

# **LL. M. SEMESTER-III**

## **Core**

**LMC301 Legal Education & Research Methodology**

**LMC302 Seminar-I**

## **Elective**

**(i) Specialization Group I- Constitution and Legal Order**

**LME301 Constitutionalism: Pluralism and Federalism**

**LME302 Human Rights**

**LME303 Local Self-government Law**

**(ii) Specialization Group II-Criminal Law**

**LME304 Drug Addiction, Criminal Justice & Human Rights**

**LME305 Juvenile Delinquency**

**LME306 Cyber Laws**

**(iii) Specialization Group III- Human Rights Law**

**LME307 Human Rights of Disadvantaged Groups**

**LME308 International Humanitarian Law & Refugee Law**

**LME309 International Organizations: Law Practice and Function**

## **Skill**

**LMS301 Skill Development**

## **LL.M. SEMESTER-III**

### **LEGAL EDUCATION & RESEARCH METHODOLOGY**

**Core Course LMC301**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objectives of the course**

A post –graduate student of law should get an insight into the objectives of legal education. He should have an exposure programmes like organization of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

#### **Syllabus**

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
6. Examination system and problems in evaluation-external and internal assessment.
7. Student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers
8. Clinical legal education – legal aid , legal literacy ,legal survey and law reform
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
  
- 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 over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
    - 10.2.3 Juristic writings- a survey of juristic literature relevant to select problems in India and foreign periodicals.
    - 10.2.4 Compilation of list of reports or special studies conducted relevant to the problem.
  
- 11. Preparation of the Research Design
  - 11.1 Formulation of the Research problem
  - 11.2 Devising tools and techniques for collection of data: Methodology
    - 11.2.1 Methods for the collection of statutory and case materials and juristic literature
    - 11.2.2 Use of historical and comparative research materials
    - 11.2.3 Use of observation studies
    - 11.2.4 Use of questionnaires/ interview
    - 11.2.5 Use of cases studies
    - 11.2.6 Sampling Procedures- design of sample , types of sampling to be adopted
    - 11.2.7 Use of scaling techniques
    - 11.2.8 Jurimetrics
  - 11.3 Computerized Research – A Study of legal research programmes such as Lexis and west law coding
  - 11.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
  - 11.5 Analysis of data

## Select Bibliography

High Brayal, Nigel Dunean and Recharad Crimes, Clinical Legal Education: Active Learning in your Law School,(1998) Blackstone Press Limited, London

S.K.Agrawal (Ed.) Legal Education in India (1973), Tripathi,Bombay.

N.R.Madhava Menon, (ed.) A Handbook of Clinical Legal Education. (1998) Eastern Book Company, Luchknow.

M.O.Price , H.Bitner and Bysiewiez, Effective Legal Research(1978)

Pauline V.Young , Scientific Social Survey and Research, (1962)

William J.Grade and Paul K. Hatt. Methods in Social Research, McGraw–Hill Book Company London

H.M.Hyman, Interviewing in Social Research (1965)

Pryane, The Art of Asking Questions (1965)

Erwin C.Surrency, B,Fielf and J.Crea, Aguide to Legal Research(1959)

Morris L.Cohan, Legal Research in Nutshell, (1996), West publishing Co.

Havard Law Review Association, Uniform System of Citations,

ILI Publication, Legal Research and Methodology.

## **LL.M. SEMESTER-III**

### **SEMINAR- I**

**Core Course LMC302**

**Credit 06**  
**Max. Marks 100**

The students shall choose their seminar topic which should be from the Core Subjects i.e. from Law & Social Transformation, Indian Constitutional Law: the New Challenges and Judicial process.

The topic should be approved by the Head of the Department.

## **LL.M. SEMESTER-III**

### **Specialization Group I- CONSTITUTION AND LEGAL ORDER**

#### **CONSTITUTIONALISM: PLURALISM & FEDERALISM**

**Elective Course LME301**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objective of the course**

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined Sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by sub nations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional government and federal structures.

