R. : Forensic Science.

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective	1604020302030400	Protection and Enforcement of Human Rights in India.	6	--	100	-	Three Hours

### **MODULE – 2B : PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA**

**(Elective Course)**

#### **Course Objectives:**

- A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India.
- The judiciary, the major protective and enforcement machinery, is very active in protecting human rights.
- Judicial activism in this field has added new dimensions to human rights jurisprudence.
- There are a number of cases where courts apply the provisions of the international conventions to fill the gaps in legislation.
- The apex court has also ventured to apply international convention even where there was no legislation in the area.
- Thus the judiciary has been directly implementing international conventions at the national level. This course aims at familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

#### **Course Contents:**

#### **Unit -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.

#### **Unit - 2. Judicial Activism and Development of Human Rights Jurisprudence.**

#### **Unit - 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.

**Unit - 4. Role of India in implementing international norms and standards.**

**Text Books:**

1. D.D. Basu, Human Rights in Indian Constitutional Law, (1994)
2. Justice Venkataramiah, Human Rights in the Changing World, (1998)
3. Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997).

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective	1604020202030500	Privileged Class Deviance	6	--	100	-	Three Hours

### **MODULE -3A : PRIVILEGED CLASS DEVIANCE**

**(Elective Course)**

#### **Course Objectives:**

- 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.

#### **Course Contents:**

##### **Unit - 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)  
Professional deviance : Journalists, teachers, doctors, lawyers, engineers, architects & 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.

**Unit - 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.

**Unit - 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.

**Unit - 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 malpractices.

**Unit - 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.

**Text Books :**

B.B. Pande, ‘The Nature and Dimensions of Privileged Class Deviance’ in the Other Side of Development 136 (1987; K.S. Shukla ed.)

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## **Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective	1604020302030600	Human Rights of Disadvantaged groups : Problems and Issues in the Protection and Enforcement.	6	--	100	-	Three Hours

### **MODULE – 3B : HUMAN RIGHTS OF DISADVANTAGED GROUPS : PROBLEMS AND ISSUES IN THE PROTECTION AND ENFORCEMENT**

**(Elective Course)**

#### **Course Objectives:**

- Human rights are the rights of all human beings. Violation of these rights is human rights violations.
- Due to frequent violations to particular groups in disadvantageous positions, new categories of human rights have emerged.
- These groups are of people such as women, children, prisoners and dalits. Violation of human rights of these groups is of great concern of every nation today.
- The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations.

#### **Course Contents:**

**Unit - 1. Concept of Disadvantaged Groups.**

**Unit - 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 unorganized labour.
- 2.9. 'Aids' Victims.
- 2.10. Rights of minorities.

**Unit - 3. Enforcement of Human Rights.**

- 3.1. Protection Laws of the Disadvantaged Groups: Problems and Issues.

**Unit - 4. Future Perspectives of the Human Rights of the Disadvantaged.**

**Text Books:**

1. G.S Bhargava and R.M. Pal, Human Rights of Dalit Societal Violation, (1999)
2. Paras Diwan and Piyush Diwan, Women and legal Protection
3. Prabhat Chandra Tripathi, Crime Against Working Women, (1998).

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**WINTER SEMESTER**  
**(SEMESTER-II)**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Core	1604010002020100	Indian Constitutional Law : New Challenges	6	--	100	-	Three Hours

**MODULE -1** : **INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES.**  
**(Core Course)**

**Course Objectives:**

- The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores.
- Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.
- The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation.

**Course Contents:**

**Unit - 1. Federalism.**

- 1.1. Creation of new States.
- 1.2. Allocation and sharing of resources – distribution of grants in aid.
  - 1.2.1. The inter state disputes on resources.
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre’s responsibility and internal disturbance within States.
- 1.5. Directions of the Union to the State under Article 356 and 365.
- 1.6. Federal Comity : Relationship of trust and faith between Union and State.
- 1.7. Special status of certain States.
  - 1.7.1. Tribal Areas, Scheduled Areas.

**Unit - 2. “State” : Need for widening the definition in the wake of liberalization.**

**Unit - 3. Right to equality : privatization and its impact on affirmative action.**

**Unit - 4. Freedom of press and challenges of new scientific development.**

- 4.1 Freedom of speech and right to broadcast and telecast.
- 4.2 Right to strike, hartal and bandh.

