



# હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી

NAAC B (2.21) State University

પો.બો.નં.-૨૧, યુનિવર્સિટી રોડ, પાટણ (ગુજ.) ૩૮૪૨૬૫

ફોન: (૦૨૭૬૬) ૨૩૭૦૦૦

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પરિપત્ર નં.- ૨૫૮/૨૦૨૪

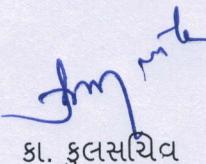
વિષય: એલ.એલ.બી./એલ.એલ.એમ.ના અભ્યાસક્રમ/પરિક્ષા સ્કીમમાં સુધારા અંગે.

આ યુનિવર્સિટીના કાયદા વિભાગના કો-ઓર્ડિનેટરશ્રી તથા સંલઘ કાયદા અભ્યાસક્રમની કોલેજોના આચાર્યશ્રીઓ/અનુસ્નાતક કેન્દ્રના વડાશ્રીઓને જણાવવાનું કે, કાયદા વિષયની અભ્યાસ સમિતિની તારીખ: ૧૧/૦૭/૨૦૨૪ની સભાના ૮ રાખ નં.૦૨ થી કરેલ ભલામણ માન.કુલપતિશ્રીએ વિદ્યાશાખા / એકેડેમિક કાઉન્સિલવતી સ્વીકારી એલ.એલ.બી./એલ.એલ.એમ. અભ્યાસક્રમનો સામેલ પરિશીષ મુજબનો અભ્યાસક્રમ/પરિક્ષા સ્કીમ/રેગ્યુલેશન્સ શૈ.વર્ષ: ૨૦૨૪-૨૫થી કમશઃ અમલમાં આવેલ આવે તે રીતે સુધારો મંજૂર કરેલ છે. જેનો અમલ કરવા સારુ સંબંધિતોને આ સાથે મોકલવામાં આવે છે.

સદર બાબતની જાણ આપના સ્તરે થી અધ્યાપકશ્રીઓ તથા વિધાર્થીઓ ને કરવા વિનંતી છે.

નોંધ: આ પરીપત્ર યુનિવર્સિટીની વેબસાઇટ [www.ngu.ac.in](http://www.ngu.ac.in) પર પણ ઉપલબ્ધ કરવામાં આવેલ છે.આથી સંબિધત કોલેજોને ડાઉનલોડ કરી ઉપયોગ કરવા સારુ જણાવવામાં આવે છે.

બિડાણ: ઉપર મુજબ

  
કા. કુલસંચાવ

નં-એકે/અંસ/ ૩૫૮/૨૦૨૪

તારીખ: ૦૨/૧૦/૨૦૨૪

પ્રતિ,

- કો-ઓર્ડિનેટરશ્રી કાયદા વિભાગ, હેમ. ઉત્તર ગુજ. યુનિવર્સિટી પાટણ. તરફ
- ડીનશ્રી, (કાયદા વિદ્યાશાખા), શ્રી એન. એસ. પટેલ. લો કોલેજ, મોડાસા જી. અરવલ્લી
- પરીક્ષા નિયામકશ્રી, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (જરૂરી કાર્યવાહી સારુ)
- ગ્રંથપાલશ્રી, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (વિધાર્થીઓના ઉપયોગ સારુ રેકર્ડ ફાઇલ અર્થે)
- માન.કુલપતિશ્રી/કુલસંચાવશ્રીનું કાર્યાલય હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ.
- સિસ્ટમ એનાલિસ્ટશ્રી, રિઝલ્ટ સેન્ટર, હેમ. ઉત્તર ગુજરાત યુનિ. પાટણ. (વેબસાઇટ પર મૂકવા સારુ)
- પ્રવેશ પ્ર-શાખા, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ.
- મહેકમ શાખા, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (પરિપત્ર ફાઇલ કરવા અર્થે)

**Hemchandracharya North Gujarat University,  
Patan.**

**Syllabus**

**For The  
Master of Laws (LL.M.)  
(Based on CBCS)**

**With Effective from June -2018**

**PROGRAM : HNGU 2104**

## **Ordinances:-**

### **O.LL.M.-1**

No. candidate shall be admitted to the Degree of LL.M, unless he has passed the LL.B. examination of this University or any other statutory University recognized as equivalent thereto.