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

#### **Syllabus**

#### **UNIT-I**

1. Constitutionalism

Authoritarianism –Dictatorship

Democracy- Communism

Limited Government –concept-Limitations on government power.

What is a Constitution

Development of a democratic government in England – Historical evaluation of constitutional government

Conventions of constitutionalism – Law and conventions

Written constitutions: U.S.A. Canada Australia Sweden South Africa and India.

Separation of powers: Montesquieu

Rule of Law: Concepts and new horizons

Marxist concept of constitutionalism

Dictatorship of the proletariat

Communist State from Stalin to Gorbachov

Fundamental Rights: Human rights

Judicial Review: European Court of Human Rights

Human Rights: International conventions

Limits & doctrine of domestic jurisdiction in international law.

## **UNIT-II**

### 2. Federalism

What is a federal government

Difference, between confederation and federation

Conditions requisite for federalism

Patterns of federal government – U.S.A., Australia, Canada, India

Judicial review- for federal umpiring

New trends in federalism: Co-operative federalism

India – Central Control v. State Autonomy

Political factors influencing federalism

Plural aspects of India Federalism: Jammu & Kashmir, Panjab, Assam.

Dynamic of federalism

## **UNIT-III**

### 3. Pluralism

What is a pluralistic society?

Ethnic, linguistic, cultural, political pluralism

Individual rights- rights to dissent

Freedom of speech and expression

Freedom of the press  
Freedom of association  
Rights to separateness  
Freedom of religion  
Rights of the religious and linguistic minorities  
Compensatory discrimination for backward classes  
Women – rights to equality and rights to special protection  
Scheduled Tribes, Distinct Identity – protection against exploitation- NSIS  
Exclusion from Hindu Law

#### **UNIT-IV**

##### 4. Uniform Civil Code

Non-State law (NSLS) and State Law Systems – Problem of a Uniform Code v  
personal laws vertical federalism  
Equality in Plural Society  
Right to equality and reasonable classification  
Prohibition of discrimination on ground of religion, cast, sex, language  
Abolition of untouchability  
Secularism – constitutional principles  
Tribal Groups and Equality

#### **UNIT-V**

##### 5. Pluralism and International Concerns

International Declaration of Human Rights  
Conventions against genocide  
Protection of religious, ethnic and linguistic minorities  
State Intervention for protection of human rights  
Right of self-determination

#### **Select bibliography**

Upendra Baxi, “ Law, Democracy and Human Rights” –5 Lokayan Bulletin 4 (1987)  
V.M. Dandekar “ Unitary Elements in a Federal Constitution” 22 E.P.W. 1865(1988)  
Rajeev Dhavan, “ The Press and the Constitutional Guarantee of Free Speech and  
Expression” 28 J.I.L.I 299 (1986)



M.A. Fazal “ Drafting A British Bill of Rights” J.I.L.I. 423 (1985)

M.P. Jain Indian Constitution Law (1994), Wadhwa.

Jagat Narain “ Judicial Law Making and the Place of the Directive Principles in the Indian Constitution, “ J.I.L.I 198 (1985)

Rhett Ludwikowski, “ Judicial Review in the socialist Legal Systems: Current Development” 37 I.C.L.D.89-108 (1988)

S.P.Sathe, Fundamental Rights and Amendment of the Indian Constitution, ( 1968)

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby

Students should be consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

## **LL.M. SEMESTER-III**

### **HUMAN RIGHTS**

**Elective Course LME302**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objective of the course**

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realized later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on cast, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufactures, provisions against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

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

## **Syllabus**

### **UNIT-I**

#### 1. Panoramic View of Human Rights

##### Human Rights in Non-western Thought

Awareness of Human rights during the nationalist movement

Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process.

Subsequent developments in International Law and the Position in India (e.g. Convention of Society discrimination, Torture, gender discrimination, environment and the two human rights covenants)

##### Fundamental Rights Jurisprudence as Incorporating Directive Principles

The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)

The interaction between F.R. and D.P.

