

Department of Law
Doctor Harisingh Gour Vishwavidyalaya
Sagar (M.P.)

(A Central University)



Syllabus for LL.M. Programme under CBCS

Learning Outcomes- Based Curriculum Framework (LOCF)

(2024 – 25)

School of Law (SAL) : Code 90

Department of Law: Code 91

Prof. K.K.N. Sharma

Prof. Nagesh Dubey

Prof. G.L. Puntambekar

Dr. Anupama Pandit Saxena

LL.M. (Two Years Degree Course)

LL.M. I Sem.

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
I Sem.	LAW – CC– 121	Law and Social Transformation in India	L	T	P	C
			5	0	0	5
	LAW – CC– 122A	Comparative Criminal Procedure	L	T	P	C
			5	0	0	5
	LAW – CC- 123A	Concept and Development of Human Rights	L	T	P	C
			5	0	0	5
	LAW – CC– 124A	Human Rights of Disadvantaged groups: Problems and Issues in the Protection and Enforcement	L	T	P	C
			5	0	0	5

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LL.M. (Two Years Degree Course)

LL.M. II SEMESTER

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
II Sem.	LAW – CC – 221	Indian Constitutional Law: The New Challenges	L	T	P	C
			5	0	0	5
	LAW –CC – 222A	Legal Education and Research Methodology	L	T	P	C
			5	0	0	5
	LAW –CC – 223A	Penology: Treatment of Offenders	L	T	P	C
			5	0	0	5
	LAW – CC- 224A	Human Rights and International Order	L	T	P	C
			5	0	0	5

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LL.M. III SEMESTER

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
III Sem.	LAW – CC – 321	Judicial Process	L	T	P	C
			5	0	0	5
	LAW –CC – 322A	Drug Addiction, Criminal Justice and Human Rights	L	T	P	C
			5	0	0	5
	LAW –CC – 323A	Collective Violence and Criminal Justice System	L	T	P	C
			5	0	0	5
	LAW – CC- 324A	Protection and Enforcement of Human Rights in India	L	T	P	C
			5	0	0	5

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LL.M. IV SEMESTER

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
IV Sem.	LAW – CC – 421	Dissertation and Viva-Voce	L	T	P	C
			5	0	0	5
	LAW –CC – 422A	Juvenile Delinquency	L	T	P	C
			5	0	0	5
	LAW –EC – 423A OR LAW –EC – 423B	Privileged Class Deviance OR International Humanitarian Law and Refugee Law	L	T	P	C
			5	0	0	5
	LAW – CC- 424A	Science, Technology and Human Rights	L	T	P	C
			5	0	0	5

Note : The student will have to opt either LAW – EC-423A (for specialization in Criminal Law) or LAW – EC-423B (for specialization in Human Rights Law)

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Department of Law
Dr. Harisingh Gour Vishwavidyalaya, Sagar (M.P.)
Name of the Program: LL.M. (Master of Laws)

Introductory Note and Objective of the Program:

This is an academic program of 2 years duration consisting of 4 Semesters. The purpose of this program is to impart knowledge to the students in regard to important areas of law which are useful for their career development and the society as well. The LL.M. students should be exposed to the new challenges and perspectives of constitutional development, criminal law and human rights. The students are given an opportunity to delve upon the operation and changing phenomena of Criminal Law and Human Rights. This is an urgent need of the present era in the wake of technological revolution and its aftermath on the society. A jurisprudential thrust has to be given to the students for the study of Comparative Criminal Procedure and Human Rights which helps them to develop and broaden their vision. Equally, the course opens new areas of profession and occupation by studying the various fields of knowledge in law i.e., recent changes in Criminal Law and Human Rights. This course is helpful in transforming the students into good academicians, researchers, able and disciplined citizens for the development of the society and the country.

1. Name of the program: **LL.M.**
2. Duration of the program:
 - (a) Minimum duration 02 yrs. (4 Semester)
 - (b) Maximum duration 04 yrs.
3. Structure of the program:
 - (a) Number of Core Courses - 15 (4 in I, II, III Semester and 3 in IV Semester)
 - (b) Number of Elective Course – 01 (01 in IV Semester)
 - (c) Credits – 80 (20 in each Semester)

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LL.M. (Two Years Degree Course)

LL.M. I Sem.

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
I Sem.	LAW – CC– 121	Law and Social Transformation in India	L	T	P	C
			5	0	0	5
	LAW – CC– 122A	Comparative Criminal Procedure	L	T	P	C
			5	0	0	5
	LAW – CC- 123A	Concept and Development of Human Rights	L	T	P	C
			5	0	0	5
	LAW – CC– 124A	Human Rights of Disadvantaged groups: Problems and Issues in the Protection and Enforcement	L	T	P	C
			5	0	0	5

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Course Code
LAW- CC - 121

LL.M. I SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE/CORE GROUP**LAW AND SOCIAL TRANSFORMATION IN INDIA**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of: -

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) On any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note: -A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to introduce to the students that Law is a tool of social change. This subject deals with the concept of law, its effect upon society various sources of law and the method of development of society. The law is an instrument to transform the society. The course analyses the relationship between law and society and focuses on finding out their effect on each other. The course will also examine the factors that bring social changes and will analyze how they are addressed by law. 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) spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society

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Syllabus :

Unit I

Lectures-15

1. 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 institution in India.

2. Religion and the Law

- Religion as a divisive factor.
- Secularism as a solution to the problem.
- Reform of the law on secular lines: Problem.
- Freedom of religion and non-discrimination on the basis of religion.
- Religion, minorities and the law.

Unit II

Lectures-15

1. Language and the Law

- Language as a divisive factor.
- Constitutional guarantees to linguistic minorities.
- Language policy and the Constitution: Official language; multi language system.
- Non- discrimination on the ground of language.

2. Community

- Caste as a divisive factor.
- Non- discrimination on the ground of caste.
- Acceptance of caste as a factor to undo past injustice.
- Protective discrimination: Scheduled caste, tribes and backward classes.
- Reservation; statutory commissions, Statutory provisions.

Unit III

Lectures-15

1. Regionalism and the law.

- Regionalism as a divisive factor.
- Concept of India as a one unit.
- Right of movement, residence and business; impermissibility of state or regional barriers.
- Equality in matters of employment the slogan “Sons of the soil” and its practice.

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- Admission to educational institutions: preference to residents of a state.

2. Women and the Law

- Crimes against women.
- Gender injustice and its various forms.
- Women's commission.
- Empowerment of women: Constitutional and other legal provisions.

Unit IV

Lectures-15

1. Children and the Law

- Child labour
- Sexual exploitation.
- Adoption and related problems.
- Children and education.

2. Modernization and the Law.

- Modernization as a value: constitutional perspectives reflected in the fundamental duties.
- Modernization of social institutions through law.
- Reform of family law.
- Agrarian reform – Industrialization of Agriculture.
- Industrial reform: Free enterprise V/s State regulation – Industrialization Vs Environmental protection.
- Reform of court processes.
- Criminal Law: Plea bargaining; compounding and payment of compensation to victims.
- Civil law: (ADR) Confrontation Vs consensus; mediation and conciliation; Lok Adalats.
- Prison reforms.
- Democratic decentralization and local self-government.

Unit V

Lectures-15

1. Alternative approaches to law

- The jurisprudence of Sarvodaya – Gandhiji, Vinoba Bhave; Jayaprakash Narayan – Surrender of dacoits; concept of gram nyayalayas.
- Socialist thought on law and justice. An enquiry through constitutional debates on the right to property.
- Indian Marxist critique of law and justice.

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- Naxalite movement: causes and cure.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the Constitutional perspectives and deal with the law as instrument of social change. Second part of this unit gives the student knowledge about religious and custom based social concepts that changes through the legal interference and thus transform the society.

Unit 2: Will acquires knowledge and will understand about the social norms which are a divisive factor like community, language etc., and how these social norms will be effectively transformed with the help of law.

