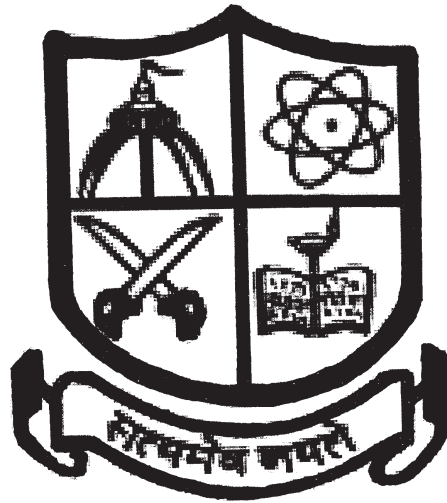


**COURSES OF STUDIES**  
**LLM**  
**MASTER OF LAW**  
**Admission Batch - 2023-24**



**Buxi Jagabandhu Bidyadhar Autonomous College**

**Bhubaneswar - 751014**

Accredited at the 'A' Level by

National Assessment and Accreditation Council (NAAC)

Telephone/Fax : 0674-2436971, Website : [www.bjbcollege.ac.in](http://www.bjbcollege.ac.in)



**CORE SUBJECTS (CS)**

1. Judicial Process
2. Legal Education and Research Methodology
3. Indian Constitutional Law: The New Challenges
4. Law and Social Transformation in India
5. Practical
6. Dissertation and Viva-Voce

**ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION) CRIMINAL LAW****CORE SUBJECTS (CS)****1st Semester**

1. LL.M.-CS-01-P-I: Judicial Process
2. LL.M.-CS-02-P-II: Legal Education and Research Methodology

**2nd Semester**

1. LL.M.-CS-03-P-V: Indian Constitutional Law: The New Challenges
2. LL.M.-CS-04-P-VI: Law and Social Transformation in India
3. LL.M.-CS-05-P-VII: Practical

**4th Semester**

1. LL.M.-CS-06-P-XII: Dissertation and Viva-Voce

**ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)****1st Semester**

- LL.M.-ES-SP-G03-P-III: Comparative Criminal Procedure  
LL.M.-ES-SP-G03-P-IV: Penology: Treatment of Offenders

**2nd Semester**

- LL.M.-ES-SP-G03-P-VIII: Privileged Class Deviance  
LL.M.-ES-SP-G03-P-IX: Drug Addiction, Criminal Justice and Human Rights

**3rd Semester**

- LL.M.-ES-SP-G03-P-X: Juvenile Delinquency  
LL.M.-ES-SP-G03-P-XI: Collective Violence

**4th Semester**

- LL.M.-CS-06-P-XII: DISSERTATION AND VIVA-VOCE (Equivalent to 02 papers)
-

# SEMESTER – I

## PAPER – I (CS)

### JUDICIAL PROCESS

**FULL MARKS – 100 (THEORY – 60 AND INTERNAL ASSESSMENT – 40) NO. OF CREDITS – 4**

#### **Unit - I : Nature of judicial process**

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

#### **Unit - II : Judicial Process in India**

- 2.1. The “independence” of judiciary and the “political” nature of judicial process
- 2.2. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity
- 2.3. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 2.4. Institutional liability of courts and judicial activism - scope and limits

#### **Unit - III : The Concepts of Justice**

- 3.1. The concept of justice or Dharma in Indian thought
- 3.2. Dharma as the foundation of legal ordering in Indian thought
- 3.3. The concept and various theories of justice in the western thought
- 3.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition

#### **Unit - IV : Relation between Law and Justice**

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

#### **Select Bibliography**

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi
  2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
  3. Henry J. Abraham, The Judicial Process (1998), Oxford
  4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
  5. W. Friedmann, Legal Theory (1960), Stevens, London
-

6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
8. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
9. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
10. John Rawls, A Theory of Justice (2000), Universal, Delhi
11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