Resultant expansion of basic needs oriented human rights in India

### **UNIT-II**

#### 2. Minority Rights

Conception of minorities

Scope of protection

The position of minority “Woman” and their basic rights

Communal Riots as involving violation of Rights

Rights to development of Individuals and Nations

The UN Declaration on Rights to Development, 1987

2.6 The need for constitutional and legal changes in India from human rights standpoint.

People’s Participation in Protection and Promotion of Human Rights

2.7 Role of International NGOS

2.8 Amnesty International

2.9 Minority Rights Groups

2.10. International Bars Association, Law Asia

2.11 contribution of these groups to protection and protection of human rights in India S

### **UNIT-III**

#### 3. Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1 .Conceptions of torture, third –degree methods
- 3.2 “Justifications” for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4 Incidence of torture in India
- 3.5 .Judicial attitudes
- 3.6 .Law Reform – proposed and pending

Development Agencies and Human Rights

- 3.7 Major international funding agencies and their operations in India
- 3.8 World Bank lending and resultant violation/promotion of human rights
- 3.9 Should development assistance be tied to observance of human rights (as embodied in various declarations)

**UNIT-IV**

4. Comparative Sources of Learning

- 4.1 EEC Jurisprudence
- 4.2 The Green Movement in Germany
- 4.3 The International Peace Movement
- 4.4 Models of Protection of the rights of indigenous peoples: New Zealand (Maoris) Australia, Aborigines and Canada (India)

Freedoms

- 4.5 Free Press- Its role in protecting human rights
- 4.6 Right of association
- 4.7 Right to due process of law
- 4.8 Access and Distributive Justice

**UNIT-V**

5 Independence of the Judiciary

- 5.1 Role of the Legal Profession
- 5.2 Judicial appointments- tenure of judges
- 5.3 Qualifications of judges
- 5.4 Separation of judiciary from executive

European Convention of Human Rights

- 5.5 European Commission/Court of Human Rights

- 5.6 Amnesty International
- 5.7 PUCL, PUDR, Citizens for Democracy
- 5.8 Minorities Commission
- 5.9 Human Rights Commission
- 5.10 Remedies Against Violation of Human Rights

### **Select bibliography**

- M.J.Akbar, Riots After Riots (1988)
- U.Baxi ( ed.), The Right to be Human (1986)
- U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- F. Kazmi, Human Rights (1987)
- L.Levi, Human Rights (1982)
- Madhavtirtha, Human Rights (1953)
- W.P.Gromley, Human Rights and Enviroment (1976)
- H. Beddard , Human Rights and Europe (1980)
- Nagendra , Human Rights and International Co-operation (1969)
- S.C. Kashyap, Human Rights and Parliament (1978)
- S.C. Khare, Human Rights and United Nations (1971)
- Moskowitz, Human Rights and world Order (1958)
- J.A.Andrws, Human Rights in International Law (1986)
- I.Menon (ed.) Human Rights in International Law (1985)
- A.B. Robertson (ed.), Human Rights in National and International Law (1970)
- Upendra Baxi, “Human Rights, Accountability and Development” Indian Journal of International law 279 (1978)

## **LL.M. SEMESTER-III**

### **LOCAL SELF-GOVERNMENT LAW**

**Elective Course LME303**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

Objectives of the course

With the introduction of the Constitution seventy third and seventy fourth amendments, India is moving towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law of evaluate and help formation of new and pragmatic working methods.

The Course shall comprise about 42 units of one-hours duration to be spread out to a period of one semester.

