



Evaluation Scheme & Syllabi

of

**Master of Laws
(LL.M.)
Criminal Laws**

(w.e.f. Academic session 2022-23)

Faculty of Law
INVERTIS UNIVERSITY BAREILLY

YEAR 2

SEMESTER III

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LMC 301	Juvenile Delinquency	70	30	100	3+2+0	3
2	LMC 302	Collective Violence	70	30	100	3+2+0	3
3	LMC 303	Comparative Criminal Law	70	30	100	2+2+0	2

SEMESTER IV

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LLM 401	Judicial Process	70	30	100	3+2+0	5
2	LLM 451	Dissertation	70	30	100		
3	LLM 452	Viva-voce	70	30	100		

YEAR 2
SEMESTER III
PAPER I

LMC 301: JUVENILE DELIQUENCY	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

1. The Basic Concepts
The conception of 'child in Indian Constitutional and penal Code. 1.2. 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).
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.
3. Legislative Approaches.
Legislative approaches during the late colonial era. 3.2. Children's Act.
3.3. Legislative position in various States. 3.4. The Juvenile Justice Act.
Constitutional aspects.
Distinction between "Neglected" and "delinquent" Juveniles. 3.4.3. Competent authorities.
3.4.4. Procession safeguards for juveniles. 3.4.5. Powers given to government.
3.4.6. Community participation as envisaged under the Act.
4. Indian Context of Juvenile Delinquency
The child population percentage to total sex-ratio, urban /rural /rural-urban.
Neglected- below poverty line, physically and mentally disabled, orphans, destitute, vagrants. Labourers.
In organised industries like zari, carpet, bidi, glass.
In unorganized sector like domestic servant, shops and establishment, ragpickers family trade.
Delinquent- number, sex- ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background.
Drug addicts.

Victims.

Of violence – sexual abuse, battered, killed by presents.

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

5. Judicial Contribution

Social action litigation concerning juvenile justice. 5.2.Salient judicial decisions.

5.3.Role of legal profession in juvenile justice.

6. Implementation

6.1.Institutions, bodies, personal.

6.2.Recruiting and funding agencies.

6.3.Recruitment qualifications and salaries

or fund. 6.4.Other responsibilities of each

agency/ person. 6.5.Coordination among related agencies.

6.6.Accountability – annual reports and accessibility of public to juvenile justice institution.

7. Preventive Strategies.

State Welfare programmes, health, nutrition, ICWS, grants – in – aid.

Compulsory education.

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

BOOKS Recommended;

1. National institute of Social Defence, Models Rules under the Juvenile Justice Act, (1986).

2. K.S. Shukla, Adolescent Offenders (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 II

LMC 302:COLLECTIVE VOILENCE AND CRIMONALJUSTICE SYSTEM	
Teaching Scheme Lectures: 4 Hr/Week Tutorial:1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

1. Introductory

Notions of “Force “. “Coercion. “violence”.

Distinctions: “Symbolic “institutionalized”, structural violence”.

Legal order as a coercive normative order.

Force-monopoly of modern law.

“Constitutional “and a Criminal “speech: Speech as incitement to violence.

“Collective political violence “and legal order.

Notion of legal and extra “repression”.

2. Approaches to violence in India.

Religiously sanctioned structural violence: Caste and gender based.

Ahimsa in Hindu, Jain, Buddhist, Christian , and Islamic traditions in India.

Gandhiji’s approaches to non- violence.

Discourse on political violence and terrorism during colonial struggle.

Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

3. Agrarian Violence and Repression.

The nature and scope of agrarian violence in the 18 -19 centuries India.

3.2.Colonial legal order a causative factor of collective political (agrarian) violence .

The Telangana struggle and the legal order.

The Report of the Indian Human Rights Commission on Arwal Massacre.

4. Violence against the Scheduled Castes.

Notion of Atrocities.

Incidence of Atrocities.

Uses of criminal Law to combat atrocities or contain Atrocities or contain aftermath of Atrocities.

Violence Against Women.

5. Communal Violence

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.The role of police and Para- military systems in dealing with

communal violence. **NOTE:** Choice of further area will have to be made by

the teacher and the taught.

BOOKS Recommended;

U. Baxi, “Dissent, Development and Violence “in R. Meagher (ed.). Law and Social Change: Indo – American Reflections 92 (1988).

U. Baxi (ed.). Law and poverty: Critical Essays, (1988).

A.R. Desai. (ed.). Peasant Struggles in India (1979).

A.R. Desai (ed.). Peasant Struggles in India: After independence (1986) A.R.

Desai, Violation of democratic Rights in India (1986).

D.A. Dhangare, peasant Movement in India: 1920-1950(1983).

Ranjit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (1983) Ranjit Guha, (ed.). *Subaltern Studies Vol. 1-6* (1983-1988).

T. Honderich, *Violence for Equality* (1980).

Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" *Contributions to Indian Sociology* 65 (1988).

Rajni Kothari, *State Against Democracy* (1987).

G. Shah, *Ethnic Minorities and Nation Building: Indian Experience* (1984).

K.S. Shukla, "Sociology of Deviant Behavior," in *ICSSR Survey of Sociology and Social Anthropology 1969 – 1979* 1986.

