

MASTER OF LAW (LL.M.)

SYLLABUS (From 2018-19)

Part- I

Part- II



Faculty of LAW
GOVIND GURU TRIBAL UNIVERSITY
BANSWARA

LL.M. Part- I Examination

4401- Legal theory and Judicial Process	(100 Marks)
4402- Law and Social Transformation in India	(100 Marks)
4403- Indian Constitutional Law - The New Challenges.	(100 Marks)
4404- Legal Education and Research Methodology	(100 Marks)
4405- Practical Examination:- Research Methodology	(100 Marks)

Paper writing base on

a. Doctrinal research	25 marks
b. Non - Doctrinal research	25 marks
c. Class room teaching (12 lecture in a year)	25 marks
d. Viva in voice	25 marks

- Note**
1. The topic will be same for doctrinal and non - doctrinal writings and will be write in one file in two parts i.e. part (a) and Part (b)
 2. All students have to take 12 classes of LLB for 25 marks under classroom teaching. Teaching will be assessed by the senior faculty members
 3. Viva voice will be taken by one internal and one external examiner on the date notified by the university. Viva will be based on paper writing to explain the knowledge of research methodology.

Part –II **(Branch - II-Criminal Law)**

5501- Comparative Criminal Procedure	(100 Marks)
5502- Penology: Treatment of Offenders	(100 Marks)
5503- Drug Abdication, Criminal Justice and Human Rights	(100 Marks)
5504- Juvenile Delinquency	(100 Marks)
5505- Dissertation	(100 Marks)

LL.M. Part – II (Branch -Criminal Law)

5401- Comparative Criminal Procedure	(100 Marks)
5402- Penology: Treatment of Offenders	(100 Marks)
5403- Drug Abdication, Criminal Justice and Human Rights	(100 Marks)
5404- Juvenile Delinquency	(100 Marks)
5405- Dissertation	(100 Marks)

LLM Final YR. 5401

5401- COMPARATIVE CRIMINAL PROCEDURE

Organisation of courts and Prosecuting Agencies:

Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayats in India, Panchayats in tribal area, Organization of Prosecuting agencies for Prosecuting criminal, Prosecutors and the police Withdrawal of Prosecution.

Pre-trial Procedures: Arrest and questioning of the accused, The rights of the accused. The evidentiary value of statements / articles seized/ collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation, Trial Procedure : The

accusatory system of trial and the inquisitorial system, Role of the Judge, the prosecutor or and defence attorney in the trial. Admissibility and inadmissibility of evidence, Expert evidence, Appeal of the Court in awarding appropriate punishment, Plea bargaining. Correction and Aftercare Services: Institutional correction of the offenders, General

Comparison- After care services in India and France, The role of the court in correctional programmes in India.

Preventive Measures in India: Provisions in the Criminal Procedure Code, Special enactments, Public interest Litigation: Directions for criminal Prosecution.

Select Bibliography:

- Ceylia Hamptom : Criminal Procedure
- Wikins and Cross : Outline of the Law of Evidence
- Archbold, Pleading: Evidence and Practice in Criminal Cases (2000) Eastern, Lucknow
- Sarkar : Law of Evidence

- K.N.Chandrasekharan Pillai (ed.): RV. Kelkar's : Outlines of Criminal Procedure
- Patric Devlin :The Criminal Prosecution in England
- American Series of Foreign Penal Codes Criminal Procedure Code of Peoples Republic of China
- John N. Ferdico: Criminal Procedure (1996). West Sanders & Young: Criminal Justice- (1994)
- Christina Van Den Wyngart : Criminal Procedure Systems in European Community Joel Samaha
- Criminal Procedure (1997), West Criminal Procedure Code, 1973 The French Code of Criminal Procedure
- 14th and 41st Report of Indian Law Commission
- The law will be taught with reference, wherever necessary to the procedures in India, England, US, France. Russia and China.

LLM Final yr. 5402

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5402 - PENOLOGY: TREATMENT OF OFFENDERS

Introductory, Definition of Penology, Theories of Punishment Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation.- Expiation, Classical Hindu and Islamic approaches to punishment, The Problematic of Capital.

Punishment; Constitutionality of Capital Punishment, Judicial Attitudes through the statute law and case law towards Capital Punishment in India —An inquiry. Law Reform Proposals.

Approaches to Sentencing: Alternatives to imprisonment, Probation . Corrective labour, Fines, Collective fines, Reparation by the offender by the court,

Sentencing; Principal types of sentences in the Penal Code and special laws, Sentencing in white collar crime, Presentence hearing, Sentencing for habitual offender, Summary punishment, Plea bargaining.

Imprisonment : The state of india's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial.

Select Bibliography:

- S. Chhabra : The Quantum of Punishment in Criminal Law (1970).
- H.L.A. Hart : Punishment and Responsibility - (1968), .
- Herbert L. Packer.: The limits of Criminal Sanction (1968) AlfRoss: On Guilt Responsibility and

Punishment (1975) .