#### **Syllabus**

##### **UNIT -I**

1. Historical Perspectives
  - 1.1. Early period
  - 1.2. Gram Swaraj: the Gandhian concept
- Constitutional Scheme
  - 1.3. Directive Principles
  - 1.4. Structure and powers of local bodies

##### **UNIT -II**

2. Legislative Powers
  - 2.1 Direct democracy and grass root planning
  - 2.2 Municipalities and corporation
  - 2.3 Gram Sabha

### UNIT -III

3. Quasi-legislative Powers
  - 3.1. Rule making powers of the State Government
  - 3.2. Regulation and Bys-laws
- Financial Powers
  - 3.3. Levying taxes
  - 3.4. Licensing Power
  - 3.5. Financial resource and powers

Judicial and Quasi-judicial powers of the Local Bodies

### UNIT -IV

4. Election to Local Bodies
  - 4.1 Conduct of Meetings: Corporation, Municipal Council , Panchayat Committee and Gram Sabha

### UNIT -V

5. Institutional and Judicial Control

#### **Select bibliography**

Friedman, The State and the Rule of Law in a Mixed Economy

Neville, L. Brown and J.F.Garner, French Administrative Law

Dicey, Introduction to the Law of the Constitution.

Lwor Jennings, Law and the Constitution

Schwartz & Wade, Legal Control of Government

Davis, Discretionary Justice

Jain & Jain, Principles of Administration Law (1986), Tripathi, Bombay

De Smith, Judicial Review of Administrative Action (1995)

Indian Law Institute, Government Regulation of Private

W. Thornhill (ed.),. The Growth and Reform of English Local Self –government (1971),

Weidenfeld and Nierlson, London

Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing  
Delhi.

M.Venketarangaiya & M.Pattabhiram, Local Government in India (1969) Allied, New  
Delhi.

## **LL.M. SEMESTER-III**

### **Specialization Group II- CRIMINAL LAW**

#### **DRUG ADDICTION, CRIMINAL JUSTICE & HUMAN RIGHTS**

**Elective Course LME304**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objectives of the course**

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behavior? Second, in what ways do criminal behavior patterns determine drug abuse? Third, are there any common factors, which contribute to the determination of both drug abuse and criminal behavior?

Apart from these causal issues, there is the broad question of the social cost-benefits of criminalization of addictive behavior. Should drug taking remain in the category of “crime without victims?” Or should it be viewed as posing an ever- growing threat to human resource development and be subjected to state control, over individual choice as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. it has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal polices polices should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act. 1986



Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of person affected.

Important problems of method in studying the impact of regulation need evaluated at every stage.

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

## **Syllabus**

### **UNIT-I**

#### 1. Introductory

1.1 Basic conceptions

1.2 Drugs ‘ narcotics “psychotropic substances”

1.3 ‘Dependence, “addiction”

1.4 “Crimes without victims

1.5 “Trafficking” in “drugs”

1.6 “Primary drug abuse”

How Does One Study the Incidence of Drug Addiction and Abuse?

1.7 Self-reporting

1.8 Victim-studies

1.9 Problems of comparative studies

### **UNIT-II**

#### 2 Ana graphic and Social Characteristics of Drug Users

2.1 Gender

2.2 Age

2.3 Religiousness

2.4 Single individuals/cohabitation

2.5 Socio-economic level of family

2.6 Residence patterns (urban/rural/urban)

2.7 Educational levels

2.8 Occupation

2.9 Age at first use

2.10 Type of drug use

- 2.11 Reasons given as cause of first use
- 2.12 Method of Intake
- 2.13 Pattern of the Use
- 2.14 Average Quantity and Cost
- 2.15 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-III**

#### 3 The International Legal Regime

- 3.1 Analysis of the background, text and operation of the Single Convention  
Narcotic Drugs,
- 3.2 Analysis of the Convention on Psychotropic Substances, 1972
- 3.3 International Collaboration in combating drug addiction
- 3.4 The SARC, and South –South Cooperation
- 3.5 Profile of international market for psychotropic substances

### **UNIT-IV**

#### 4 The Indian Regulatory System

- 4.1 Approaches to narcotic trafficking during colonial India
- 4.2 Nationalist thought towards regulation of drug trafficking and usage
- 4.3 The penal provisions (under the IPC and the Customs Act)
- 4.4 India's role in the evolution of the two international conventions
- 4.5 Judicial approaches to sentencing in drug trafficking and abuse
- 4.6 The Narcotic Drugs and Psychotropic Substances Act, 1985
- 4.7 Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation

### **UNIT-V**

#### 5. Human Rights Aspects

Deployment of marginalized people as carrier of narcotics

The problem of juvenile drug use and legal approaches

Possibilities of misuse and abuse of investigative prosecutor powers

Bail

The Problem of differential 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 aftercare)

The role of education systems

The role of medical profession

The role of mass media

Initiatives for compliance with regulatory systems

Law reform initiatives

Select bibliography

H.S.Becke, *Outsiders: The Studies in Sociology of Deviance* (1966)

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 Y.N.Murthy, "Drug Abuse and Crime: A Preliminary Study" 7 *Indian Journal of Criminology*, 65-68 (1979)

P.R.Rajgotat *Violence and Response: A Critique of the Indian Criminal System* (1988)

United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations Social Defence, Research Institute (UNSDR) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No.21)

Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful Journals in this area are.

- (a) The Law and Society Review (USA)
- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addictions (New Yourk)
- (iv) British Journal of Criminology
- (v) Journal of Criminology
- (vi) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- (vii) Journal of Criminal Law and Criminology (Chicago, III)
- (viii) International Journal of Offender Therapy and Comparative Criminology (London)
- (ix) Bulletin on Narcotics (United Nations)

## **LL.M. SEMESTER- III**

### **JUVENILE DELINQUENCY**

**Elective Course LME305**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objective of the course**

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different center of criminal justice system and should not be treated in the same way as the adult offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juveniles in certain situations, as *parens patriae*. The category of 'neglected children' defines the burdens of care, which state and society have to assume for neglected children. Most categories of children are also themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need.

The following syllabus prepared with this perspective will extend to a period of one semester.

#### **Syllabus**

##### **UNIT-I**

##### **1. The Basic Concepts**

The conception of 'child' in Indian Constitution and Penal Code.

Delinquent 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

- 1.5 Differential association
- 1.6 Anomie
- 1.7 Economic pressure
- 1.8 Peer group influence
- 1.9 Gang sub-culture
- 1.10 Class differentials

### **UNIT-II**

#### 6. Legislative Approaches

- 2.1 Legislative approaches during the late colonial era.
- 2.2 Children's Act
- 2.3 Legislative position in various States
- 2.4 The Juveniles Justice Act
  - 2.4.1 Constitutional aspects
  - 2.4.2 Distinctions between "Neglected" and delinquent juveniles
  - 2.4.3 Competent authorities
  - 2.4.4 Processual safeguards for juveniles
  - 2.4.5 Powers given to government
  - 2.4.6 Community participation as envisaged under the Act

### **UNIT-III**

#### 7. Indian Context of Juvenile Delinquency

- 3.1 The child population percentage to total sex-ratio, urban/rural, urban
- 3.2 Neglected-between poverty line, physically and mentally disabled, orphans, destitutes, vagrants
- 3.3 Labourers
  - 3.3.1 In organized industries like zari, carpet, bidi, glass
  - 3.3.2 In unorganised sector like domestic servant, shpoes and establishments, rag-pickers family trade.
- 3.4 Delinquent-number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 3.5 Drug addicts

### 3.6 Victims

3.6.1 Of violence –sexual, battered, killed by parents

3.6.2 Of criminal activities like bootlegging, drug pollution as a response of protective approach

## UNIT-IV

### 4 Judicial Contribution

4.1 Social action litigation concerning juvenile justice

4.2 Salient judicial decisions

4.3 Role of legal profession in juvenile justice system.

## UNIT-V

### 5 Implementation

5.1 Institutions, bodies, personal

5.2 Recruiting and funding agencies

5.3 Recruitment qualification and salaries or fund

5.4 Other responsibilities of each agency/person

5.5 Coordination among related agencies

5.6 Accountability- annual reports and accessibility of public to juvenile justice institution.

Preventive Strategies

5.7 State Welfare programs health, nutrition, ICWS, grants-in-aid

5.8 Compulsory education

5.9 Role of community, family, voluntary, bodies, individuals

Select bibliography

National institute of Social Defence, Model Rules under the Juvenile Justice Act, (1986)

K.S. Shukla, Adolescent Offender (1985)

United Nations, Beijing Rules on Treatment of Young Offenders (1985)

Myron Weiner, The Child and State in India (1990)

The United Nations Declaration on the Rights of Children

UNICEF periodic materials.