Unit 3: Will gain detailed information about 'Regionalism, and how it is a major divisive factor of society. They will examine the potential of law to deal with this problem and will acquire knowledge about the legal protection of women.

Unit 4: Will get an understanding of legal protection of Children and Modernization of social institutions through law.

Unit 5: Will gain the knowledge regarding the alternative approaches of various jurist and social worker related to social and political development.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary socio-legal development and their relationship with each other especially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps etc. for better understanding of the students.

Selected Bibliography:

Essential Readings:

1. Marc Galanter (ed.) Law and Society in Modern India
2. U. Baxi, The Crisis of the Indian Legal System (1982) Vikas, New Delhi
3. U. Baxi (ed.) Law and Poverty Critical Essays (1988) Tripathi, Bombay
4. H.M. Seervai, Constitutional Law of India (1996) Tripathi

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5. D.D. Basu, Shorter Constitution of India(1996) Prentice –Hall of India(P) Ltd, New Delhi
6. Dr. G.P. Tripathi: Law & Social Transformation
7. Bhat, P. Ishwara: Law and Social Transformation, Reprinted 2012 (Hardcover)
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Anmol Publications Delhi

Additional Readings:

1. Savitri Guneskhare, Children, Law and Justice (1997) Sagar
2. Indian Law Institute, Law and Social Change: Indo – American Reflections, Tripathi (1988)
3. J.B. Kriplani Gandhi : His Life and Thought, (1970) Ministry of information and Broadcasting, Government of India
4. M.P. Jain, Outlines of Indian Legal History (1993) Tripathi, Bombay
5. Agnes Flavia Law and Gender Inequality: The Politics of Women Rights of India (1999) Oxford
6. Robert lingal, The Classical Law of India (1999) Oxford
7. Manushi, A Journal about women and society
8. Duncan Derret ; The state, Religion and Law in India(1999) Oxford University, New Delhi

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Course Code
LAW- CC – 122A

LL.M. I SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE**COMPARATIVE CRIMINALPROCEDURE**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objectives of the course are to equip the students with knowledge of the fundamental principles of criminal procedure. By reading this course they will be able to make a comparison of the basic concepts of the criminal procedure of the various countries. They will learn the various kinds of criminal justice system.

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SYLLABUS:**UNIT I:****Lectures- 15****1. Organization of Courts and Prosecuting Agencies**

- Hierarchy of criminal courts and their jurisdiction.
- Nyaya Panchayats in India
- Panchayats in tribal areas
- Organization of prosecuting agencies for prosecuting criminals.
- Prosecutors and the police
- Withdrawal of prosecution

UNIT II:**Lectures—15****1. Pre-trial Procedures**

- Arrest and questioning of the accused
- Pre-trial Process: Investigation by police
- The rights of the accused
- The evidentiary value of statements
- Right to counsel
- Roles of the prosecutor and the judicial officer in investigation

UNIT III:**Lectures—15****1. Trial Procedures**

- The accusatory system of trial and the inquisitorial system
- Concept of Fair Trial
- Role of the judge, the prosecutor and defence attorney in the trial
- Expert Evidence and Admissibility and inadmissibility of evidence
- Appeal of the court in awarding appropriate punishment
- Bail Jurisprudence

UNIT IV:**Lectures-15****1. Correction and Aftercare services**

- Institutional correction of the offenders and the role courts

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- Rights of Victims
- General Comparison – After - care services in India and France

UNIT V:

Lectures—15

1. Preventive Measures in India

- Provisions in the Criminal Procedure Code
- Special enactments
- Public Interest Litigation
- Directions for criminal prosecution

Note: In addition to the above questions may be asked on aspects related with this paper

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic understanding of hierarchy of criminal courts, the concept of nayaya panchayat and the role of prosecuting agencies.

Unit 2: Will acquires knowledge about the process of arrest, investigation and the rights of arrested person.

Unit 3: Will gain detailed information on the accusatory system of trial and the inquisitorial system, the concept of fair trial and plea bargaining.

Unit 4: Will get an understanding of correction and aftercare services, rights of victims, etc.

Unit 5: Will gain the knowledge on the Preventive Measures in India.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Criminal Law. The Paper will be taught with reference wherever necessary, to the procedures in India, England, US France, Russia and China. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc.

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A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography:

1. Celia Hampton, Criminal Procedure
2. Wilikins 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 Pilla (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. Sanders and Young Criminal Justice (1994)
9. Criminal Procedure Code, 1973
10. The French Code of Criminal Procedure 14th and 41st Reports of Indian Law Commission

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Course Code
LAW- CC- 123A

LL.M. I SEMESTER

COMPULSORY COURSE / CORE COURSE

L	T	P	C
5	0	0	5

CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of: -

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student anin-depth and comprehensive understanding of Human Rights Law. The syllabus covers and gives the student a fair idea of the basics of Human Rights (traditional and modern) Philosophy and Concept, National and International Development including Human Duties Jurisprudence. The objective of the syllabus is to discuss all the basic topics of Human Rights Law which are important to understand the nature, definition, classification, international and national provisions, and enforcement mechanisms, legislative, executive, judicial and non-governmental efforts made for protection, promotion and enforcement of Human Rights.

The syllabus enables the students to relate the basic Human Rights with other concepts of Politics and Society providing a clear and wider vision and hence enhance the analytical and

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humane aptitude in the students. The syllabus examines and analyzes in detail the role of judiciary and non- governmental organization in the protection and implementation of Human Rights.

Syllabus:

Unit I:

Lectures-15

1. Human Rights: Concept

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

Unit II:

Lectures-15

1. Classification of Human rights – first, second and third generation: Historical Development

Unit III:

Lectures-15

1. Human rights: Politics and society

- Colonization, imperialism and human rights
- Power, practices, accountability and transparency
- Liberalization, privatization and globalization.
- Human duties: responsibilities and obligations.

Unit IV:

Lectures-15

1. Human rights and Judicial Process

- Judicial activism

Unit V:

Lectures-15

1. Human Rights Protection Agencies

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the in-depth understanding of Nature, Concept, Origin and Development (Jurisprudential, International and National) of Human Rights with special focus on Indian Ancient, Medieval and Modern traditions. The student will be able to trace out the

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Evolution and growth of Natural Law and its contribution in the recognition and development of modern concept of Human Rights. He/she will have a clear understanding of the various rights and their relationship with Human Rights along with the information of major landmark instruments connected with the growth of Human Rights Law.

Unit 2: Will better understand that how an interwoven concept of Human Rights is classified on various grounds like origin, nature, generation etc. The student will be able to examine the various conceptual, International and national classifications of Human Rights. He/ she will be able to find out the similarity and difference between various Human rights and be able to have a clear picture of the relationship of these rights with one another.

Unit 3: The student will be able to critically analyze the relationship of Human rights with Political and Social concepts which effect and be affected by the development of Human Rights. The student will understand and value the long-forgotten concept of Human Duties which has always been an integral part of Indian philosophy and which is now a part of Human Rights and duties jurisprudence and they will strive to be a better human being in future.

Unit 4: Will get to study and gain knowledge about the role of Judiciary in making Human Rights Jurisprudence an inseparable part of Constitution. The student will be well-versed with the knowledge of provisions and judgments of various courts relating to Human Rights and will be able to critically examine the judicial activism and judicial adventurism with special reference to Indian Judiciary.

Unit 5: Will understand the role of different Human Rights Protection Agencies governmental and non- governmental.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary international and national development of Human Rights, especially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, Human Rights Commissions etc. for better understanding of the students.

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Selected Bibliography:

Essential Readings:

1. R.C. Hingorani : Human Rights
2. U.C. Srivastava: Human Rights
3. S.K. Kapoor : Human Rights
4. T.P. Tripathi: Human Rights
5. H.O. Agarwal : Human Rights
6. Lalit Parmer, Human Rights (1998)
7. M.G. Chitkara, Human Rights: Commitment and Betrayal,(1996).
8. V.D.Kulshrestha, Landmarks in the Indian Legal and Constitutional History, (1995).
9. Robert Lewnggat, The Classical Law of India,(1998) Oxford.