### **O.LL.M.-2**

LL.M. Degree programme is the Two academic years duration consisting of four semesters, which will be required to be completed within 4 year from the date of first admission of the Semester-I.

### **O.LL.M.-3**

LL.M. two years (four semesters) Degree programme is a regular fulltime programme and therefore admitted candidate can not join any other course of study without prior permission of the University.

### **O.LL.M.-4**

Medium of instruction & examination shall be English, Hindi or Gujarati as the case may be which will not be changed during the entire Degree programme.

### **O.LL.M.-5**

The Head of Department/Institution/Center shall have to take appropriate measures against Ragging & Gender problems. In case of occurrence of any such incident, the violator shall be dealt with very seriously and appropriate stringent action shall be taken by the Head of Department/Institution/Center by observing principles of natural justice. The Head of Department /Institution/Center may appoint a Committee to inquire in to the matter which will also observe the principle of natural justice. The Committee will submit its report to the Head of Department/Institution/Center who will forward the same with his comment thereupon to the University Registrar, for taking further necessary action in the matter.

### **O.LL.M.-6**

Admission granted by the University Department /Institution/Center - to any student shall be provisional till the enrolment / registration / enlistment is made by the University. In case admission is granted on the basis of provisional eligibility certificate, the conditions & instruction given by the University should be completed within the time limit fixed by the University or latest by the beginning of the next semester, otherwise term kept by the such a student will be forfeited and no fees on any account will be refunded.

## **O.LL.M.-7**

The Dissertation / Project shall be on one of the topics approved by the committee of post-graduate teachers teaching in the department /institution/center. The student will submit the same for approval to the Head of post-graduate Department/Institution/Center not later than the beginning of the second semester. The topic on which candidate proposes to work for his/her dissertation, an approval should normally be communicated to the student well in advance by the P.G. Department/Institution/Center

## **O.LL.M.-8**

All admitting authorities (Including the College / University Department /Centre / Institute or centralized admission committee etc.) will have to strictly observe the provisions of reservation policy of the Govt. / U.G.C. / Rehabilitation Council of India etc. before admission process is undertaken, the authority will ascertain quota & number of seats available for reserved class candidates and allot to the eligible candidates. The data based information should also be providing to the University only after conclusion of entire process of admission.

## **O.LL.M.-9**

Each of the admitting authority shall have to prepare and publish the merit list in the three fold as mentioned below :-

- (1) Candidate who have passed the qualifying examination from the Hemchandracharya North Gujarat University indicating category against each of the name in the last column such as General /S.T. / S.C. / S.E.B.C./ P.H. etc.
- (2) Candidate who have passed the qualifying examination from the other University situated in the State of Gujarat indicating General / S.T. /S.C./S.E.B.C./P.H. etc.
- (3) Candidate who has passed the qualifying examination from University situated out of the Gujarat State /Country.

## **Regulations:-**

### **R.LL.M.-1**

A student desiring to appear at the LL.M. Semester - IV Examination shall submit his/her Dissertation / Project Report Before the end of the respective term.

### **R.LL.M.-2**

Two Hard Copies and one Soft Copy of the dissertation / Project Report shall be submitted in typewritten or printed form.

### **R.LL.M.-3**

- (1) To pass any of the Semester Examination, candidates shall be required to obtain :
- (i) Not less than 40 out of total 100 marks in each course of three hours examination duration at the University examination.

AND

- (iii) Not less than 50% of the total marks obtainable separately in each semester.

### **R.LL.M.-4**

At the end of the each semester, there shall be held an examination at which a student will appear in the course for which he has kept term irrespective of whether he has passed earlier semester/s.

### **R.LL.M.-5**

The result of semester - 4th will not be declared if there is a backlog of any semester on account of attendance, dissertation / project work etc.

### **R.LL.M.-6**

If a candidate fails to obtain 50% aggregate marks out of total obtainable marks in any Semester End Examination he/she will have to reappear in the whole examination in the same Semester End Examination with, keeping term for that semester.