## **LL.M. SEMESTER-III**

### **CYBER LAWS**

**Elective Course LME306**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **OBJECTIVES OF THE SUBJECT**

The main objective of this course is to make students familiar with the developments that are being taking place in the different areas with the help of Computer Science and Information Technology.

#### **UNIT-I**

1. Fundamentals of Cyber Law
  - 1.1 Conceptual and theoretical perspective of cyber law.
  - 1.2. Computer and Web Technology
  - 1.3 Development of Cyber Law – National and International Perspective
2. Cyber Law: Legal Issues and Challenges in India, USA and EU
  - 2.1. Data Protection, Cyber Security,
  - 2.2. Legal recognition of Digital Evidence
  - 2.3 Recognition of liability in the digital world
  - 2.4 Jurisdiction Issues in Transnational Crimes

#### **UNIT-II**

3. Cyber Law: International Perspectives
  - 3.1 Budapest Convention on Cybercrime
  - 3.2 ICANN's core principles and the domain names disputes
  - 3.3 Net neutrality and the EU electronic communications regulatory framework
  - 3.4 Web Content Accessibility Guidelines (WCAG) 2.0
4. Cyber Law – Contemporary Trends
  - 4.1 Impact of cyber warfare on privacy, identity theft
  - 4.2 International law governing Censorship, online privacy, copyright regulations,
  - 4.3 Online Intermediaries in the governance of Internet
  - 4.4 Social Networking Sites vis-à-vis Human Rights.
5. Computer Security

### **UNIT-III**

- 5.1 Definition and Meaning
- 5.2 Network Security:
- 5.3 Email security
- 5.4 Web Security
- 5.5 Database Security
- 5.6 Operating System Security
- 5.7 E-commerce Security
- 6. Establishment of Authorities under IT Act
- 6.1 Controller
- 6.2 Certifying Authorities
- 6.3 Cyber Regulations Appellate Tribunal
- 6.4 Adjudicating officer
- 6.5 Functions and Powers of Authorities

### **UNIT-IV**

- 7. Cyber and Computer Crimes
- 7.1 Introduction
- 7.2 Reasons for Cyber Crime
- 7.3 *Modes operandi* of Cyber Crime
- 7.4 Preventive measures of Cyber Crimes
- 7.5 Classification of Conventional and Cyber Crime
- 7.6 Distinction between Conventional and Cyber Crime

### **UNIT-V**

- 8. Information Technology Act, 2005 - Issues and Provisions
- 8.1 Evolution of I.T. Act - Genesis and Necessity
- 8.2 Digital/ Electronic Signature - Analysis in the background of Indian Laws
- 8.3 E-Commerce
- 8.4 E-Governance
- 8.5 E-Taxation

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3. Linda Brennan and Victoria Johnson: Social, ethical and policy implication of Information Technology.
4. Kamath Nandan : Law relating to Computer, Internet and E-Commerce.
5. Arvind Singhal and Everett Rogers: India's Communication Revolution: From Bullock Carts to Cyber Marts.
6. Lawrence Lessing: Code and other Laws of cyberspace.
7. Mike Godwin: Cyber Rights defencing free speech in the Digital Age.
8. Cyber Law in India by Farooq Ahmad- Pioneer Books
9. Information Technology Law and Practice by Vakul Sharma- Universal Law Publishing Co. Pvt. Ltd.
10. The Indian Cyber Law by Suresh T. Vishwanathan- Bharat Law House New Delhi
11. Guide to Cyber and E- Commerce Laws by P.M. Bukshi and R.K. Suri- Bharat Law House, New Delhi
12. Guide to Cyber Laws by Rodney D. Ryder- Wadhwa and Company, Nagpur
13. Digital Evidence and Computer Crime, 2nd ed. By Eoghan Casey- Academic Press, 2004
14. Scene of the Cybercrime: Computer Forensics Handbook by Syngress.
15. Introduction to Forensic Science in Crime Investigation By Dr. Smt. Rukmani Krishnamurthy