## **PAPER – II (CS)**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

**FULL MARKS – 100 (THEORY – 60 AND INTERNAL ASSESSMENT – 40) NO. OF CREDITS – 4**

#### **Unit - I : Legal Education System in India**

- 1.1. Objectives and Status of Legal Education in India
- 1.2. Role of Bar Council of India and University Grants Commission
- 1.3. Continuing Legal Education
- 1.4. Globalization and future of Legal Education

#### **Unit - II : Law Curriculum, Teaching Methods and Examination System**

- 2.1. Present Curriculum Model - Defects and possible alternatives
- 2.2. Methods of Law Teaching - Lecture Method, Seminar Method, Problem Method, Discussion Method
- 2.3. Clinical Legal Education
- 2.4. Examination system and Evaluation Process – The Problems and its Solution

#### **Unit - III : Research Methods and Identification of Research Problem**

- 3.1. Research methods: Socio-legal research, Doctrinal and non-doctrinal research, Relevance of empirical research, Induction and Deduction
  - 3.2. Identification of research problem
  - 3.3. Survey of available literature and bibliographical research
    - 3.3.1. Legislative materials including subordinate legislation, notification and policy statements
    - 3.3.2. 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
    - 3.3.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals
  - 3.4. Compilation of list of reports or special studies conducted relevant to the problem
-

**Unit - IV : Preparation of the Research Design**

- 4.1. Formulation of the Research problem and Hypothesis
- 4.2. Devising tools and techniques for collection of data: Methodology
  - 4.2.1. Methods for the collection of statutory and case materials and juristic literature
  - 4.2.2. Use of historical and comparative research materials
  - 4.2.3. Use of observation studies
  - 4.2.4. Use of questionnaires/interview
  - 4.2.5. Use of case studies
  - 4.2.6. Sampling procedures - design of sample, types of sampling to be adopted.
  - 4.2.7. Use of scaling techniques
- 4.3. Classification and tabulation of data - Use of cards for data collection - Rules for tabulation; Explanation of tabulated data
- 4.4. Analysis of data

**Select Bibliography**

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
  2. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay
  3. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998), Eastern Book Company, Lucknow
  4. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
  5. Pauline V.Young, Scientific Social Survey and Research,(1962)
  6. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
  7. H.M.Hyman, Interviewing in Social Research (1965)
  8. Payne, The Art of Asking Questions (1965)
  9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
  10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
  11. Havard Law Review Association, Uniform System of Citations
  12. ILI Publication, Legal Research and Methodology
-

**PAPER – III (ELECTIVES)  
CRIMINAL LAW**

**S-SP-G03-P-III: COMPARATIVE CRIMINAL PROCEDURE**

**FULL MARKS – 100 (THEORY – 60 AND INTERNAL ASSESSMENT – 40) NO. OF CREDITS – 4**

**Unit - I : Organisation of Courts and Prosecuting Agencies**

- 1.1. Hierarchy of Criminal Courts and their jurisdiction
- 1.2. Nyaya Panchayats in India, Panchayats in tribal areas
  - 1.2.1. Grama Nyayalaya Act, 2008
- 1.3. Organisation of prosecuting agencies for prosecuting criminals
  - 1.3.1. Prosecutors and the police
- 1.4. Withdrawal of prosecution

**Unit - II : Pre-trial Procedures**

- 2.1. Arrest and questioning of the accused
- 2.2. The rights of the accused, Right to counsel
- 2.3. The evidentiary value of statements / articles seized / collected by the police
- 2.4. Roles of the prosecutor and the judicial officer in investigation

**Unit - III : Trial Procedures**

- 3.1. The accusatory system of trial and the inquisitorial system
- 3.2. Role of the judge, the prosecutor and defence attorney in the trial
- 3.3. Admissibility and inadmissibility of evidence
  - 3.3.1. Expert evidence
- 3.4. Plea bargaining

**Unit - IV : Correction and Aftercare services and Preventive Measures in India**

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After care services in India and France
- 4.3. The role of the court in correctional programmes in India
- 4.4. Preventive Measures in India
  - 4.4.1. Provisions in the Criminal Procedure Code
  - 4.4.2. Provisions in Special enactments