Additional Readings:

1. Human Rights - V.K. Anand
2. Human Rights under International Law and Indian Law - Dr. S.K. Kapoor
3. Human Rights - Myneni SR
4. Human Rights & Criminal Justice - Pandit Kamalakar
5. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
6. Rama Jois, Human Rights: Bhartiya Values (1998)
7. David P. Forsythe, Human Rights in International Relations.
8. Julius Stone, Human Law and Human Justice (2000) Universal, New Delhi.

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Course Code
LAW- CC-124A

LL.M. I SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE**HUMAN RIGHTS OF DISADVANTAGED GROUPS : PROBLEMS AND ISSUES IN THE PROTECTION AND ENFORCEMENT**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objective of the course is to explain to the students the concept and the true meaning of equality which cannot be achieved without giving special protection to the Disadvantaged Groups. The course will focus on the concept, challenges, problems and issues relating to Human Rights of the Disadvantaged Groups like Women, Children, and Minorities etc. This course aims to recognize the need to identify the Disadvantage Groups and to address the issues of protection and enforcement of their Human Rights.

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Syllabus:**Unit I:****Lectures-15****Concept of Disadvantaged Groups****Unit II :****Lectures-15****Emerging Human Rights Jurisprudence and the Role of the Judiciary**

- Rights of Women
- Rights of the child
- Rights of the prisoners
- Rights of Dalits
- The tribal and other indigenous people
- The mentally ill
- The stateless persons
- The unorganized Labour
- Aids' victims
- Rights of minorities

Unit III:**Lectures-15****Enforcement of Human Rights****Unit IV:****Lectures-15****Protection Laws of the Disadvantaged Groups: Problems and Issues****Unit V:****Lectures-15****Future Perspectives of the Human Rights of the Disadvantaged**

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:**Upon successful completion of the course, the student:**

Unit 1: Will be familiar with the basic concept of Disadvantaged Groups and will understated the need, rational and justification of giving these groups a special protection in Human Rights Law.

Unit 2: Will acquires knowledge about various Disadvantaged Groups like Women, Children, Prisoners, Dalits, Tribal People, mentally ill persons, Stateless persons, unorganized labour,

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AIDS victims and Minorities. He /She will gain knowledge about their basic Human Rights and its Protection through executive, legislative and judicial mechanism.

Unit 3: Will gain detailed information on the enforcement of Human Rights through various Commissions, Institutions, bodies, governmental and non- governmental organizations. He / she will have knowledge of various governmental policies that can be utilized for effective enforcement of the rights of Disadvantaged Groups.

Unit 4: Will get knowledge of various international and national legislations made for the protection of Human Rights of Disadvantaged Groups.

Unit 5: Will analyses the future challenges and issues relating to protection of Human Rights of disadvantaged groups.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Human Rights of Disadvantaged groups in International and Indian laws. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, Human Rights Commissions etc. for better understanding of the students.

Select Bibliography:

Essential Readings:

1. Bhargava and R.M. Pal, Human Rights of Dalit Societal Violation, (1999)
2. Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
3. Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
4. Paras Diwan and Piyush Diwan, Women and Legal Protection.
5. N.K. Chandrabati, Juvenile Justice in the Administration of criminal justice,(1999)

Additional Readings:

1. Rebecca Wallace, International Human Rights Text and Materials, (1967)
2. Janaki Nair, Woman and Law in Colonial India, (1996)
3. Simon Creighton, Vicky King, Prisons and the Law,(1996)
4. Philip Aiston children, Rights and the law
5. Kelly D.Askin, Dorean M. Koenig Women and international Human Rights Law, (1999)

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LL.M. (Two Years Degree Course)**LL.M. II SEMESTER****Core Courses**

Semester	Core Course Code	Core Courses Title	Credits			
II Sem.	LAW – CC – 221	Indian Constitutional Law: The New Challenges	L	T	P	C
			5	0	0	5
	LAW –CC – 222A	Legal Education and Research Methodology	L	T	P	C
			5	0	0	5
	LAW –CC – 223A	Penology: Treatment of Offenders	L	T	P	C
			5	0	0	5
	LAW – CC- 224A	Human Rights and International Order	L	T	P	C
			5	0	0	5

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Course Code
LAW- CC – 221

LL.M. (Two Years Degree Course)

LL.M. II SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based

(i) on any one or more of the following methods, consisting of 20 marks:

- a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
- b. Presentation
- c. Assignment
- d. Quizzes

(ii) Scheme of Examination:

- (a) Mid Semester Examination : 20 Marks
- (b) Internal Assessment : 20 Marks
- (c) End Semester Examination : 60 Marks

Note :- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objectives of the course are to equip the students with knowledge of the fundamental principles of the Constitutional law. The course focuses on the examination of the new and changing aspects of Indian Constitution.

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Syllabus :
Unit I:

Lectures-15

1. Federalism:

- Creation of new states.
- Allocation and share of resources – distribution of grants in aid.
- The inter-state disputes on resources.
- Rehabilitation of internally displaced persons.
- Centre's responsibility and internal disturbance within states.
- Directions of the center to the state under Article 356 and 365.
- Federal Comity: relationship of trust and faith between center and state.
- Special status of certain states.
- Tribal Areas, Scheduled Areas.

Unit II:

Lectures-15

- 1. "State":** Need for widening the definition in the wake of liberalization.

Unit III:

Lectures-15

1. Right to equality: privatization and its impact on affirmative action.
2. Empowerment of women.

Unit III:

Lectures-15

1. **Freedom of press and challenges of new scientific development.**
 - Freedom of speech and right to broadcast and telecast.
 - Right to strikes, Hartal and Bandh.
2. **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.

Unit IV:

Lectures-15

1. **Right of minorities to establish and administer education institutions and state control.**
2. **Secularism and religious fanaticism.**

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Unit V:**Lectures-15****1. Separation of powers: stresses and strain.**

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

2. Democratic Process

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

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic understanding of federalism, the role of Centre and States in federal structure.

Unit 2: Will acquire knowledge about the 'State' and the need for widening the definition of State in the wake of liberalization.

Unit 3: Will gain detailed information on the right to equality, freedom of press and the emerging regime of new rights.

Unit 4: Will get an understanding of secularism and religious fanaticism.

Unit 5: Will gain the knowledge on the separation of power and democratic process

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary Constitutional development and upcoming challenges in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps etc. for better understanding of the students.

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Selected Bibliography:**Essential Readings:**

1. H. M. SEERVAI: CONSTITUTION OF INDIA
2. M.P.JAIN : CONSTITUTION OF INDIA
3. V.N. SHUKLA : CONSTITUTION OF INDIA
4. MAHAVIR SINGH : BHARAT KA SAMVIDHAN
5. KILASH RAI : CONSTITUTION OF INDIA
6. CHATURVEDI : CONSTITUTION OF INDIA
7. J.N. PANDEY : CONSTITUTION OF INDIA
8. CONSTITUTIONAL LAW-I - MYNENI SR
9. CONSTITUTIONAL LAW-II - MYNENI SR
10. Indian Constitutional Law-New Challenges - Dr. G.P. Tripathi
11. CONSTITUTIONAL LAW OF INDIA - DR. N.V. PARANJAPE
12. Constitution of India 12th Edition, 2013 Revised by Mahendra Pal Singh (P/B) - Shukla V.N.
13. Introduction to the Constitution of India English Edition - D.D. Basu
14. Introduction to the Constitution of India Hindi Edition - D.D. Basu

Additional Readings:

1. Textbook on the Constitution of India - Bhansali, S.R.
2. The Indian Constitution and Social Resolution - V. Krishna Anauth
3. भारत का संविधान – डॉ. जय नारायण पाण्डेय
4. भारत का संविधान – डॉ. जे.जे.आर. उपाध्याय
5. Constitutional Law - Rega Surya Rao (Dr.)
6. Judicial Review - Narayana Justice PS
7. संविधान : एक समीक्षा सतीष कुमार
8. M. C. J. KAGZI : CONSTITUTION OF INDIA
9. D.J. DEE : CONSTITUTION OF INDIA
10. Constitutional Law of India - Narender Kumar
11. Constitutional Justice & Judicial Process - Polo Koteswar Rao

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Course Code
LAW- CC –222A

L	T	P	C
5	0	0	5

LL.M. II SEMESTER

COMPULSORY COURSE / CORE COURSE

LEGAL EDUCATION AND RESEARCH METHODOLOGY

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment.