Criminal Law Group						
Sem.	Course Code	Course	Instruction (Hrs./Week)	Marks		Credit
				External	Total	
Semester-I W.E.F. – June-2018	CCLW 1001	Indian Constitutional Law ; The New challenges	4	100	100	4
	CCLW 1002	Legal Education and Research Methodology	4	100	100	4
	ELLW 1003	Penology: Treatment of Offenders	4	100	100	4
	ELLW 1004	Drug Addiction, Criminal Justice and Human Rights	4	100	100	4
	SS 1005	Soft Skill- Communities Skills	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>18</b>
Semester-II W.E.F. – June-2018	CCLW 2001	Jurisprudence	4	100	100	4
	CCLW 2002	Law and Social Transformation in India	4	100	100	4
	ELLW 2003	Juvenile delinquency	4	100	100	4
	ELLW 2004	Privileged Class Deviance	4	100	100	4
	SS 2005	Soft Skill- Computer Awareness	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>18</b>
Semester-III W.E.F. – June-2018	CCLW 3001	Judicial Process	4	100	100	4
	CCLW 3002	Principles of Human Rights	4	100	100	4
	CCLW 3003	Practical-I	4	100	100	4
	ELLW 3004	Collective Violence and Criminal Justice System	4	100	100	4
	ELLW 3005	Comparative Criminal Procedure (WEF 2021)	4	100	100	4
	SS 3006	Soft Skill- Environment Awareness	2	50	50	2
<b>TOTAL</b>			<b>22</b>	<b>550</b>	<b>550</b>	<b>22</b>
Semester-IV W.E.F. – Dec. -2018	CCLW 4001	The Information Technology Act, 2000	4	100	100	4
	CCLW 4002	Practical- II	4	100	100	4
	CCLW 4003	Dissertation	8	150+50	200	8
	ELLW 4004	Forensic Science & Crime Detection Method (WEF 2021)	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	<b>TOTAL</b>		<b>22</b>	<b>550</b>	<b>550</b>	<b>22</b>

Business Law Group						
Sem.	Course Code	Course	Instruction (Hrs./Week)	Marks		Credit
				External	Total	
W.E.F. – June-2018 Semester-I	CCLW 1001	Indian Constitutional Law: The New challenges	4	100	100	4
	CCLW 1002	Legal Education and Research Methodology	4	100	100	4
	ELLW 1003	Law of Industrial and Intellectual Property	4	100	100	4
	ELLW 1004	Law of Export Import Regulation	4	100	100	4
	SS 1005	Communities Skills	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
W.E.F. – June-2018 Semester-II	CCLW 2001	Jurisprudence	4	100	100	4
	CCLW 2002	Law and Social Transformation in India	4	100	100	4
	ELLW 2003	Banking Law	4	100	100	4
	ELLW 2004	Insurance Law	4	100	100	4
	SS 2005	Computer Awareness	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
W.E.F. – June-2018 Semester-III	CCLW 3001	Judicial Process	4	100	100	4
	CCLW 3002	Principles of Human Rights	4	100	100	4
	CCLW 3003	Practical-I	4	100	100	4
	ELLW 3004	Corporate Finance	4	100	100	4
	ELLW 3005	Legal Regulation of Economic Enterprises	4	100	100	4
	SS 3006	Soft Skill- Environment Awareness	2	50	50	2
<b>TOTAL</b>			<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>
W.E.F. – June-2018 Semester-IV	CCLW 4001	The Information Technology Act, 2000	4	100	100	4
	CCLW 4002	Practical-II	4	100	100	4
	CCLW 4003	Dissertation	8	150+50	200	8
	ELLW 4004	Direct Taxes	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	<b>TOTAL</b>		<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>