**Select Bibliography**

1. Celia Hamptom, Criminal Procedure
  2. Wilkins 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 Pillai(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. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)
10. Criminal Procedure Code, 1973
11. The French Code of Criminal Procedure
12. 14th and 41st Reports of Indian Law Commission

(The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China)

## **PAPER – IV ES-SP-G03: CRIMINAL LAW PENOLOGY: TREATMENT OF OFFENDERS**

**FULL MARKS – 100 (THEORY - 60 AND INTERNAL ASSESSMENT - 40) NO. OF CREDITS - 4**

### **Unit - I : Penology and Theories of Punishment**

- 1.1. Concept and definition of Penology
- 1.2. Theories of Punishment
- 1.3. Responsibility and Punishment
- 1.4. Classical Hindu and Islamic approaches to punishment

### **Unit - II : The Problematic of Capital Punishment**

- 2.1. Constitutionality of Capital Punishment
- 2.2. Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law
- 2.3. Law Reform Proposals - 35 th Report of the Law Commission of India
- 2.4. International Covenant on Civil and Political Rights, 1966; 2nd Optional Protocol to the International Covenant on Civil and Political Rights, 1989; Conventions and Covenants Prohibiting Capital Punishment for offences committed by Persons under the age of 18

### **Unit - III : Approaches to Sentencing**

- 3.1. Alternatives to Imprisonment
    - 3.1.1. Probation
    - 3.1.2. Corrective labour
    - 3.1.3. Fines
    - 3.1.4. Collective fines
-



3.1.5. Reparation by the offender/by the Court

3.2. Principal types of sentences in the Penal Code and special laws

3.3. Sentencing in white collar crime

3.4. Sentencing for habitual offender

#### **Unit - IV : Imprisonment**

4.1. The state of India's jails today; The disciplinary regime of Indian prisons

4.2. Classification of Prisoners; Open Prisons

4.3. Rights of prisoner and duties of custodial staff; Deviance by custodial staff

4.4. Judicial surveillance - basis - development reforms

#### **Select Bibliography**

1. S. Chhabra, 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. A. Siddique, Criminology (1984) Eastern, Lucknow
  6. Law Commission of India, Forty-Second Report Ch. 3 (1971)
  7. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
  8. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.
-

## SEMESTER – II

### PAPER - V (CS)

#### INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

**FULL MARKS - 100 (Theory - 60 and Internal Assessment - 40) NO. OF CREDITS - 4**

##### **Unit - I : Federalism**

- 1.1. "State": Need for widening the definition in the wake of liberalization; Creation of new states
- 1.2. Federal Comity: Relationship of trust and faith between Centre and State
- 1.3. Allocation and share of resources - distribution of grants in aid
- 1.4. The inter-state disputes on resources

##### **Unit - II : Separation of powers: stresses and strain**

- 2.1. Judicial activism and judicial restraint
- 2.2. PIL: Implementation
- 2.3. Judicial Independence; Appointment, transfer and removal of judges
- 2.4. Accountability: executive and judiciary

##### **Unit - III : Emerging regime of new rights and remedies**

- 3.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
- 3.2. Freedom of press and challenges of new scientific development
- 3.3. Right to equality: privatization and its impact on affirmative action
- 3.4. Right of minorities to establish and administer educational institutions and state control

##### **Unit - IV : Democratic process**

- 4.1. Nexus of politics with criminals and the business
- 4.2. Election; Election commission: status and Electoral Reforms
- 4.3. Coalition government, 'stability, durability, corrupt practice'
- 4.4. Grass root democracy

##### **Select Bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

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**PAPER - VI (CS)****LAW AND SOCIAL TRANSFORMATION IN INDIA****FULL MARKS - 100 (Theory - 60 and Internal Assessment - 40) NO. OF CREDITS - 4****Unit - I: Law and Social Change**