**Unit - 5. Emerging regime of new rights and remedies.**

- 5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
- 5.1.1. Compensation jurisprudence.
- 5.1.2. Right to education.
- 5.1.2.1. Commercialisation of education and its impact.
- 5.1.2.2. Brain drain by foreign education market.

**Unit - 6. Right of minorities to establish and administer educational institutions and State control.**

**Unit - 7. Secularism and religious fanaticism.**

**Unit - 8. Separation of powers : stresses and strain.**

- 8.1. Judicial restraint.
- 8.2. PIL : Implementation.
- 8.3. Judicial independence.
- 8.3.1. Appointment, transfer and removal of judges.
- 8.4. Accountability of executive.

**Unit - 9. Democratic process.**

- 9.1. Nexus of politics with criminals and the business.
- 9.2. Election.
- 9.3. Election commission : status.
- 9.4. Electoral Reforms.
- 9.5. Coalition government, stability, durability, corrupt practices.

**Text Books:**

- No specific book 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.

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective	16040202020200	Penology : Treatment of Offenders	6	--	100	-	Three Hours

### **MODULE -2A : PENOLOGY : TREATMENT OF OFFENDERS (Elective Course)**

#### **Course Objectives:**

- This course offers a specialist understanding of criminal policies
- It includes 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.

#### **Course Contents:**

##### **Unit - 1. Introductory.**

- 1.1. Definition of Penology

##### **Unit - 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.

##### **Unit - 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.

#### **Unit - 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.

#### **Unit - 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

#### **Unit - 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.

#### **Text Books:**

1. H.L.A. Hart, Punishment and Responsibility (1968)
2. Law Commission of India, Forty-Second Report Ch. 3(1971)

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective	1604020302020300	Environment and International Legal Order	6	--	100	-	Three Hours

### **MODULE – 2B : ENVIRONMENT AND INTERNATIONAL LEGAL ORDER**

**(Elective Course)**

#### **Course Objectives:**

- Through the centuries of their growth, societies had done their best to keep their neighbourhood clean and health.
- Industrialisation brought in its wake unprecedented and unpredicted environmental hazards and upset the old ethos and equilibrium.
- The environmental consciousness is an offshoot of this saga of industrial growth. It is said that the world environmental consciousness had made a radical change in the character of international law from a moral code of ethics among nations to an almost positive law imposing on the states to observe environmental norms.
- Striking a significant note at the close of the last millennium, areas of international concern on environment are legion.
- Modes of reconciling the conflicts are also varied. The concept of sustainable development is a significant tool both at the international level and at the domestic system for reconciliation of environmental values and developmental needs.

#### **Course Contents:**

##### **Unit - 1. International Concern for Environment Protection.**

- 1.1. World environment movement.
- 1.2. Natural and cultural heritage.
- 1.3. Role of international and regional organizations.

##### **Unit - 2. International Obligations towards Sustainable Development.**

- 2.1. International financing policy.
- 2.2. World environment fund.
- 2.3. Global Environmental Facility (GEF).
  - 2.3.1 International co-operation.
  - 2.3.2 Poverty alleviation.

**Unit - 3. Marine Environment**

- 3.1. Marine resources: conservation and exploitation.
- 3.2. Scientific research and exploration.
- 3.3. Antarctic environment.
- 3.4. International Seabed Authority.
- 3.5. Pollution from ships.
- 3.6. Dumping of oil and other wastes into the sea.

**Unit - 4. Marine Environment.**

- 4.1. Oil pollution.
- 4.2. Nuclear fall outs and accidents.
- 4.3. Acid rain.
- 4.4. Chemical pollution.
- 4.5. Green house effect.
- 4.6. Depletion of ozone layer.
- 4.7. Space pollution.

**Unit - 4. Control of Multinational Corporations and Containment of Environmental Hazards.**

- 5.1. Problems of liability and control mechanisms.
- 5.2. Disaster management at international level.
- 5.3. Monopoly of biotechnology by MNCs.

**Unit - 6. Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control.**

**Text Books :**

1. Priya Kanjan Trivedi, International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi
2. Indian Law Institute, Legal Control of Environmental Pollution (1980)

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective	1604020202020400	Juvenile Delinquency	6	--	100	-	Three Hours

### **MODULE -3A : JUVENILE DELINQUENCY** (Elective Course)

#### **Course Objectives:**

- This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied.
- Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.
- The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

#### **Course Contents:**

##### **Unit -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)

##### **Unit - 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

### **Unit - 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 (Protection and Care) 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.