Human Rights Law Group						
Sem.	Course Code	Course	Instruction (Hrs./Week)	Marks		Credit
				External	Total	
Semester-I W.E.F. – June-2018	CCLW 1001	Indian Constitutional Law ; The New challenges	4	100	100	4
	CCLW 1002	Legal Education and Research Methodology	4	100	100	4
	ELLW 1003	Introduction of Human Rights and Duties.	4	100	100	4
	ELLW 1004	Human Rights and Criminal Justice System	4	100	100	4
	SS 1005	Soft Skill- Communities Skills	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
Semester-II W.E.F. – June-2018	CCLW 2001	Jurisprudence	4	100	100	4
	CCLW 2002	Law and Social Transformation in India	4	100	100	4
	ELLW 2003	Juvenile delinquency	4	100	100	4
	ELLW 2004	Human Rights and Special Interest/Disadvantage group: Women and Children	4	100	100	4
	SS 2005	Soft Skill- Computer Awareness	2	50	50	2
	<b>TOTAL</b>		<b>18</b>	<b>450</b>	<b>450</b>	<b>450</b>
Semester-III W.E.F. – June-2018	CCLW 3001	Judicial Process	4	100	100	4
	CCLW 3002	Principles of Human Rights	4	100	100	4
	CCLW 3003	Practical-I	4	100	100	4
	ELLW 3004	Social Problems of Human Rights in India	4	100	100	4
	ELLW 3005	Human Rights and Environment	4	100	100	4
	SS 3006	Soft Skill- Environment Awareness	2	50	50	2
<b>TOTAL</b>			<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>
Semester-IV W.E.F. – Dec. -2018	CCLW 4001	The Information Technology Act, 2000	4	100	100	4
	CCLW 4002	Practical- II	4	100	100	4
	CCLW 4003	Dissertation	8	150+50	200	8
	ELLW 4004	International Humanitarian Laws	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	<b>TOTAL</b>		<b>22</b>	<b>550</b>	<b>550</b>	<b>550</b>

# **EXAMINATION STRUCTURE**

<b><u>TOTAL MARKS OF EACH SUBJECT</u></b>	<b>100</b>
<b>A. EXTERNAL SEMESTER EXAMINATION</b>	<b>100 MARKS</b>
Total Four questions shall be asked, each of which, carry 25 marks.	
<b>B. Each student shall have to secure Minimum 40 Marks from External Examination.</b>	
<b><u>Standard of Passing:- Minimum 40 Marks in each Subjects and 50 Marks in aggregate.</u></b>	
<b>C. Dissertation</b>	<b>200 Marks (8 Credits)</b>
	Written work - 150
	viva-voce – 50
SEM – I 18 Credits	
SEM – II 18Credits	
SEM – III 22Credits	
<u>SEM – IV 22 Credits</u>	
<b>Total 80 Credits</b>	
<b>D. Each Candidate has to Secure a Minimum 40% of Marks in Both written work and viva-voce separately.</b>	
<b>E. New Syllabus &amp; New Exam pattern (100) will be implemented from Academic Year 2018 – 19 for newly admitted Students in Sem. – I.</b>	
<b>F. Sem. – I and III, and Sem. - II and IV will Run Parallel.</b>	
<b>G. For Soft Skill Programme; For each soft skill programme, maximum 2 credits will be awarded. It is mandatory for each student to attend classes of soft skill programme arranged by the Dept. of Law.</b>	

## **INTRODUCTION OF GRADING SYSTEM**

Seven Points scale grading system from academic Year 2015-16 as per following pattern.

Marks in each subject obtained by students	Corresponding Grade
00 to 39.99	F
40 to 49.99	C
50 to 54.99	B
55 to 59.99	B+
60 to 69.99	A
70 to 84.99	A+
85 to 100	A++

**Note:** Each student shall have to secure “C” Grade in each semester for passing and “B” grade for Aggregate Passing.

Sr.No	% marks Obtained	Numerical grade earned	Letter grade earned	Performance of the Student
1	85 - 100	5.5 – 7.0	A++	Out standing
2	70 - 84.99	4.0 – 5.4	A+	Distinction
3	60 - 69.99	3.0 – 3.9	A	Excellent
4	55 - 59.99	2.5 – 2.9	B+	Very Good
5	50 - 54.99	2.0 – 2.4	B	Good
6	40 - 49.99	1.0 – 1.9	C	Satisfactory
7	00 – 39.99	0.0	F	Re-appear/Fail
8	Absent	0.0	AOO	Absent

# **Business Law**

## **CCLW 2001 - Jurisprudence**

**100 (4 Credits)**

### **Objective:-**

Jurisprudence is the main source of Law. Some of the theories and concepts are required to be understood prior to go in to the detailed syllabus. It is necessary to know what Law is? It is the main reason for introduction of this subject in LL.M Programme.