- 1.1. Law as an instrument of social change
- 1.2. Law as the product of traditions and culture. Criticism and evaluation 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 institutions in India
- 1.3. Modernization and the law
  - 1.3.1. Modernization as a value: Constitutional perspectives reflected in the fundamental duties
  - 1.3.2. Modernization of social institutions through law
  - 1.3.3. Reform of family law; Agrarian reform; Industrial reform; Reform of court processes and Prison reforms
- 1.4. Alternative approaches to law
  - 1.4.1. The jurisprudence of Sarvodaya; Concept of Grama Nyayalayas
  - 1.4.2. Socialist thought on law and justice
  - 1.4.3. Indian Marxist critique of law and justice

**Unit - II: Religion, Language and the law**

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Language as a divisive factor: formation of linguistic states
- 2.4. Constitutional guarantees to linguistic minorities

**Unit - III: Community, Regionalism and the law**

- 3.1. Caste as a divisive factor
- 3.2. Non-discrimination on the ground of caste.
- 3.3. Protective discrimination: Scheduled castes, Scheduled tribes and backward classes; Reservation; Statutory Commissions., Statutory provisions
- 3.4. Regionalism as a divisive factor

**Unit - IV: Women, Children and the law**

- 4.1. Crimes against women and Women's Commission
- 4.2. Empowerment of women: Constitutional and other legal provisions
- 4.3. Sexual exploitation of children
- 4.4. Adoption and related problems

**Select Bibliography**

1. Marc Galanter (Ed.), Law and Society in Modern India (1997) Oxford
  2. Robert Lingat, The Classical Law of India (1998), Oxford
  3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi
-

4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay
5. Manushi, A Journal About Women and Society
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
13. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

## PAPER - VII (CS)

### PRACTICAL

**FULL MARKS - 100 (There will be no Internal Assessment) NO. OF CREDITS - 4**

#### **Practical examination**

The practical examination shall be held at the end of the second semester on Research Methodology and Law Teaching carrying 50 marks each. There shall be 25 marks each for doctrinal research and for non- doctrinal research and 50 marks for law teaching. How the components of practical shall be evaluated shall be left to a Committee consisting of Head of the Department/Principal, one Associate Professor and one Assistant Professor. They shall formulate their own models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhered to:

#### **A. Research Methodology**

##### **(i) Doctrinal research (25 marks)**

Each student will be assigned in advance a separate topic and asked to collect materials. A period of two weeks can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be submitted in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing which shall be evaluated by a Committee consisting of Head of the Department/Principal and Supervisor/Teacher Guide. The Committee will be made and notified by the Head of the Department/Principal.

##### **(ii) Non-doctrinal research (25 marks)**

Here the candidate will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, legal or political dimension. Field data can be collected through any method of data collection. Finally the candidates shall be required to submit a write up (just like a project work) which shall be within 50 typed pages in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. The results are to be assessed by a team of faculty members. The Head of the Department/Principal will constitute such team.

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**B. Law Teaching (50 marks)**

A Unit of a Course will be assigned to the candidate in advance. He/she shall be required to deliver lecture for one hour on each topic of that unit for a period of one week (total 4 classes). Where LL.B. Programme (3 years/Integrated 5 years) co-exists with LL.M. Programme, the candidates shall be asked to teach these 3 years LL.B./5 years LL.B. students only through lecture method of law teaching. In legal education practical, the candidates shall be evaluated internally by a committee of faculty members as prescribed in the Regulations.

**PAPER - VIII (ES)SP-G03**  
**CRIMINAL LAW (GROUP-3)**  
**PRIVILEGED CLASS DEVIANCE**

**FULL MARKS - 100 (THEORY - 60 AND INTERNAL ASSESSMENT - 40) NO. OF CREDITS - 4**

**Unit - I: Introduction**

- 1.1. Concept classification of white collar crimes
- 1.2. Indian approaches to socio-economic offences
- 1.3. Classification of Privileged Class Deviance
- 1.4. Indian approaches to Privileged Class Deviance