### **Unit - 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, destitute, vagrants.
- 4.3. Labourers
  - 4.3.1. In organized industries like zari, carpet, bidi, glass.
  - 4.3.2. In unorganized sector like domestic servant, shops and establishment, 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.

### **Unit- 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.

### **Unit - 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.



**Unit - 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.

**Text Books :**

1. Myron Weiner, The Child and State in India (1990)
2. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective	1604020302020500	International Humanitarian Law and Refugee Law	6	--	100	-	Three Hours

### **MODULE – 3B : INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW**

**(Elective Course)**

#### **Course Objectives:**

- The two world wars had had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson : wars continue to be there.
- The International Humanitarian Law aims at humanising war though war itself is inhuman. Human rights do have value only in peace time. War is the negation of all human rights.
- Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs. War is one of the factors which creates the problem of refugees.
- There have been some endeavours on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term 'refugee' in the 'Convention relating to the status of refugees' has been such that it helps the developed countries to shirk the responsibility towards the refugees leaving the burden to the developing countries.
- This course intends to equip the students with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and national legislation.

#### **Course Contents:**

##### **Unit - 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 shiprecked
- 1.2. Protection and facilities
  - 1.2.1 Prisoners of war
  - 1.2.2 Civilians in times of war
  - 1.2.3 Cultural properties

##### **Unit - 2. Control of weapons**

- 2.1. Conventional
- 2.2. Chemical
- 2.3. Biological
- 2.4. Nuclear

**Unit - 3 Humanitarian law : Implementation**

- 3.1. Red Cross - role
- 3.2. National Legislation

**Unit – 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 organization : International protection.
- 4.3. Protection under national laws.

**Unit – 5 Strategies to combat refugee problem**

- 5.1. Repatriation, resettlement local integration and rehabilitation.
- 5.2. UNHCR – role.
- 5.3. UNHCR and India.

**Text Books:**

1. **B.S. Chimni, International Refugee Law, (2000)**
2. **Guy S. Goodwin-Gill, The Refugee in International Law, (1996)**
3. **M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law**

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## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective	1604020202020600	Collective Violence and Criminal Justice System	6	--	100	-	Three Hours

### **MODULE -4A : COLLECTIVE VIOLENCE AND CRIMINAL (Elective Course) JUSTICE SYSTEM**

#### **Course Objectives:**

- This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied.
- Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.
- The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

#### **Course Contents:**

##### **Unit -1. Introductory**

- 1.1. Notions of 'force', 'coercion', 'violence'
- 1.2. Distinctions : 'symbolic' violence, "institutionalized" violence, "Structural violence"
- 1.3. Legal order as a coercive normative order  
Force-monopoly of modern law
- 1.4. "Constitutional" and "criminal" speech : Speech as incitement to violence.
- 1.5. "Collective political violence" and legal order.
- 1.6. Notion of legal and extra-legal "repression".

##### **Unit - 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.

### **Unit - 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.

### **Unit - 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, aftermath of Atrocities.
- 4.4. Violence Against Women.

### **Unit - 5. Communal Violence**

- 5.1. Incidence and causes 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 during, and in relation to, communal violence.

### **Text Books:**

1. U. Baxi, “Dissent, Development and Violence” in R. Meagher (ed.), Law and Social Change : Indo-American Reflections 92 (1988).
2. G. Shah, Ethnic Minorities and Nation Building : Indian Experience (1984).

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**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective	1604020302020700	Gender Justice Standard at International Law	6	--	100	-	Three Hours

**MODULE – 4B : GENDER JUSTICE STANDARD AT INTERNATIONAL LAW**

**(Elective Course)**

**Course Objectives:**

- This course focuses on international movement to combat gender discrimination. In analysing the relevant international development, attention must be paid to the Indian law and administration.
- The human rights movement must also be appraised from the standpoint of patriarchy.

**Course Contents:**

**Unit - 1 The League of Nations and women’s equality.**

**Unit – 2 Women’s issue in the formulation of the U.N. Charter.**

**Unit – 3 The U.N. Sub-Commission on Status of women since 1946 and the Role of the NGOs.**

**Unit - 4. International Labour Organization and Rights of Women “Hour.**

- 4.1 Equal pay for equal work.
- 4.2 Women and part time work.
- 4.4. Protective for women.
- 4.3 Maternity protection.
- 4.5 Advisory Opinion of P.C.I.J. on Regulation of Night Work for women (PCI), November 1932.