#### **1. Concept of Law**

- 1.1 School of Jurisprudence
- 1.2 Kinds of Law
- 1.3 Nature of Law
- 1.4 Administration of Justice
- 1.5 Sources of Law

#### **2. Legal Concepts**

- 1.6 Concepts of Rights
- 1.7 Concepts of Ownership
- 1.8 Concepts of Possession
- 1.9 Concepts of Title
- 1.10 Concepts of Liabilities
- 1.11 Concepts of Personality
- 1.12 Concepts of Law of Obligation
- 1.13 Concepts of Property

### **Bibliography**

1. Jurisprudence and Legal Theory, V B Coutinho, Eastern Book Company
2. Jurisprudence (Legal Theory) , S R Myneni, Asia Law House
3. Studies in Jurisprudence & Legal Theory , Dr.N.V. PARANJAPE , Central Law Agency
4. Jurisprudence (Legal Theory) , by Dr. B.N. Mani Tripathi, Allahabad Law Agency

## **CCLW 2002. Law and Social Transformation in India**

**100 (4 Credits)**

### **Objective:-**

India is governed by rule of Law. Law and society are complementary to each other. There is also close relationship between Religion, Language, Community and Regionalism. There is alternative approach to law required to learn by all students of LL.M that is the reason this subject is selected as a core subject. Reformation is essential in modern world.

#### **1. 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.

#### **2. Law and its Inter-relationships with Religion, Language, Community and Regionalism**

- 2.1 Religion, language, community and regionalism as divisive factors
- 2.2 Responses of law to
  - a. Religion - through secularism
  - b. Language - through constitutional guarantees
  - c. Community - through non-discrimination
  - d. Regionalism - through unity
  - e. Non-discrimination and protective discrimination (reservation)

#### **3. Women and the Law**

- 3.1 Crimes against woman
- 3.2 Gender injustice and its various forms
- 3.3 Woman's Commission
- 3.4 Empowerment of woman : Constitutional and other legal provisions

#### **4. Children and the Law :**

- 4.1 Child labour
- 4.2 Sexual exploitation
- 4.3 Adoption and related problems
- 4.4 Children and education

**5. Modernization and the Law :**

- 5.1 Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- 5.2 Modernization of social institutions through law
  - 5.2.1 Reform of family law
  - 5.2.2 Agrarian reform - Industrialization of agriculture
  - 5.2.3 Industrial reform : Free enterprise v. State regulation – Industrialization v. environment protection
- 5.3 Reform of court processes :
  - 5.3.1 Criminal law : Plea bargaining; compounding and payment of compensation to victims
  - 5.3.2 Civil law : (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats
  - 5.3.3 Prison reforms
- 5.4 Democratic decentralization and local self-government

**6. Alternative Approaches to Law :**

- 6.1 The jurisprudence of Sarvodaya - Gandhiji, Vinoda Bhave; Jayaprakash Narayan – Surrender of dacoits; concept of grama nyayalays
- 6.2 Socialist thought on law and justice : An enquiry through constitutional debates on the right to property
- 6.3 Indian Marxist critique of law and justice
- 6.3 Naxalite movement : causes and cure

**Bibliography**

1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
2. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).
3. N.K. Indrayan – Law and Public Opinion in India.

## **Business Law Group**

### **ELLW 2003. Banking Laws**

**100 (4 Credits)**

#### **Objective:-**

With the introduction of liberalization, there are number of private banks foreign banks came in to the business arena. It is necessary to acquaint with day to day affairs of banks. It is also necessary to know about modernization of banking system. This is the main reason behind selecting this topic.

#### **1. Introduction**

- 1.1 Different kinds of banks and their functions
- 1.2 Multi-functional banks - growth and legal issuers

#### **2. Law Relating to Banking Companies in India**

- 2.1 Controls by government and its agencies
- 2.2 Suspension and winding up
- 2.3 Contract between banker and customer : their rights and duties

#### **3. Deposit Insurance**

- 3.1 The Deposit Insurance Corporation Act 1961 : Objects and reasons.