- Siddique: Criminology (1984) Eastern, Lucknow
- Law Commission of India Forty-Second Report, Ch. 3 (1971)
- K.S. Shukla: 'Sociology of Deviant Behaviour' in, 3ICSSR Survey of Sociology and Social Anthropology 1969-179(1986)

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LLM Final YR 5403

5403- DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

Introductory : Basic conceptions, Drugs 'narcotics' psychotropic substances, Dependence, addiction, Crimes without victims, Trafficking in drugs, Primary drug abuse. How does one study the incidence of Drug-Addiction and Abuse? Self reporting Victim-studies, Problems of comparative studies.

Anagraphic and Social Characteristics of Drug Users: Gender, Age, Religiousness, Single individuals/ cohabitation, Socio-economic level of family, Residence patterns (urban/rural).

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Educational levels, Occupation, Age at first use, Type of Drugs use. Reasons given as cause of first use. Methods of intake.

Pattern of the use, Average quantity and cost, consequences on addicts health (Physical/Psychic)

The international Legal Regime: Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972, Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction—The SARC and South-South Cooperation, Profile of international market for psychotropic substances. The Indian Regulatory System: Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage. The penal provisions (under the IPC and the Customs Act) India's role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse, The narcotic Drugs and Psychotropic Substances Act 1985. Patterns to resource investment in India; policing adjudication, treatment, aftercare and rehabilitation.

Human Rights Aspects : Deployment of marginalized people a carrier of narcotics. The problem of juvenile drug use and legal approaches, Possibilities of misuse and abuse of investigative prosecutory powers, Bail, The problem of different application of the Ugal Regimes, especially in relation to the resource less, The Role of Community in Combating Drug Addiction: Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and after care. The role of educational systems, The role of medical profession, The role of mass media, Initiatives for compliance with re Qufaory systems, Law reforms initiatives.

Select Bibliography.

- HS. Becker: Outsides : The studies in Sociology 1966
- The J.A. Incard, C.D. Chambers (eds). Drugs and the criminal justice system 1974.
- R. Cocken : Drug Abuse and Personality in Young Offenders (1971)
- G Edwards Busch (ed): Drug Problems in Britain : A Review of Ten Years (1981).
- P. Kondanram and YM Murthy: Drug Abuse and Crime: A Preliminary Study.
- 7, Indian Journal of Criminology, 65-68(1979)
- P.R. Rajgopal : Violence and Response : A Critique of the Indian Criminal System (1988)
- United Nations, Economics and Social Reports of the Commission on Narcotic Drugs, United nations
- Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and related Crimes (Rome July 1984 Publication No 21)

LLM Final yr.
5404- JUVENILE DELEQUENCY

The Basic Concepts: The conception of child protection in Indian Constitution and Penal Code Delequent juvenile, Neglected juvenile, The overall situation of children/young persons in India also with reference to crime statistics (of crimes by and against children), Determining Factors of Juvenile Delinquency Differential association, Anomic, Economic pressure, Peer group influence. Gang subculture, Class differentials.

Legislative Approaches: Legislative approaches during the late colonial era. Children's Act, Legislative position in various States, The juvenile Justice Act, Constitutional Aspects, Distinction between Neglected and delinquent

Juveniles competent authorities, Processal safeguards for juveniles, : Power given to government, Community participation at envisaged under the AZct Indian Context of Juvenile Delinquency : The child population percentage to total sex ratio, urban-rural-urban, Neglected below poverty line, physically and mentally disabled, orphans, destitutes vagrants, Labourers, In organized industries like zari, carptet, bidi, glass. In unorganized sector like domestic servant, shops and establishments rag-pickers, family trade, Delinquent number,

types of offences committed recidivism, ragte of increase backgroundl, Drug addites, victims of violence sexual abuse, battered, killed by parents, Of criminal activities like bootlegging drug pollution as a response of protective approach, Judicial Contribution : Social action ligation concerning juvenile justice, Salient judicial decisionj Role of legal profession in juvenile justice system.

Implementation : Institutions, bodies, personnel, Recruiting and funding agencies, Recruitment qualifications and salaries or fund. Other responsibilities of each agency/person.

Coordination among related agencies, Accountability annual report and accessibility of public to juvenile justice institution. Preventive Strategies, State welfare programmes nutrition, ICWS grants-in-aid, Compulsory education Role of community, family, voluntary, bodies, individual.

Select Bibliography :

- National Institute of Social-Defense Model Rules under the Juvenile Justice Act, 2000
- K.S. Shukla : Adolescence Offender : 1985
- United Nations : Beijing Rules on Treatment of Young Offenders (1985)
- Wyron Weiner : The Child and State in India (1990)
- The United Nations Declaration on the Right of Children (UNICEF periodic materials)

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LLM Final yr.
5805- DESSERTATION BRANCH – II CRIMINAL LAW