**Unit -5 Political Rights of Women.**

- 5.1. Article of Universal Declaration of Human Rights.
- 5.2. The 1952 Convention on Political Rights of Women.
- 5.3. The 1979 Convention on the Abolition of all Forms of Discrimination against Women.

**Unit - 6 Sexual Exploitation of Women.**

- 6.1. The International Agreement for the Suppression of White Slave Traffic, 1910 and 1921 League of Nations Activity.
- 6.2. The Programme of Action by the United Nations.
  - 6.2.1 Convention on Traffic in Women and Children, 1949.
  - 6.2.2 Recommendation for World Tourism Organization(WTO) on Sex Oriented Tourism.

**Unit - 7. Nationality of Married Women.**

Convention on the subject dated January 29, 1957.

**Unit - 8. Women's Year and International Women's Decade.**

Review of U.N.'s Work in the Period 1957-1988.

**Text Books:**

1. S.K. Kuba's work in the Period status of Women in International Law.

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**(Semester-IV)**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
<b>LL.M.</b>	<b>4</b>	<b>Core</b>	<b>1604010002040000</b>	<b>Dissertation / Project Report Writing / Viva, Presentation</b>	<b>6</b>	<b>00</b>	<b>200</b>	<b>200</b>	<b>--</b>

**CLW – 4001**

**DISSERTATION / PROJECT**



LL.M. -Human Rights – 2019  
Semester - 01

નં.	સબજેક્ટ	કોર્સ કોડ વર્ષ 16	ક્રેક્ટીલો 04	વિષય કોર - 01 ઇલેક્ટીવ- 02	કોર્સ ગ્રુપ બિઝનેશ- 01 ક્રિમિનલ- 02 હુમન રાઈટ- 03	લેવલ યુજ - 01 પીજી -2	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
૧.	<u>Law &amp; Social Transformation in India</u>	16	04	01	00	02	01	01	00
૨.	<u>Judicial Process</u>	16	04	01	00	02	01	02	00
૩.	<u>Human Rights &amp; Duties</u>	16	04	01	00	02	01	03	00
૪.	<u>Drug Addiction and Criminal Justice System</u>	16	04	02	02	02	01	04	00
૫.	<u>Concept and Development of Human Rights</u>	16	04	02	03	02	01	05	00

LL.M. --Human Rights 2019  
Semester - 02

નં.	સબજેક્ટ	કોર્સ કોડ વર્ષ 16	ક્રેક્ટીલો 04	વિષય કોર - 01 ઇલેક્ટીવ- 02	કોર્સ ગ્રુપ બિઝનેશ- 01 ક્રિમિનલ- 02 હુમન રાઈટ- 03	લેવલ યુજ - 01 પીજી -2	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
૧.	<u>Indian Constitutional Law : New Challenges</u>	16	04	01	00	02	02	01	00
૨.	<u>Penology</u>	16	04	02	02	02	02	02	00
૩.	<u>Environment and International Legal Order</u>	16	04	02	03	02	02	03	00
૪.	<u>Juvenile Delinquency</u>	16	04	02	02	02	02	04	00
૫.	<u>International Humanitarian Law and Refugee Law</u>	16	04	02	03	02	02	05	00
૬.	<u>Collective Violence and Criminal Justice System</u>	16	04	02	02	02	02	06	00
૭.	<u>Gender Justice Standard at International Law</u>	16	04	02	03	02	02	07	00

LL.M. --Human Rights 2019  
Semester - 03

નં.	સબજેક્ટ	કોર્સ કોડ વર્ષ 16	ક્રેક્ટીલો 04	વિષય કોર - 01 ઇલેક્ટીવ- 02	કોર્સ ગ્રુપ બિઝનેશ- 01 ક્રિમિનલ- 02 હુમન રાઈટ- 03	લેવલ યુજ - 01 પીજી -2	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
૧.	<u>Legal Education &amp; Research Methodology</u>	16	04	01	00	02	03	01	00
૨.	<u>Legal Education &amp; Research Methodology ( Practical)</u>	16	04	01	00	02	03	02	00
૩.	<u>Forensic Science</u>	16	04	02	02	02	03	03	00
૪.	<u>Protection and Enforcement of Human Rights in India.</u>	16	04	02	03	02	03	04	00
૫.	<u>Privileged Class Deviance</u>	16	04	02	02	02	03	05	00
૬.	<u>Human Rights of Disadvantaged groups : Problems and Issues in the Protection and Enforcement.</u>	16	04	02	03	02	03	06	00