#### **4. The Central Bank**

- 4.1 The Reserve Bank of India as the Central Bank
- 4.2 Functions of the RBI

#### **5. Relationship of Banker and Customer**

- 5.1 Legal character
- 5.2 Contract between banker and customer
- 5.3 Banking duty to customers
- 5.4 Consumer protection : banking as service

#### **6. Negotiable Instruments**

- 6.1 Meaning and kinds
- 6.2 Transfer and negotiations
- 6.3 Holder and holder in due course
- 6.4 Presentment and payment
- 6.5 Liabilities of parties

#### **7. Recent Trends of Banking Systems in India**

- 7.1 Automatic teller machine and use of internet
- 7.2 Smart card
- 7.3 Credit cards

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1. L.C. Goyal, The Law of Banking and Bankers, Latest Edition, Eastern.
2. M.L. Tannan, Tannan's Banking Law and Practice in India.,  
India Law House, New Delhi, Latest Edition.

## **ELLW 2004. Insurance Laws**

**100 (4 Credits)**

### **Objective:-**

Previously, it was only LIC and some General Insurance Co's are working. They enjoyed their monopoly status for decades. In present scenario, we have number of Insurance co. So, it is high time to complete knowledge about insurance sector.

### **1. Introduction**

- 1.1 Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity

### **2. General Principles of Law of Insurance**

- 2.1 The risk - commencement, attachment and duration
- 2.2 Settlement of claim and subrogation
- 2.3 Effect of war upon policies

### **3. Indian Insurance Law : General**

- 3.1 The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000.

### **4. Life Insurance :**

- 4.1 Amounts recoverable under life policy
- 4.2 Persons entitled to payment
- 4.3 Settlement of claim and payment of money

### **5. Insurance against Third Party Risks**

- 5.1 The Motor Vehicles Act, 1988

### **6. Property Insurance, and Miscellaneous Insurance Schemes : New Dimensions**

- 6.1 Fire insurance
- 6.2 Agricultural insurance
- 6.3 Group life insurance
- 6.4 Mediclaim, Sickness Insurance

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Insurance Laws, Gaurav Varshney, Lexis Nexis;

# Criminal Law

## **CCLW 2001. Jurisprudence**

**100 (4 Credits)**

### **Objective:-**

Jurisprudence is the main source of Law. Some of the theories and concepts are required to be understood prior to go in to the detailed syllabus. It is necessary to know what Law is? It is the main reason for introduction of this subject in LL.M Programme.

#### **1. Concept of Law**

- 1.1 School of Jurisprudence
- 1.2 Kinds of Law
- 1.3 Nature of Law
- 1.4 Administration of Justice
- 1.5 Sources of Law

#### **2. Legal Concepts**

- 1.6 Concepts of Rights
- 1.7 Concepts of Ownership
- 1.8 Concepts of Possession
- 1.9 Concepts of Title
- 1.10 Concepts of Liabilities
- 1.11 Concepts of Personality
- 1.12 Concepts of Law of Obligation
- 1.13 Concepts of Property

## **CCLW 2002. Law and Social Transformation in India**

**100 (4 Credits)**

### **Objective:-**

India is governed by rule of Law. Law and society are complementary to each other. There is also close relationship between Religion, Language, Community and Regionalism. There is alternative approach to law required to learn by all students of LL.M that is the reason this subject is selected as a core subject. Reformation is essential in modern world.

#### **1. 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.

#### **2. Law and its Inter-relationships with Religion, Language, Community and Regionalism**

- 2.1 Religion, language, community and regionalism as divisive factors
- 2.2 Responses of law to
  - a. Religion - through secularism
  - b. Language - through constitutional guarantees
  - c. Community - through non-discrimination
  - d. Regionalism - through unity
  - e. Non-discrimination and protective discrimination (reservation)

#### **3. Women and the Law**

- 3.1 Crimes against woman
- 3.2 Gender injustice and its various forms
- 3.3 Woman's Commission
- 3.4 Empowerment of woman : Constitutional and other legal provisions

#### **4. Children and the Law :**

- 4.1 Child labour
- 4.2 Sexual exploitation
- 4.3 Adoption and related problems
- 4.4 Children and education

