

**BHAKTA KAVI NARSINH MEHTA
UNIVERSITY - JUNAGADH**



FACULTY OF LAW

**LL.M. Syllabus [cbcs]
Effective From Nov.,2018**

**Bhakta Kavi Narsinh Mehta University
Govt.Polytechnic College, Bilkha Road,
Khadiya - Junagadh
Gujarat , India.**

Website : www.bknmu.edu.in

Semester- II

Sr. No.	Course Code	Course Title	Credit	Maximum Marks			Teaching Hours
				CCA	SEE	Total	
1.		Indian Constitutional Law : New Challenges Compulsory (Core Course-3)	06	30	70	100	90
2.		Elective Course-2 Penology: Treatment of Offenders	06	30	70	100	90
3.		Elective Course-3 Juvenile Delinquency	06	30	70	100	90
4.		Elective Course-4 Collective Violence and Criminal Justice System	06	30	70	100	90
		Sub-Total	24	120	280	400	360

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		Indian Constitutional Law : New Challenges	6	30	70	-	Two Hours Thirty Minutes

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 interstate 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.

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		Penology : Treatment of Offenders	6	30	70	-	Two Hours Thirty Minutes

**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	Core		Juvenile Justice	6	30	70	-	Two Hours Thirty Minutes

MODULE -3A : JUVENILE DELINQUENCY (Elective Course)

Course Objectives:

- Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable.
- No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.
- Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders.
- Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

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	Core		Collective Violence and Criminal Justice System	6	30	70	-	Two Hours Thirty Minutes

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.

Select bibliography.

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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LL.M. – 2015

Semester - 02

નં.	સબજેક્ટ	કોષકોડ	ક્રેક્ટીઓ	વવષયકોર - 01	કોષકોડ	વેવ	સેરિસ્ટર	પેપર નંબર	વવકલ્પ
		વવષ 16	04	ઈક્ટીવ - 02	કોષકોડ - 01 ક્રિવિન - 02 લ્લિનુ રાઈટ - 03	યજુ - 01 પીજુ - 2			
1	Indian Constitutional Law : New Challenges	16	04	01	00	02	02	01	00
૨.	Penology : Treatment of Offenders	16	04	02	02	02	02	02	00
.	Juvenile Delinquency	16	04	02	02	02	02	04	00
૬.	Collective Violence and Criminal Justice System	16	04	02	02	02	02	06	00

Bhakta Kavi Narsinh Mehta University, Junagadh.

LL.M. Programme – 2015

Semester – 2

No.	Course Code	Course Title	C	IM	EM	TM
1.		Indian Constitutional Law : New Challenges	6	30	70	100
2.		Penology : Treatment of Offenders	6	30	70	100
4.		Juvenile Delinquency	6	30	70	100
6.		Collective Violence and Criminal Justice System	6	30	70	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

BHAKTA KAVI NARSINH MEHTA UNIVERSITY - JUNAGADH

Subject : LL.M (Sem.2)
Faculty : LL.M (Criminal Group)
Semester : LL.M Sem - 2

ACADEMIC YEAR-Nov-2018

Sr · No	Level PG	Semester	Course Group Core Elective	Course (Paper) Title	Paper No.	Credit	Teaching Hours	Internal Marks	External Marks	Practical Internal Marks	Practical External Marks	Total Marks
1	PG	2	Core	Indian Constitutional Law : New Challenges	3	6		30	70			100
2	PG	2	Elective	Penology: Treatment of Offenders	2	6		30	70			100
3	PG	2	Elective	Juvenile Delinquency	3	6		30	70			100
4	PG	2	Elective	Collective Violence and Criminal Justice System	4	6		30	70			100