Note: -A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objectives of the course are to equip the students with knowledge of legal education and the course designed by UGC for the development of Legal education in new area. In this course the focus is to find out that how to improve the knowledge of law and jurisprudence and also to discuss about the tools used for legal education. The other major objective of this course is to expose the students to the concept, meaning and various components of research and give them an idea about various research methods (qualitative and quantitative), give knowledge for conducting socio, medico, and techno legal research following the research ethics. This course aims to build research quality and capacity in the students so that they can start their research with full confidence and maintain the ethical and academic standard during research. This foundation of research will help them in pursuing a research career in the future. The syllabus is framed to build a strong conceptual foundation which helps the students throughout their dissertation and other research projects. The course provides the student a fair idea about initiation of a research idea, thorough literature search, formulation of a research question, proper study design, conduction of research, analysis of data obtained proper interpretation of results and produce an unbiased research work on time.

SYLLABUS

UNIT - I Lectures - 15

1. Objectives OF Legal Education.
2. Lecture Method of Teaching – Merits and demerits.
3. The Problem Method.
4. Discussion method and its suitability at postgraduate level teaching.
5. The Seminar Method of Teaching.

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6. **Examination system and problems in evaluation – external and internal assessment.**
7. **Student participation in law school programmes – organization of Seminars, publication of journal and assessment of teachers.**
8. **Clinical legal education – legal aid, legal literacy, legal survey and law reform.**

UNIT II

Lectures -15

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 III

Lectures -15

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, notification 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 overruled; discovering judicial conflict in the area pertaining to the research problem and the reason 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 of special studies conducted relevant to the problem.

UNIT IV

Lectures -15

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/interviews.
- 11.2.5 Use of case studies.
- 11.2.6 Sampling procedure – design of sample, types of sampling to be adopted.
- 11.2.7 Use of scaling techniques.
- 11.2.8 Jurimetrics

UNIT V

Lectures--15

- 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.

Note : - In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes: Upon successful completion of the course, the student:

Unit 1: Will gain detailed information about to Object of Legal Education in present area, will gain detailed knowledge about Lecture method of teaching and Problem method of teaching, will gain detailed knowledge of the seminar method and Discussion Method and its suitability at postgraduate level. Will have an idea about the examination process and evaluation related problems. The student also understands importance of seminar origination, publication etc. will gain detail knowledge of modern pattern of practical knowledge because this unit cover the practical knowledge.

Unit 2: Will be familiar with the basic definition, concept, meaning, types, and importance of research. He / She will gain knowledge of the present-day challenges and issues relating to conduction of legal research and its ethical aspect. Will acquires knowledge about the definition, characteristics, importance, and content etc. of scientific methods specially in reference to legal research.

Unit 3: Will know what is a Research Problem and how the research problem is formulated.

Unit 4: Will learn about research design. Will gain knowledge of the data collection, its tools and techniques. Will gain knowledge about observation, interview, questionnaires, Case study etc.

Unit 5: Will gain knowledge of the data collection, its tools and techniques. Will gain the knowledge about the use of computer and internet.

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Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the Research especially socio- legal research. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material :

1. Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education Active Learning in Your School, (1998) Blackstone Press Ltd., London.
2. Agarwal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. Madhava Menon, (Ed.), A Handbook Of Clinical Legal Education, (1998), Eastern Book Company.
4. Price, H. Bitner and Bysiewiez, Effective Legal Research, (1978)
5. The V. Young, Scientific Social Survey and Research (1962)
6. Jam J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company.
7. Hyman, Interviewing in Social Research, (1965)
8. Mayne, The Art of Asking Questions, (1965)
9. C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research, (1959)
10. Chris L. Cohan, Legal Research in Nutshell, (1966). West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology
13. Prof. N.R. Madhava Menon: Reflections on Legal and Judicial Education.

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Course Code
LAW- CC– 223A

LL.M. II SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE**PENOLOGY: TREATMENT OF OFFENDERS**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective:

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. Broadly, the course will concern itself with Theories of Punishment, approaches to Sentencing, Alternatives to Imprisonment, The State of Institutional Incarceration in India: Jails and other custodial institutions, The problematic of Capital Punishment, Penology in relation to privileged class deviance, Penology in relation to marginalized deviance or criminality, The distinctive Indian (historical and contemporary) approaches to penology.

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Syllabus:

Unit 1 Introductory and Theories of Punishment Lectures-15

1. Introduction and Definition of Penology
2. Theories of Punishment
 - Retribution
 - Utilitarian prevention: Deterrence
 - Utilitarian: Intimidation
 - Behavioural prevention: Incapacitation
 - Behavioural prevention: Rehabilitation - Expiation
 - Classical Hindu and Islamic approaches to punishment.

Unit 2. The Problematic of Capital Punishment Lectures-15

- Constitutionality of Capital Punishment
- Judicial Attitudes Towards Capital Punishment in India - An inquiry through the
- Statute law and case law.
- Law Reform Proposals

Unit 3. Approaches to Sentencing Lectures-15

- Alternatives to Imprisonment
- Probation
- Corrective labour
- Fines
- Collective fines
- Reparation by the offender/by the court

Unit 4. Sentencing Lectures-15

- Principal types of sentences in the Penal Code and special laws
- Sentencing in white collar crime
- Pre-sentence hearing
- Sentencing for habitual offender
- Summary punishment
- Plea-bargaining

Unit 5. Imprisonment Lectures-15

- The state of India's jails today
- The disciplinary regime of Indian prisons
- Classification of prisoners

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- Rights of prisoner and duties of custodial staff.
- Deviance by custodial staff
- Open prisons
- Judicial surveillance - basis - development reforms

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the Introduction and Definition of Penology, Theories of Punishment including the concepts of Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation – Expiation along with Classical Hindu and Islamic approaches to punishment.

Unit 2: Will better understand the problems related to capital punishment its Constitutionality and Judicial Attitudes towards Capital Punishment in India. The student will also be having information about statute law and case law. They will also be familiar with Law Reform Proposals.

Unit 3: The student will be able to understand different alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective fines and Reparation by the offender/by the court.

Unit 4: Will get to study and gain knowledge about the sentencing, principal types of sentences in the Penal Code and special laws, sentencing in white collar crime, Pre-sentence hearing, Sentencing for habitual offender, Summary punishment and Plea-bargaining.

Unit 5: Will understand about the state of India's jails, the disciplinary regime of Indian prisons, Classification of prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, judicial surveillance - basis - development reforms

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Penology in India and in international law. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

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Selected Bibliography

1. S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
2. H.L.A. Hart, Punishment and Responsibility (1968)
3. Herbert L. Packer, The Limits of Criminal Sanction (1968)
4. Alf Ross, On Guilt, Responsibility and Punishment (1975)
5. Law Commission of India, Forty-Second Report Ch. 3 (1971)
6. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
7. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.

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Course Code
LAW- CC-224A

LL.M. II SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE**HUMAN RIGHTS AND INTERNATIONAL ORDER**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of: -

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student an in-depth and comprehensive understanding of Human Rights in International Order. The students will understand that Human rights have universal application and how these rights gathered importance when the United Nations adopted the Universal Declaration of Human Rights in 1948. The students will examine the role of international organizations in promoting awareness of human rights which is very significant. They will gain knowledge about the international conventions, which though not binding, and have persuasive force since the violations will be decried by the international community. They will understand the International Non-Governmental Organizations that watch and monitor human rights violations in every country. The students will analyze the importance national legislation; without which the enforcement of the rights is difficult. The syllabus covers and gives the student a fair idea of the International Development of Human Rights.