**Unit - II: Privileged Class Deviance - I**

- 2.1. The Nature and Dimensions of Privileged Class Deviance
- 2.2. Landlord deviance (class/caste based deviance)
- 2.3. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
- 2.4. Gender-based aggression by socially, economically and politically powerful

**Unit - III: Privileged Class Deviance - II**

- 3.1. Official deviance (deviance by legislators, judges, bureaucrats)
  - 3.2. Police deviance
    - 3.2.1. Unconstitutionality of "third-degree" methods and use of fatal force by police
    - 3.2.2. "Encounter" killings
    - 3.2.3. Police atrocities
    - 3.2.4. Reform suggestions especially by the National Police Commissions
  - 3.3. Trade Union deviance (including teachers, lawyers, urban property owners)
  - 3.4. Professional deviance (deviance by journalists, teachers, doctors, lawyers, engineers, architects and publishers)
-

**Unit - IV: Response of Indian Legal Order to the Deviance of Privileged Classes**

- 4.1. Vigilance Commission
- 4.2. Public Accounts Committee; Commissions of Enquiry
- 4.3. Ombudsman/Lokpal
- 4.4. Prevention of Corruption Act, 1947 and Whistleblower Protection Law

**Select 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. Bbargava, 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 Development 136 (1987; K.S. Shukla ed.)
8. Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

**PAPER – IX (ES) SP-G03: CRIMINAL LAW (GROUP-3)****DRUG ADDICTION, CRIMINAL JUSTICE AND HUMANRIGHTS****FULL MARKS - 100 (Theory - 60 and Internal Assessment - 40) NO. OF CREDITS - 4****Unit - I: Drug Addiction; Anagraphic and Social Characteristics of Drug Users**

- 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"
  - 1.2. Anagraphic and Social Characteristics of Drug Users - I
    - 1.2.1. Gender, Age, Religiousness, Socio-economic level of family, Residence patterns (urban/rural/urban), Educational levels, Occupation
  - 1.3. Anagraphic and Social Characteristics of Drug Users - II
    - 1.3.1. Age at first use, Type of drug use, Reasons given as cause of first use, Method of Intake, Pattern of the Use, Average Quantity and Cost
-

1.4. Consequences on addict's health (physical/psychic)

### **Unit - II: The International Legal Regime**

- 2.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972
- 2.2. Analysis of the Convention on Psychotropic Substances, 1972; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
- 2.3. International collaboration in combating drug addiction
- 2.4. The SARC, and South - South Cooperation

### **Unit - III: The Indian Regulatory System**

- 3.1. Approaches to narcotic trafficking during colonial India
- 3.2. India's role in the evolution of the two international conventions
- 3.3. Judicial approaches to sentencing in drug trafficking and abuse
- 3.4. The penal provisions under the Narcotic Drugs and Psychotropic Substances Act, 1985, Indian Penal Code and Customs Act; Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation

### **Unit - IV: Human Rights Aspects and the Role of Community in Combating Drug Addiction**

- 4.1. Deployment of marginalized people as carrier of narcotics
- 4.2. The problem of juvenile drug use and legal approaches
- 4.3. Possibilities of misuse and abuse of investigative prosecutory powers
- 4.4. The Role of Community in Combating Drug Addiction
  - 4.4.1. The role of educational systems
  - 4.4.2. The role of medical profession
  - 4.4.3. The role of mass media
  - 4.4.4. Initiatives for compliance with regulatory systems
  - 4.4.5. Law reform initiatives

### **Select 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" *7 Indian Journal of Criminology*, 65-68 (1979)
  6. P.R. Rajgopat *Violence and Response: A Critque of the Indian Criminal System* (1988) United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations
  7. *Social Defence*, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21)
-

8. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances 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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## SEMESTER – III