PAPER III

LMC 303:COMPARATIVE CRIMINAL LAW	
Teaching Scheme Lectures: 4 Hr/Week Tutorial:1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

1. Principles of legality – Classification of Offences – Kinds of Punishments – general defense (Infancy, insanity, consent ,necessity and private defense) Abetment and attempt – recidivism and euthanasia.
2. Culpable homicide and murder - rape and unnatural offences – theft and robbery – definition – offences relating to marriage.
3. Hierarchy of Criminal Courts and their jurisdiction – police – power and functions – judicial officer in investigation – prosecuting agencies –role of public prosecutor.
4. Law of arrest and procedure – rights of the arrested and accused – evidentiary value of statements- bail procedure- sentencing process.
 6. Accusatorial and inquisitorial system – presumption of innocence – types of trial – speedy justice role of judge , prosecution and defense Attorney during trial – victims role in penal process – plea bargaining –appeal procedure –legal aid public participation in Criminal Justice.

Note : Countries to be studied : India , U.K. & U.S.A.

Books Recommended

1. R.V. Kelkar – Criminal Procedure Code 1973.
2. Devlin – Criminal Prosecution in England.
3. Esmein – History of Continental procedure (Chapter. I&II).
4. Coffee (Alam)- An Introduction to Criminal Justice System and process.
5. Karkin Delmov- Anglo- American Criminal Justice.
6. Report of the Law Commission (14th &41st).
7. Cases and Material Prepared by the teachers.

SEMESTER IV

PAPER I

LLM 401: JUDICIAL PROCESS	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Objectives of the course

A Lawyer, whether academic or professional is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on judicial process is essential in the LLM. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

The following syllabus prepared with the above perspective will spread over a period of one Semester:

1. Nature of Judicial Process.

- 1.1 Judicial Process as an instrument of social ordering
- 1.2. Judicial process as 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.

2. Special Dimensions of judicial process in Constitution Adjudications.

- 2.1 Notions of judicial review.
- 2.2 Role' in constitutional adjudication-various theories of judicial role.
- 2.3 Tools and techniques in policy -making and creativity in constitutional adjudication.
- 2.4 Varieties of judicial and juristic activism.
- 2.5 Problem of accountability and judicial law making

3 Judicial Process in India.

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The "Independence of judiciary and the "political" nature of judicial process.
- 3.3. Judicial activism and creativity of the Supreme Court the tools and techniques of creativity
- 3.4. Judicial process in pursuit of constitutional goals and values new dimensions of Judicial activism and structural challenges.
- 3.5. Institutional liability of courts and judicial activism scope and limits

4. The Concepts of Justice

- 4.1 The concept of justice or Dharma in Indian thought
- 4.2 Dharma as the foundation of legal ordering in Indian thought.
- 4.3 The concept and various theories of justice in the western thought.
- 4.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian and the liberal moral tradition.

5. Relation between Law and Justice.

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

6. Interpretation- Construction and Interpretation-kinds of interpretation-Interpretation .Dilemmas- Special Rules of interpretation-Some important considerations as Interpretation Duties, Power and practice of Courts in interpretation Intension of Legislature The Golden rule of interpretation The Heydon Rule of interpretation -Internal and External aids to Interpretation.

Select bibliography:

- 1. Julius stone. The province and Function of Law, Part 11. 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) Butterworth's
- 5. W. Friedmann. Legal Theory (1960), Stevens, London
- 6. Bodenheimer. Jurisprudence - the Philosophy and Method of Law Growth (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 Raw Is. a Theory of Justice (2000), Universal. Delhi
- 11. Edward II. Levi. An Introduction to legal Reasoning (1970), University of Chicago
- 12. M.N. Rao & Amit Danda-N.S. Bindra Interpretation of Statues, (10" Ed) Lexis Nexis-Butterworth.

PAPER II
LLM 451: DISSERTATION

Every student has to select a topic for research duly approved by the Head of the department and take up the research work during the course of the 4th semester. The topic must be chosen at the end of the 3rd semester and the approval would be communicated at the beginning of the 4th semester. The research must be carried out under the Supervision of a teacher, who has be experienced and qualified to be a Professor/Associate Professor/ Assistant Professor.

The topic so chosen must not have been the topic of dissertation by any other student of that institute during the last 5 Years. The topic chosen must have utility and of Current value. However, if the teacher has a doctoral degree the limit of experienced may be waived.

The dissertation must be of at least of 100 pages typed on one side of the Paper with one and half space and 11/2" margin. Methodology prescribed must be strictly followed in regard to citation, Bibliography, chapter index etc. It must be the original work of the Candidate. The dissertation must be submitted at least 15 days before the Commencement of the final semester (IV Semester) examination. The dissertation shall be evaluated for a maximum of 200 marks by two examiners (one external and the other internal) and the average marks would be taken, further, there would be viva-voce examination by a committee consisting of one external examiner and one internal examiner, which would contain 100 marks.

A Candidate should get 50% of the total marks i.e. 100 out of 200 marks assigned to this paper in order to obtain a pass in this paper. A Candidate who fails in this paper has to resubmit dissertation after attending to all the queries raised or mistakes pointed out by the examiners or submit a fresh dissertation on a new topic assigned if the dissertation is found to be very poor, as the case may be. In case, the dissertation found to be a copy of the dissertation submitted by any student earlier either to this University or any other University, The candidate would be debarred from getting LL.M., degree.