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Syllabus:

Unit I:

Lectures-15

1. Development of the Concept of Human Rights under International Law
 - 1.1. Role of International Organization and Human Rights
 - 1.2. Universal Declaration of Human Rights (1948)
 - 1.3. Covenant on Political and Civil Rights (1966)
 - 1.4. Covenant on Economic, Social and Cultural Rights (1966)
 - 1.5. I L O and other Conventions and Protocols dealing with human rights

Unit II

Lectures – 15

2. Role of Regional Organizations
 - 2.1. European Convention on Human Rights
 - 2.1.1. European Commission on Human Rights/Court of Human Rights.
 - 2.2. American Convention on Human Rights
 - 2.3. African Convention on Human Rights
 - 2.4. Other regional Conventions.

Unit III

Lectures – 15

3. Protection agencies and mechanisms
 - 3.1. International Commission of Human Rights
 - 3.1.1. Amnesty International
 - 3.1.2. Non-Governmental Organizations (NGOs)
 - 3.2. U.N. Division of Human Rights
 - 3.3. International Labour Organization
 - 3.4. UNESCO
 - 3.5. UNICEF
 - 3.6. Voluntary organizations
 - 3.7. National and State Human Rights Commissions

Unit IV

Lectures - 15

4. International enforcement of Human Rights
 - 4.1. Role of ICJ, ICC and regional institutions

Unit V

Lectures – 15

5. Effect of International Human Rights Law on National Laws

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- 5.1 Effect International Law / Conventions (CRC, CEDAW, etc.) on National Legislation, Judicial Interpretation and Executive actions
- 5.2 Role of NGOs in promotion and recognition of International Human Rights in India
- 5.3 Contribution of India in Human Rights and International Order

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the in-depth understanding of Development of the Concept of Human Rights under International Law, Role of International Organization and Human Rights, Universal Declaration of Human Rights (1948), I L O and other Conventions and Protocols dealing with human rights. He/she will have a clear understanding of the various rights and their relationship with Human Rights along with the information of major landmark instruments connected with the growth of Human Rights Law.

Unit 2: Will better understand the importance and Role of Regional Organizations - European, American, African and Other regional Conventions on Human Rights.

Unit 3: The student will be able to critically analyze the role of Protection agencies and its mechanisms such as International Commission of Human Rights (Amnesty International and Non-Governmental Organizations (NGOs), U.N. Division of Human Rights, International Labour Organization, UNESCO and other National and State Human Rights Commissions.

Unit 4: Will get to study and gain knowledge about the role of international Judiciary in making Human Rights Jurisprudence an international concern. The student will be well-versed with the knowledge of provisions and judgments of various international tribunals and courts relating to Human Rights and will be able to critically examine the judicial activism that helped in maintain the international order.

Unit 5: Will understand the Effect of International Human Rights Law on National Laws and how India contributed in the Human Rights and International order.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary international development of Human Rights, especially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group

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discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, Human Rights Commissions etc. for better understanding of the students.

Selected Bibliography:

Essential Readings:

1. U.C. Srivastava: Human Rights
2. S.K. Kapoor : Human Rights
3. T.P. Tripathi: Human Rights
4. H.O. Agarwal : Human Rights
5. Lalit Parmer, Human Rights (1998)
6. M.G. Chitkara, Human Rights: Commitment and Betrayal,(1996).
7. V.D. Kulshrestha, Landmarks in the Indian Legal and Constitutional History, (1995).
8. R.C. Hingorani : Human Rights

Additional Readings:

1. Human Rights - V.K. Anand
2. Human Rights under International Law and Indian Law - Dr. S.K. Kapoor
3. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
4. Rama Jois, Human Rights: Bhartiya Values (1998)
5. David P. Forsythe, Human Rights in International Relations.
6. Julius Stone, Human Law and Human Justice (2000) Universal, New Delhi.
7. Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
8. Francisco Forrest Martin, International Human Rights Law and Practice, (1997)
9. Luck Clements, European Human Rights Taking a Case under the Convention, (1994).
10. Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).
11. R.K. Sinha, Human Rights of the World,(1997).
12. Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).
13. R.S. Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997).
14. The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
15. B.P. Singh Seghal, Human Rights in India, (1996).
16. Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).

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LL.M. (Two Years Degree Course)**LL.M. III SEMESTER****Core Courses**

Semester	Core Course Code	Core Courses Title	Credits			
III Sem.	LAW – CC – 321	Judicial Process	L	T	P	C
			5	0	0	5
	LAW –CC – 322A	Drug Addiction, Criminal Justice and Human Rights	L	T	P	C
			5	0	0	5
	LAW –CC – 323A	Collective Violence and Criminal Justice System	L	T	P	C
			5	0	0	5
	LAW – CC- 324A	Protection and Enforcement of Human Rights in India	L	T	P	C
			5	0	0	5

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Course Code
LAW- CC – 321

LL.M. III SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE

JUDICIAL PROCESS

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The major objective of this course is to give the student knowledge about the concept, importance and challenges of judicial process. The course aims to provide the students an understanding about the nature of judicial process and how judicial process can be utilized to bring social ordering. The syllabus focuses on analyzing as to how judicial process addresses the social challenges by utilizing several tools and techniques of judicial adjudication. This syllabus aims to cover the theoretical as well as practical aspect of judicial process. This course discusses the Indian position in detail to make the students well informed about the judicial process in our country and also be able to analyze the role of judicial process in bringing social change and true justice.

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SYLLABUS:**Unit I :****Lectures-15****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.
- Legal development and creativity through legal reasoning under statutory and codified system.

Unit II:**Lectures-15****Special Dimensions of Judicial Process in Constitutional Adjudications**

- Notions of judicial review
- ‘Role’ in Constitutional adjudication – various theories of judicial role

Unit III:**Lectures-15****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 IV:**Lectures-15****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

Unit V:**Lectures-15****Relation between Law and Justice**

- Equivalence theories-justice as nothing more than the positive law of the stronger class.

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- Dependency theories – For its realization justice depends on law, but 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.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic definition, concept, meaning, nature and importance of Judicial Process. He / She will gain knowledge that how judicial process controls the social behaviour, how can judicial process bring creativity in Law, what tools and techniques can be used to for this purpose, how legal reasoning can be utilized to develop codified or statutory system and ultimately narrowing the gap between ‘what law is’ and ‘what law ought to be’.

Unit 2: Will gain knowledge about various theories of judicial role especially in reference to Constitutional adjudication, will understand the importance and utility of judicial process in making the Constitution a living Law. They will be informed and be able to understand the important provisions and judgments relating to Constitutional Adjudication.

Unit 3: Will gain knowledge about some very important aspects of judicial process especially in India i.e., Judicial review, Independence of judiciary, judicial activism and Accountability.

Unit 4: Will have knowledge about the nature, types, importance and concept of justice, will understand the various thoughts on justice. The student will be able to understand the importance of Dharma as a foundation of legal ordering and also will understand the western thoughts.

Unit 5: Will be familiar with all the theories of justice and will be able to establish a clear understanding about the relationship of law and justice.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development judicial process. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

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Recommended Source Material:

Essential Readings:

1. Benjamin N. Cardozo : The Nature of Judicial Process (1995) Universal, New Delhi.
2. Julius Stone: The Province and Function of Law, Part-II, Chs.1/8-16(2000), Universal, New Delhi.
3. Henry J. Abraham: The Judicial Process, (1998), Oxford.
4. Julius Stone : Precedents and the Law : Dynamics if Common Law Growth, (1985), Butterworths.
5. John Rawls : A Theory of Justice, (2000), Universal, Delhi.
6. Upendra Baxi : The Indian Supreme Court and politics, (1980), Eastern, Lucknow.
7. N.K. Jayakumar: Judicial Process in India: Limitations and Leeways

Additional Readings:

1. Edward H. Levi, An Introduction to Legal Reasoning (1970) University of Chicago
2. Rajeev Dhavan : The Supreme Court of India – A Socio- legal Critique of its Juristic Techniques(1977), Tripathi , Bombay
3. Abhinav Chandrachud : Due Process of Law, Eastern Book Company, Lucknow (2011)
4. Bodenheimer, Jurisprudence- The Philosophy and Method of Law (1997), Universal, Delhi.
5. Julius Stone: Legal system and Lawyers Reasoning (1999), Universal, Delhi.
6. W. Friedmann: Legal Theory (1960), Stevens, London.