### PAPER - X(ES) (SPECIALIZATION) SP-G03: CRIMINAL LAW (GROUP-3) JUVENILE DELINQUENCY

**FULL MARKS - 100 (Theory - 60 and Internal Assessment - 40) NO. OF CREDITS - 4**

#### **Unit - I: The Basic Concepts**

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

#### **Unit - II: Determining Factors of Juvenile Delinquency and Legislative Approaches**

- 2.1. Determining Factors of Juvenile Delinquency
  - 2.1.1. Differential association
  - 2.1.2. Anomie
  - 2.1.3. Economic pressure
  - 2.1.4. Peer group influence
  - 2.1.5. Gang sub-culture
  - 2.1.6. Class differentials
- 2.2. Legislative approaches during the late colonial era.
- 2.3. Legislative position in various States
- 2.4. The Juvenile Justice Act

#### **Unit - III: Indian Context of Juvenile Delinquency**

- 3.1. Neglected juveniles - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants
- 3.2. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 3.3. Drug addicts
- 3.4. Victims
  - 3.4.1. Of violence - sexual abuse, battered, killed by parents
  - 3.4.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach

#### **Unit - IV: Judicial Contribution, Implementation and Preventive Strategies**

- 4.1. Social action litigation concerning juvenile justice
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- 4.2. Role of legal profession in juvenile justice system; Salient judicial decisions
- 4.3. Juvenile justice institution; Coordination among related agencies; Accountability - Annual Reports and accessibility of public to juvenile justice institution
- 4.4. Preventive Strategies
  - 4.4.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
  - 4.4.2. Compulsory education
  - 4.4.3. Role of community, family, voluntary, bodies, individuals

### **Select Bibliography**

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

## **PAPER - XI (ES)-SP-G03: CRIMINAL LAW (GROUP-3)**

### **COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

**FULL MARKS - 100 (Theory - 60 and Internal Assessment - 40) NO. OF CREDITS - 4**

#### **Unit - I: Introductory**

- 1.1. Concept of collective violence; Distinctions: “symbolic” violence, “institutionalised’ violence, “structural violence”
- 1.2. “Constitutional” and “Criminal” speech: Speech as incitement to violence
- 1.3. “Collective political violence” and legal order
- 1.4. Changing dimensions of collective violence

#### **Unit - II: Approaches to Violence in India**

- 2.1. Religiously sanctioned structural violence: Caste and gender based
  - 2.2. Gandhiji’s approach to non-violence; Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
  - 2.3. Discourse on political violence and terrorism during colonial struggle
  - 2.4. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period
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**Unit - III: Agrarian Violence and Repression**

- 3.1. The nature and scope of agrarian violence in the 18-19 centuries India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order
- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

**Unit - IV: Violence against the SCs, STs, Women, Minorities and Communal Violence**

- 4.1. Violence and Atrocities against SCs, STs, Women and Minorities
- 4.2. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.3. Incidence and courses of "Communal" violence
- 4.4. The role of Police and Para-military systems in dealing with communal violence; Operation of criminal justice system tiring, and in relation to, communal violence

**Select Bibliography**

1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo American Reflections 92 (1988)
  2. 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)
  7. Ranjit Guba, (ed, ) Subaltern Studies Vol. 1-6 (1983-1988)
  8. T. Honderich, Violence for Equality (1980)
  9. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
  10. Rajni Kothari, State Against Democracy (1987)
  11. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
  12. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)
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**SEMESTER – IV**  
**PAPER – XII(CS)**  
**DISSERTATION AND VIVA-VOCE**  
**(Equivalent to 02 papers)**

**FULL MARKS - 200 (There will be no Internal Assessment) CREDITS- 08**

The topics for dissertation along with the Teacher Guides/Supervisors for each student shall be notified by the Head of the Department/Principal within a week from the commencement of 4th semester. During the Dissertation work for the purpose of attendance a candidate shall meet the Teacher Guide/ Supervisor twice a week in the class allotted there for. A candidate shall prepare the dissertation (Minimum 100 pages and Maximum 150 pages) as per guidance of the Teacher and submit his/her soft copy (in a Compact Disc) and four hard copies of the dissertation on the date of examination. The dissertation should be neatly typed in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. Proper research methodology should strictly be Followed at the time of preparing the dissertation.

Viva Voce examination shall be conducted by a Board of Examiners as prescribed in the Regulations.