**5. Modernization and the Law :**

- 5.1 Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- 5.2 Modernization of social institutions through law
  - 5.2.1 Reform of family law
  - 5.2.2 Agrarian reform - Industrialization of agriculture
  - 5.2.3 Industrial reform : Free enterprise v. State regulation – Industrialization v. environment protection
- 5.3 Reform of court processes :
  - 5.3.1 Criminal law : Plea bargaining; compounding and payment of compensation to victims
  - 5.3.2 Civil law : (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats
  - 5.3.3 Prison reforms
- 5.4 Democratic decentralization and local self-government

**6. Alternative Approaches to Law :**

- 6.1 The jurisprudence of Sarvodaya - Gandhiji, Vinoda Bhave; Jayaprakash Narayan – Surrender of dacoits; concept of grama nyayalays
- 6.2 Socialist thought on law and justice : An enquiry through constitutional debates on the right to property
- 6.3 Indian Marxist critique of law and justice
- 6.3 Naxalite movement : causes and cure

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1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
2. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).
3. N.K. Indrayan – Law and Public Opinion in India.

## **ELLW 2003. Juvenile delinquency**

**100 (4 Credits)**

### **Objective:-**

We have been looking as silent spectators towards increasing crime rate of children. There are numbers of statutes of the land regarding juvenile. With a view to throw lights on social problem we have introduced this subject.

#### **1. The Basic Concept :**

- 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 (of crime by and around children).

#### **2. Determining Factors of Juvenile Delinquency :**

- 2.1 Differential association
- 2.2 Anomie
- 2.3 Economic pressure
- 2.4 Gang sub-culture
- 2.5 Peer group influence
- 2.6 Class differentials

#### **3. Legislative Approaches :**

- 3.1 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
  - Competent authorities
  - Proconsul safeguards for juveniles
  - Powers given to government
  - Community participation as envisaged under the Act

**4. Indian Context of Juvenile Delinquency :**

- 4.1 The child population percentage to total sex-ratio, urban/rural/rural-urban.
- 4.2 Neglected - below poverty line, physically and mentally disabled, orphans, destitute, vagrants
- 4.3 Laborers :
  - In organized industries like zari, carpet, bidi, glass
  - In unorganized sectors like domestic servants, shops and establishments, rag- pickers family trade.
- 4.4 Delinquent -number, sex-ratio, ratio to adult crime, types of offences committed, recidivism rate of increase background.
- 4.5 Drug attract
- 4.6 Victims
  - Of violence - sexual abuse, battered, killed by parents
  - Of criminal activities like bootlegging, drug pollution as a response of protective approach.

**5. Judicial Contribution :**

- 5.1 Social action litigation concerning juvenile justice
- 5.2 Salient judicial decisions
- 5.3 Role of legal profession in juvenile justice system

**6. Implementation :**

- 6.1 Institutions, bodies, personnel
- 6.2 Recruitment and funding agencies
- 6.3 Recruitment qualification 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 institution.

**7. Preventive Strategies :**

- 7.1 State Welfare programmes health, nutrition, ICWS, grants-in-and.
- 7.2 Compulsion education
- 7.3 Role of community, family, voluntary bodies, individuals

**Bibliography.**

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

## **ELLW 2004. Privileged Class Deviance**

**100 (4 Credits)**

### **Objective:-**

Day by day it has been observed that white collar crime is increasing dangerously in society. Some of the commissions worked effectively on this issue. To acquaint with the burning issue, we have introduced this subject.

#### **1. Introduction :**

- 1.1 Conceptions of white collar crimes
- 1.2 Indian approaches to socio-economic offences
- 1.3 Notions of privileged class deviance as providing a wider categorization of understanding Indian development
- 1.4 Typical forms of such deviance
  - 1.4.1 Official deviance (deviance by legislators, judges, bureaucrats)
  - 1.4.2 Professional deviance : journalists, teachers, doctors, lawyers, engineers, architects and publishers
  - 1.4.3 Trade union deviance
    - (including teachers, lawyers / urban property owners)
  - 1.4.4 Landlord deviance (class/caste based deviance)
  - 1.4.5 Police deviance
  - 1.4.6 Deviance on electoral process
    - (rigging, booth capturing, impersonation, corrupt practices)
  - 1.4.7 Gender-based aggression by socially economically and politically powerful