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Course Code
LAW- CC-322A

LL.M. III SEMESTER
COMPULSORY COURSE / CORE COURSE

L	T	P	C
5	0	0	5

DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective:

The students will understand why and how almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. They will be familiar with the issue of interaction between drug abuse and criminality which is quite complex. They will come to know as to what extent drug dependence contributes to criminal behavior. In what ways do criminal behaviour patterns determine drug abuse? They will examine the common factors which contribute to the determination of both drug abuse and criminal behavior. The students will be able to analyze how both addiction and trafficking have to be regulated, what penal policies should be appropriate? The course will discuss the international response to these issues. Since India adopted the basic principles of these conventions in various Indian legislations the students will be exposed to important problems of method in studying the impact of regulation need evaluated at every stage.

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Syllabus:

Unit 1

Lectures-15

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"
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
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 in this topic 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 II

Lectures – 15

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

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- 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 – III

Lectures – 15

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 IV

Lectures – 15

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 V

Lectures – 15

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

Note: In addition to the above questions may be asked on aspects related with this paper.

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Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the Basic conceptions like Drugs ' narcotics' "psychotropic substances", "Dependence," "addiction" etc. The students will know as to How Does One Study the Incidence of Drug Addiction and Abuse by the help of Self-reporting, Victim-studies and other ways. They will be taught about the anagraphic and Social Characteristics of Drug Users with special reference to India.

Unit 2: The students will know and understand the International Legal Regime i.e. various Conventions and International collaboration in combating drug addiction.

Unit 3: They will be familiar with the Indian Regulatory System, Approaches to narcotic trafficking during colonial India to recent times. Will gain knowledge of latest legislations, policing - adjudication, treatment, aftercare and rehabilitation.

Unit 4: They will understand the Human Rights Aspects of the syllabus.

Unit 5: Will understand the Role of Community in Combating Drug Addiction, de - addiction and aftercare. They will examine the role of educational system, medical profession, and Law reform initiatives.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the issues related to drug addiction, criminal justice and human rights. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected 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" 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

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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.
10. 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, Ill)
 - (vii) International Journal of Offender Therapy and Comparative Criminology (London)
 - (viii) Bulletin on Narcotics (United Nations)

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Course Code
LAW- CC - 323A

LL.M. III SEMESTER
COMPULSORY COURSE / CORE COURSE

L	T	P	C
5	0	0	5

COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective:

The students will understand the crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. They will realize and understand that 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. This course will focus on a broader social understanding of the political economy of law in India. During the course each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. The course will focus on

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Primary materials like governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

Syllabus:

Unit – I

Lectures – 15

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
- 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"

Unit – II

Lectures – 15

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 – III

Lectures – 15

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
- 3.5 Recent struggles

Unit – IV

Lectures – 15

4. Violence against the Scheduled Castes

- 4.1. Notion of Atrocities
- 4.2. Incidence of Atrocities

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- 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4. Violence against Women

Unit – V

Lectures – 15

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

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

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the issues related to collective violence especially focusing on India. They will understand the basic concept of this course and know the Notions of "force", "coercion", "violence" etc.

Unit 2: Will analyze various Approaches to Violence in India i.e. religiously sanctioned structural violence. They will know and understand the concept and importance of Ahimsa and Gandhiji's approach to non-violence.

Unit 3: Will gain knowledge about agrarian Violence and Repression the Colonial struggle to recent struggles and their effect.

Unit 4: Will get to know about the violence against the Scheduled Castes and Women.

Unit 5: Will gain knowledge about Communal Violence – its reasons and challenges. They will examine and understand the role of para-military systems and whole criminal justice system.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the issues related to collective violence especially focusing on India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic

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Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography

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

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Course Code
LAW- CC-324A

LL.M. III SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:

- (a) Mid Semester Examination : 20 Marks
- (b) Internal Assessment : 20 Marks
- (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to introduce the student to a lucid and comprehensive understanding of Human Rights Law especially with reference to India. The syllabus covers and gives the student a fair idea of the basics of Human Rights (traditional and modern) Philosophy and Concept, National and International Development starting from the making of the Constitution to till date. The objective of the syllabus is to discuss all the basic topics of Human Rights Law which are important to understand the History, Constitutional Philosophy, international and national provisions, enforcement mechanisms, legislative, executive, judicial and non- governmental efforts made for protection, promotion and enforcement of Human Rights.

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SYLLABUS:**Unit I :****Lectures-15****History and Development of Human Rights in India**

- Indian Civilization: Change and Continuity (Philosophical and Historical foundation of Human Rights and Duties in Ancient, Medieval and Modern India)
- Human Rights Movements in India of the 19th and 20th centuries: (i) National Freedom Movement (ii) Social and Political movements (Dalit, Women, Environment etc.)
- Importance of internalizing Human Rights Values: Philosophy of Gandhi, Nehru, Ambedkar etc.
- Making of the Constitution

Unit II:**Lectures-15****Human Rights and Indian Constitution**

- Constitutional Philosophy – Preamble (Values: Dignity, liberty, equality, justice, unity in diversity etc.), Constitutional Vision of Role of the State
- Constitutional perspective: Fundamental Rights, Directive Principles, Fundamental Duties, and their interrelationships (Need for balance between Rights and Duties, Freedom and Responsibility)
- Fundamental Rights and Repressive Laws: Police, Military and Para-Military Forces—Emerging Experience, Emergency and Human Rights
- Judicial Activism and Development of Human Rights Jurisprudence: Public Interest Litigation (PIL), Judicial Interpretations: Landmark Judgments
- Constitutional Amendments

Unit III :**Lectures-15****Statutory Enforcement of Human Rights**

- Indian Criminal justice system and protection of human Rights: treatment of individuals in situations of crime (ii) Human rights of the accused (iii) Legal aid (iv) Police, criminal investigation, custodial crimes (v) Crimes (including custodial crimes)

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against women and children (vi) Reform in jails/juvenile homes (with Special Reference to IPC , Cr. P.C. and Indian Evidence Act)

- Indian Civil justice system and protection of human Rights: Personal Law, Torts, Property Law etc.
- The Protection of Human Rights Act, 1993

Unit IV :

Lectures-15

Human Rights Protection Mechanism in India

- Enforcement and protection mechanism of human rights in India (a) Judiciary (b) National Human Rights Commission and other Commissions and Committees (c) Non-governmental organizations (d) Information Media (e) Education
- Social, economic, political and administrative problems of enforcement

Unit V :

Lectures-15

Role of India in implementing International Norms and Standards

- Constitutional Vision of Freedom: Fundamental Rights and the International standards
- Constitutional Vision of Justice: Directive Principles of State Policy and international standards
- Statutory laws and International Standards
- Implementing International Human Rights Norms and Standards (Legislative, Executive and Judicial Role)

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the history and development of Human rights in India. The student will have the information about Indian Civilization, Human Rights Movements, and Importance of internalizing Human Rights Values.

Unit 2: Will gain knowledge about Constitutional Philosophy – Preamble, Constitutional Vision of Role of the State, Constitutional perspective, Need for balance between Rights and Duties, Freedom and Responsibility), Judicial Activism and Development of Human Rights

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Jurisprudence: Public Interest Litigation (PIL), Judicial Interpretations: Landmark Judgments, Constitutional Amendments.

Unit 3: Will gain knowledge about statutory provision of Human rights in Indian Criminal justice system and protection of human Rights, Indian Civil justice system and protection of human Rights, The Protection of Human Rights Act, 1993 etc.