## **LL.M. SEMESTER-III**

Specialization Group III-Human Rights Law

### **HUMAN RIGHTS OF DISADVANTAGED GROUPS: PROBLEMS & ISSUES IN THE PROTECTION & ENFORCEMENT**

**Elective Course LME307**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objective of the course**

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

#### **Syllabus**

##### **UNIT-I**

1. Concept of Disadvantaged Groups
  - 1.1. Rights of dalits
  - 1.2. The mentally ill
  - 1.3. The unorganized labour
  - 1.4. "Aids" victims

##### **UNIT-II**

2. Emerging Human Rights Jurisprudence and the Role of the Judiciary
  - Rights of women
  - Rights of the child
  - Rights of prisoners

##### **UNIT-III**

3. Enforcement of Human Rights

3.1 Protection Laws of the Disadvantaged Groups: Problems and Issues

3.2 The tribal and other indigenous people

3.3 The stateless persons

3.4 Rights of minorities

#### **UNIT-IV**

4 Future Perspectives of the Human Rights of the Disadvantaged

#### **UNIT-V**

5 The Role of the Judiciary

#### **Select bibliography**

G.S.Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999)

Geraldine Van Bueren, The International Law on the Rights of the Child,( 1998).

Prabhat Chandra Tripathi, Crime Against Working Women, (1998)

Paras Diwan and Piyush Diwan, Women and Legal Protection

Philip Alston (et.al.), Children, Rights and the Law Kelly D. Askin, Dorean M.Koenig,

Women and International Human Rights, (1999) N.K. Chandrabarti, Juvenile Justice in

the Administration of Criminal Justice,(1999)/Rebecca Wallace, International Human

Rights, Text and Material, (1997) Janaki Nair, Women and Law in Colonial , India (1996

) Simon Creighton, Vicky King, Prisons and the Law, (1996)

## **LL.M. SEMESTER-III**

### **INTERNATIONAL HUMANITARIAN LAW & REFUGEE LAW**

**Elective Course LME308**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objectives of the course**

The two world wars 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 peacetime. War is the negation of all human rights. Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs.

War is one of the factors which creates the problem of refugees. There have been some 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 development countries to shirk the responsibility towards the refugees leaving the burden to the developing countries.

This course intends to equip the students with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and nation legislation.

This paper comprises of about 42 units of one hour duration spread over a period of one semester.

#### **Syllabus**

##### **UNIT-I**

1. Humanization of Warfare.
  - 1.1 Amelioration of the wounded and sick
  - 1.2 Armed forces in the field

- 1.3 Armed forces at sea
- 1.4 The shipwrecked
- 1.5 Protection and facilities
- 1.6 Prisoners of war
- 1.7 Civilians in times of War
- 1.8 Cultural properties

## **UNIT-II**

- 2. Control of weapons
  - 2.1 Conventional
  - 2.2 Chemical
  - 2.3 Biological
  - 2.4 Nuclear

## **UNIT-III**

- 3 Humanitarian law: Implementation
  - 3.1 Red Cross –role
  - 3.2 National legislation

## **UNIT-IV**

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

## **UNIT-V**

- 5. Strategies of combat refugee problem
  - 5.1 Repatriation, resettlement local integration and rehabilitation
  - 5.2 UNHCR- role
  - 5.3 UNHCR and India

## **Select bibliography**

B.S.Chimni, International Refugee Law,( 2000).

Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)

Kelly Dawn Askin, War Crimes Against Women, (1997)

M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997)

Guy S. Goodwin, -Gill, The Refugee in International Law, (1996)

Veral Gowlland-Debbas, The Problems of Refugees in the Light of Contemporary International Law Issues, (1996)

Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996)

Resettlement Handbook, The United Nations High Commissioner for Refugees.

James C. Hathaway, Hohn A. Dent, Refgugee Rights: Report on a Comparative Survey, (1995)

## **LL.M. SEMESTER-III**

### **INTERNATIONAL ORGANISATIONS: LAW, PRACTICE AND FUTURE**

**Elective Course LME309**

**Credit 06**

**Continuous Evaluation 40 marks**

**Term End Examination 60 marks**

#### **Objectives of the course**

The years following the Second World War have witnessed a phenomenal growth of international organizations. The United Nations has become increasingly complex in its functioning, and the range of its activities has widened beyond manageable proportions. It has therefore become imperative to understand the modes of operation of the numerous organs and agencies of the U.N. system, the decision-making pattern, financing and accountability. The interactions between the members and the Organisation over the years to cope up with their numerous responsibilities have been handicapped with non-availability of funds and non-co-operation of the certain members.

In order to give students an in-depth understanding, it would be useful to conduct intensive studies of some agencies such as the UNDF and the FAO. There have also come into existence well known non-governmental organizations whose expertise is made use of by various UN Agencies in the capacity of consultants. The role played by such NGOs would also be assessed in the light of the objectives of the organization.

The course will explore the areas of co-operation in international relations which are likely to bring about cohesion and integration, and assess the role of international organization in fostering change. It will also provide an opportunity for understanding the major issues of law and policy which are presently being faced by international organizations.

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

#### **Syllabus**

## **1. Evolution of International organization: The Concert of Europe, the League of Nations and the United Nations.**

## **2. United Nations as a Constitutional and Political System.**

2.1. Organs and Their functions

2.2. Law creating processes including Resolutions and Declarations of the General Assembly and Specialized Agencies

2.3. Financing and Problems of financial crisis

2.4. Amendment process

2.5. Secretary General of the United Nations.

## **3. The Political Process**

3.1. Blocks and Alliances

3.2. Non-aligned movement and its impact on voting in the various organs of the United Nations.

3.3. African and Latin American Groups

3.4. India and the United Nations

3.5. The Big Two and the United Nations.

## **4. Peace-Keeping**

4.1. UN peace-keeping functions.

4.2. UN peace-keeping force - case studies

4.3. Problems of peace-enforcement through the UN

## **5. Special Agencies and Non Governmental Organisations**

5.1. Constitution and functions of specialized agencies

5.2. Case studies of some agencies such as FAO and UNDP as illustrative organizations within the UN system.

5.3. Select studies of NGOs serving as consultants.

5.3.1. Amnesty International

5.3.2. International Commission of Jurists.



## **6. Peaceful Change through United Nations**

- 6.1. Dispute settlement machinery of the United Nations
- 6.2. The Role of ECOSOC in bringing about peaceful change
- 6.3. UN operational programmes in the Social Field
- 6.4. UN operational programmes in the Economic Field
- 6.5. Anti-colonial consensus
- 6.6. Disarmament and human rights.

### **Select Bibliography**

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- Ingrid Detter, *Law Making by the International Organisation*, (1965)
- Stephen S. Goodspeed, *Nature and Function of International Organisation*, (1967)
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- Rosalyn Higgins, *Development of International Law through Political Organs of the United Nations* (1963)
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**LL. M. SEMESTER-III**  
**SKILL DEVELOPMENT MODULE**

**Skill Course LMS301**

**Credit 02**  
**100 Marks**

**Comprehensive *Viva-Voce***

**Credit 06**

Comprehensive *viva-voce* of 4 virtual credits will be conducted at the end of each semester of the programme by a board of examiners. The grades awarded in the *viva-voce* shall be shown separately in the grade-sheet.