LL.M. --Human Rights 2019  
Semester - 04

નં.	સબજેક્ટ	કોર્સ કોડ વર્ષ 16	ક્રેક્ટીલો 04	વિષય કોર - 01 ઇલેક્ટીવ- 02	કોર્સ ગ્રુપ બિઝનેશ- 01 ક્રિમિનલ- 02 હુમન રાઈટ- 03	લેવલ યુજ - 01 પીજી -2	સેમેસ્ટર	પેપર નંબર	વિકલ્પ
૧.	<u>Dissertation / Project Report Writing / Viva, Presentation</u>	16	04	01	00	02	04	00	00

Saurashtra University, Rajkot  
LL.M. Human Rights Programme – 2019

## Semester – 1

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010002010100	Law & Social Transformation in India	6	--	100	100
2.	1604010002010200	Judicial Process	6	--	100	100
3.	1604020202010300	Human Rights & Duties	6	--	100	100
4.	1604020302010400	Drug Addiction and Criminal Justice System	6	--	100	100
5.	1604020302010500	Concept and Development of Human Rights	6	--	100	100

C = Credits  
IM=Internal Marks  
EM=External Marks  
TM=Total Marks  
CCT=Core Course  
SO=Sill Oriented Course  
ICT=Interdisciplinary Course  
SS=Self Study Course  
DP=Dissertation / Project Work  
ECT=Elective Course

Saurashtra University, Rajkot  
LL.M. Human Rights Programme – 2019

## Semester – 2

No	Course Code	Course Title	C	IM	EM	TM
1.	1604010002020100	Indian Constitutional Law : New Challenges	6	--	100	100
2.	1604020202020200	Penology : Treatment of Offenders	6	--	100	100
3.	1604020302020300	Environment and International Legal Order	6	--	100	100
4.	1604020202020400	Juvenile Delinquency	6	--	100	100
5.	1604020302020500	International Humanitarian Law and Refugee Law	6	--	100	100
6.	1604020202020600	Collective Violence and Criminal Justice System	6	--	100	100
7.	1604020302020700	Gender Justice Standard at International Law	6	--	100	100

C = Credits  
IM=Internal Marks  
EM=External Marks  
TM=Total Marks

CCT=Core Course  
SO=Sill Oriented Course  
ICT=Interdisciplinary Course  
SS=Self Study Course  
DP=Dissertation / Project Work  
ECT=Elective Course

Saurashtra University, Rajkot  
LL.M. Human Rights Programme – 2019

### Semester – 3

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010002030100	Legal Education & Research Methodology	6	--	100	100
2.	1604010002030200	Legal Education & Research Methodology ( Practical)	6	100	00	100
3.	1604020202030300	Forensic Science	6	--	100	100
4.	1604020302030400	Protection and Enforcement of Human Rights in India.	6	--	100	100
5.	1604020202030500	Privileged Class Deviance	6	--	100	100
6.	1604020302030600	Human Rights of Disadvantaged groups : Problems and Issues in the Protection and Enforcement.	6	--	100	100

C = Credits  
IM=Internal Marks  
EM=External Marks  
TM=Total Marks  
CCT=Core Course  
SO=Sill Oriented Course  
ICT=Interdisciplinary Course  
SS=Self Study Course  
DP=Dissertation / Project Work  
ECT=Elective Course

Saurashtra University, Rajkot  
LL.M. Human Rights Programme – 2019

### Semester – 4

No.	Course Code	Course Title	C	IM	EM	TM
1.	1604010002040000	Dissertation / Project Report Writing / Viva, Presentation	6	00	200	200

C = Credits  
IM=Internal Marks  
EM=External Marks  
TM=Total Marks  
  
CCT=Core Course  
SO=Sill Oriented Course  
ICT=Interdisciplinary Course  
SS=Self Study Course  
DP=Dissertation / Project Work  
ECT=Elective Course

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