Unit 4: Will have knowledge about the protection mechanism in Judiciary, NHRC, NGO's, Media and the issues relating to enforcement.

Unit 5: Will be familiar as to how India enforces international law in India and to what extent.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Human Rights in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material:

Essential Readings:

1. Agarwal, H.O., Implementation of Human Rights Covenants with Special Reference to India (Allahabad: Kitab Mahal, 1983).
2. Basu, D.D., Human Rights in Constitutional Law (New Delhi: Prentice Hall, 1994).
3. Bava, Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi: Uppal Publishing House, 2000).
4. Baxi, Upendra, Inhuman Wrongs and Human Rights (Delhi: Har Anand Publications, 1994).
5. Bhagwati, P.N., Legal Aid as Human Rights (Dharwad: Jagrut Bharut, 1985).
6. Diwan, Paras and Peeyushi Diwan, Children and Legal Protection (New Delhi: Deep and Deep, 1994).
7. Iyer, V. R. Krishna, Freedom of Information (Lucknow: Eastern Book Co., 1987).

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Additional Readings:

1. Alam, Aftab, ed., Human Rights in India: Issues and Challenges (New Delhi: Raj Publications, 1999).
2. Bajwa, G.S. and D.K. Bajwa, Human Rights in India: Implementation and Violations (New Delhi: D.K. Publishers, 1996).
3. Bhatia, K.L. and others, Social Justice of Dr. B.R. Ambedkar (New Delhi: Deep and Deep, 1995)
4. Chandra, Shailja, Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles (New Delhi: Deep and Deep, 1998).
5. Dhavan, Rajeev, ed., Judges and Judicial Power: Essays in Honour of Justice V.R. Krishna Iyer (London: Sweet & Maxwell Ltd., 1983).
6. Dikshit, R.C., Police: The Human Face (New Delhi: Gyan Publishing House, 1999).
7. Gupta, Uma, Supreme Court and Civil Liberties (New Delhi: Mittal Publications, 1998).
8. Jai, Janak Raj, Emergency Excesses: A Daylight Robbery of Human Rights (New Delhi: Regency Publication, 1996).
9. Kashyap, Subhash C., Human Rights and Parliament (Delhi: Metropolitan, 1978).
10. Kaushik, Vijay, Women's Movements and Human Rights (Jaipur: Pointer Publishers, 1999).
11. Khan, Mumtaz Ali, Human Rights and the Dalits (New Delhi: D.K. Publishers, 1996).
12. Khanna, S.K., Children and the Human Rights (New Delhi: Commonwealth, 1998).
13. Mahmood, Tahir, ed., Human Rights in Islamic Law (New Delhi: Genuine Publications, 1993).
14. Mani, V.S., Human Rights in India: An Overview (New Delhi: Institute for the World Congress on Human Rights, 1998).
15. Mathur, K.M., Crime, Human Rights and National Security (New Delhi: Gyan Publishing House, 1999).
16. Misra, Shailendra, Police Brutality: An Analysis of Police Behaviour (New Delhi: Vikas, 1986).
17. Mohanti, Jagan Nath, Human Rights Education (New Delhi: Deep and Deep, 2000).
18. Nagendra Singh, Enforcement of Human Rights (Calcutta: E L House, 1986).
19. Nirmal, C.J., Human Rights in India (New Delhi: Oxford, 1999).
20. Rai, L.D., Human Rights in Hindu-Buddhist Tradition (New Delhi: D.K. Publishers, 1996).
21. Saxena, J.N. and others, ed., United Nations for Better World (New Delhi: Lancers Books, 1986).
22. Saxena, Shobha, Crimes against Women and Protective Laws (New Delhi: Deep and Deep, 1999).
23. Sehgal, B.P. Singh, ed., Human Rights in India: Problems and Perspectives (New Delhi: Deep and Deep, 1999).
24. Sen, Shanker, Police in Democratic Societies (New Delhi: Gyan Publishing House, 2000).

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24. Sharma, B.R., Freedom of Press under the Indian Constitution (New Delhi: Deep and Deep, 1994).
25. Sharma, H.C., Politics and Human Rights (Jaipur: Books Enclave, 1999).
26. Vadkar, Praveen, International Relations, Democracy and Human Rights (New Delhi: Rajat Publications, 2000).

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LL.M. (Two Years Degree Course)

LL.M. IV SEMESTER

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
IV Sem.	LAW – CC – 421	Dissertation and Viva-Voce	L	T	P	C
			5	0	0	5
	LAW –CC – 422A	Juvenile Delinquency	L	T	P	C
			5	0	0	5
	LAW –EC – 423A OR LAW –EC – 423B	Privileged Class Deviance OR International Humanitarian Law and Refugee Law	L	T	P	C
			5	0	0	5
	LAW – CC- 424A	Science, Technology and Human Rights	L	T	P	C
			5	0	0	5

Note : The student will have to opt either LAW – EC-423A (for specialization in Criminal Law) or LAW – EC-423B (for specialization in Human Rights Law)

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Course Code
LAW- CC - 421

LL.M. IV SEMESTER
COMPULSORY COURSES / CORE COURSE

L	T	P	C
5	0	0	5

DISSERTATION & VIVA – VOCE

(Total Marks: 60 +40 = 100)

Course Objective:

The main objective of the course is to equip the student to demonstrate the project work/ dissertation and to develop awareness and critical understanding of the literature which is relevant to their project work, particularly where that literature may impact on their analysis of data or their conclusions.

The primary purpose of the viva voce examination is to assess the student's depth of understanding of the subject area and interpretation of the results obtained. If a student is unable to explain the concepts or thinking underlying the text of the dissertation, the mark awarded for the research project is likely to be substantially reduced.

The Dissertation will be of 60 marks.

The Viva – Voce will be of 40 marks.

Viva-voce shall be conducted by External Examiner outside the university and Internal Supervisor.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Will be able to explain the concepts, methodology and thinking underlying the text of the dissertation

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Course Code
LAW- CC-422A

LL.M. IV SEMESTER
COMPULSORY COURSE / CORE COURSE

L	T	P	C
5	0	0	5

JUVENILE DELINQUENCY

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note: -A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: To understand the impact of juvenile delinquency upon the formation of Indian criminology tradition this is not seem to be noticeable. The course focuses on the challenges, causes, carrots, and cures of juvenile delinquency. The course makes the student equipped with socio-legal solutions to deal with the issues related to the young offenders. Students will understand that Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

They will be able analyze why state and the law has to deal with juveniles in certain situations, as *parens patriae*. They will be familiar with burdens of care which state and society have to assume for neglected children. They will also study about the institutional care of children.

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Syllabus:**Unit - I****Lectures - 15****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

Unit - II**Lectures - 15****1. Legislative Approaches**

- 1.1. Legislative approaches during the late colonial era.
- 1.2. Children's Act
- 1.3. Legislative position in various States

2. The Juvenile Justice Act

- 2.1. Constitutional aspects.
- 2.2 Distinction between "Neglected" and "delinquent" juveniles.
- 2.3 Competent authorities
- 2.4 Processual safeguards for juveniles
- 2.5 Powers given to government
- 2.6 Community participation as envisaged under the Act

Unit - III**Lectures - 15****1. Indian Context of Juvenile Delinquency**

- 1.1. The child population percentage to total sex-ratio, urban/rural/rural-urban
- 1.2. Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.
- 1.3. Labourers
 - 1.3.1. In organized industries like zari, carpet, bidi, glass
 - 1.3.2. In unorganized sector like domestic servant, shops and establishments, rag-pickers family trade.

2. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background**3. Drug addicts**

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Unit - IV**Lecturers – 15****1. Victims**

- 1.1. Of violence - sexual abuse, battered, killed by parents
- 1.2. Of criminal activities like bootlegging, drug pollution as a response of protective Approach

2. Judicial Contribution

- 2.1. Social action litigation concerning juvenile justice
- 2.2. Salient judicial decisions
- 2.3. Role of legal profession in juvenile justice system.

Unit – V**Lectures – 15****1. Implementation**

- 1.1. Institutions, bodies, personnel
- 1.2. Recruiting and funding agencies
- 1.3. Recruitment qualifications and salaries or fund
- 1.4. Other responsibilities of each agency/person
- 1.5. Coordination among related agencies
- 1.6. Accountability-annual reports and accessibility of public to juvenile justice institution.

2. Preventive Strategies

- 2.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
- 2.2. Compulsory education
- 2.3. Role of community, family, voluntary, bodies, individuals.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the in-depth understanding of the concept of child, juvenile, delinquent juvenile and neglected juvenile etc. They will clearly understand the factors that determine and affect the juvenile delinquency.

Unit 2: Understanding of the investigation and procedural intricacies Juvenile Delinquency. Comprehension of compliance with regard to the regulatory laws on the Juvenile Delinquency related issues.

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Unit 3: They will gain knowledge about Indian Context of Juvenile Delinquency, Labourers, drug addiction of delinquents.

Unit 4: The student will be able to critically analyze the problems of victims. They will be familiar with the process and control of development of capability for the correct interpretation & application of Juvenile Delinquency laws in the light of judicial interpretation and case laws.

Unit 5: Will understand the role of exercise of implementing agencies and the strategies for its implementation. Will study and gain knowledge about the role of authorities, their powers, their accountability and responsibility.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the juvenile delinquency especially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography:

Essential Readings:

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

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Course Code
LAW- EC - 423A

LL.M. IV SEMESTER

L	T	P	C
5	0	0	5

ELECTIVE COURSE**PRIVILEGED CLASS DEVIANCE**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objective of this course is to understand the "Criminality of the "Privileged classes". 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 will be disused during the course. 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 in this course. In designing teaching materials for this course, current developments in deviance, as reflected in newspapers/journals, law reports, and legislative proceedings will be highlighted.

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

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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.

Syllabus:

Unit – I

Lectures – 15

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

Unit – II

Lectures – 15

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 – III

Lectures – 15

3. Police Deviance

- 3.1. Structures of legal restraint on police powers in India

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- 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 – IV

Lectures – 15

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

Unit –V

Lectures – 15

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

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the concept of white collar crimes, socio-economic offences, forms of deviance etc.

Unit 2: Will know about Official Deviance, its concept, the Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission 1959 and 1971, various commissions and reports related to official deviance.

Unit 3: Will understand about Police Deviance, Unconstitutionality of various methods used by police. Form of aggression by police and para-military forces and Reform suggestions especially by the National Police Commissions.

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Unit 4: Will know about Professional Deviance, Unethical practices at the Indian bar and other prevalent malpractices.

Unit 5: Will be able to examine and evaluate the response of Indian Legal Order to the Deviance of Privileged Classes, various commissions and committees and case law.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the issues related to privileged class deviance. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography

1. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
2. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
3. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
4. Surendranath Dwevedi and G.S. Bhargava, Political Corruption in India (1967)
5. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
6. A.G. Noorani, Minister's Misconduct (1974)
7. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in The Other Side of
8. Development 136 (1987; K.S. Shukla ed.).
9. Indira Rotherm, "Patterns of Trade Union Leadership in Dhanbad Coal fields" J.I.L.I 522 (1981)

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Course Code
LAW- EC – 423B

LL.M. IV SEMESTER

L	T	P	C
5	0	0	5

ELECTIVE COURSE**INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfills the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The students will understand that 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 humanizing 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 create the problem of refugees. There have been some endeavors 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

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the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and national legislation.

SYLLABUS

UNIT I :

Humanization of Warfare

- Amelioration of the wounded and sick
 - Armed forces in the field
 - Armed forces at sea
 - The shipwrecked
- Protection and facilities
 - Prisoners of war
 - Civilians in times of War
 - Cultural properties

UNIT II:

Control of weapons

- Conventional
- Chemical
- Biological
- Nuclear

UNIT III:

Humanitarian law: Implementation

- Red Cross - role
- National legislation
- International Criminal Court

UNIT IV:

The Concept of refugees

- Definition of refugees and displaced persons - their problems
- The UN Relief and Rehabilitation Administration and other International Refugee organizations: international protection.
- Protection under national laws

UNIT V:

Strategies to combat refugee problem

- Repatriation, resettlement local integration and rehabilitation.
- UNHCR - role
- UNHCR and India

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the concept of Humanization of Warfare - Amelioration of the wounded and sick, Protection and facilities.

Unit II: Will know about Control of weapons and related International Law.

Unit III: Will have knowledge of Humanitarian law it's Implementation through Red Cross, role, National legislation, International Criminal Court.

Unit IV: Will Understand The Concept of refugees, Definition, and displaced persons - their problems, The UN Relief and Rehabilitation Administration etc.

Unit V: Will Strategies to combat refugee problem, Repatriation, resettlement local integration and rehabilitation.

Teaching Pedagogy: The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the issues related to privileged class deviance. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic Method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography

1. B.S.Chimni, International Refugee Law, (2000).
2. Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
3. Kelly Dawn Askin, War Crimes Against Women, (1997).
4. M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).
5. Guy S. Goodwin-Gill, The Refugee in International Law, (1996).
6. Veral Gowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996).
- 7.
8. Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996).
9. Resettlement Handbook, The United Nations High Commissioner for Refugees.
10. James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

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Course Code
LAW- CC – 424A

LL.M. IV SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE COURSE

SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 20 marks:
 - a. Organized Classroom activities. (Group Discussion, Debate, or any other activity)
 - b. Presentation
 - c. Assignment
 - d. Quizzes
 - (ii) Scheme of Examination:
 - (a) Mid Semester Examination : 20 Marks
 - (b) Internal Assessment : 20 Marks
 - (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course aims to highlight and clarifies the relationship of science and technology with Human rights. The main objective of this Course is to expose the students to understand the positive and negative effect of development of Science and Technology on various Human Rights. This course revisits the traditional concept of Human rights taking in account the present challenges posed to the concept due to rapid scientific and technological development.

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SYLLABUS

UNIT I :

Lectures--15

Interrelationship of Science, Technology and Human Rights

- Right to environment in the development of science and technology.
- Right to development in the advancement of science and technology.
- Right to human health and impact of developments in medical sciences.

UNIT II :

Lectures-15

Medicine and the Law

- Organ transplantation.
- Experimentation on human beings
- Euthanasia (mercy killing)
- Gene therapy

UNIT III :

Lectures-15

Issue of Human Rights in Scientific and Technological Development.

- Sex determination test
- Induced abortion
- Reproductive technology
- Cloning
- Invitro fertilization
- Artificial insemination
- Surrogate motherhood

UNIT IV :

Lectures—15

Development in Information Technology and Human Rights

UNIT V :

Lectures—15

Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community

- Right to life
- Right to privacy
- Right to physical integrity
- Right to information

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- Right to benefit from scientific and technological progress
- Right to adequate standard of living

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will understand the relationship of Science, Technology and Human Rights. He/ she will gain knowledge about the effect of science and technology on right to Environment, right to development and right to Health.

Unit 2: Will learn the scope and dimensions of medicine and Law. Will examine how the topics like Organ Transplantation, Experimentation on Human Beings, Euthanasia and Gene therapy are used for protection of various Human Rights and how these concepts can also be a threat to the Human rights. Will understand the executive, legislative and judicial efforts made in this regard.

Unit 3: Will have a knowledge about recent human rights issues like Sex determination, induced abortion, cloning, Artificial insemination and Surrogated motherhood etc. along with the related rules, regulations, legislations and landmark judgment of India and other countries.

Unit 4: Will learn about the recent development in Information Technology and its effect on various Human Rights.

Unit 5: Will gain the knowledge about the impact of Scientific and Technological progress on Human Rights and what international and national laws are made to encourage positive effect and control the negative impact of these developments.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the effect of science and technology on Human Rights. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

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