#### **2. Official Deviance :**

- 2.1 Conception of official deviance - permissible limit of discretionary powers
- 2.2 The Chambal valley dacoit - Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971
- 2.3 The Chagla Commission Report in LIC-Mundhra Affair
- 2.4 The Das Commission Report on Pratap Singh Kairon
- 2.5 The Grover Commission Report on Dev Raj Urs
- 2.6 The Maruti Commission Report
- 2.7 The Ibakkar - Natarajan Commission Report on Fairfax

**3. Police Deviance :**

- 3.1 Structures of legal restraint on police power in India
- 3.2 Unconstitutionality of "third-degree" methods and use of fatal force by Police
- 3.3 "Encounter" killings
- 3.4 Police atrocities
- 3.5 The plea of superior orders
- 3.6 Rape and related forms of gender-based aggression by police and para-Military forces.

**4. Professional Deviance :**

- 4.1 Unethical practices at the Indian bar
- 4.2 The Lentin Commission Report
- 4.3 The Press Council on unprofessional and unethical journalism
- 4.4 Medical malpractice

**5. Response of Indian Legal Order to the Deviance of Privileged Classes**

- 5.1 Vigilance Commission
- 5.2 Public Accounts Committee
- 5.3 Ombudsman
- 5.4 Commissions of Enquiry
- 5.5 Prevention of Corruption Act, 1947
- 5.6 The Antulay Case

**Bibliography.**

- 1. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in the Other Side of Development 136 (1987; K.S. Shukla ed.)

# **Human Rights Law**

## **CCLW 2001. Jurisprudence**

**100 (4 Credits)**

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**100 (4 Credits)**

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- 7.2 Compulsion education
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**Bibliography.**

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

**ELLW 2004. Human Rights and Special interest / Disadvantage Group:  
Women and Children**

**100 (4 Credits)**

**COURSE CONTENT**

**1. PHILOSOPRICAL AND SOCIAL PERSPECTIVES**

**2. STATUS OF WOMEN IN CONTEMPORARY INDIAN SOCIETY**

- 2.1) Poverty, Illiteracy, Lack of Independence, oppressive Social Customs and Gender Bias
- 2.2) Violence against and abuse of Women in public and private domains

**3. INTERNATIONAL NORMS FOR PROTECTION OF WOMEN**

- 3.1) ILO Conventions for protection of Female Labour
- 3.2) UNESCO Convention against Discrimination in Education. 1960
- 3.3) UN Convention on Political Rights of Women, 1952, Convention, on Elimination of all Forms of Discrimination against Women. 1979 Convention on Nationality of Married Women 1957, Convention on Consent to Marriage: Minimum Age of Marriage and Registration of Marriages.1962, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. 1949, Declaration on the Elimination of Violence against. Women. 1993.
- 3.4) Declaration on the Participation of Women in Promoting International Peace and Cooperation, 1982
- 3.5) Documents of the Four World Conferences on Women: Mexico.1975, Copenhagen, 1980, Nairobi. 1985, Beijing, 1995
- 3.6) Protection of women in armed conflicts
- 3.7) Other relevant developments

**4. THE CONSTITUTION OF INDIA AND STATUS OF WOMEN**

- 4.1) Fundamental Rights and Directive Principles and Fundamental Duties under the Constitution
- 4.2) Special provisions for the protection of women: Article 15(3), Article 39(d) & (c), Article 42, Articles 243-D & 243-T

**5. SPECIAL LAWS AND POLICIES FOR PROTECTION OF WOMEN**

- 5.1) Special Laws: Suppression of Immoral Traffic Act,1956. Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sain (Prevention) Act, 1982, Medical Termination of Pregnancy Act, 1971, Maternity Benefit Act 1961. Equal Remuneration Act, 1976, Dowry Prohibition Act, 1961, Other laws having a direct bearing in protection of women
- 5.2) Women and public policy: Female health and family welfare literacy programmes. Female Labour Welfare; Issue of current public debate: political rights of Women (reservations and protection of women), personal Laws and status of Women

## **6. STATUS OF CHILDREN IN CONTEMPORARY INDIAN SOCIETY**

- 6.1) Impact of problems of Poverty and Illiteracy
- 6.2) Social and Cultural practices regarding Girl Child: Feticide. Child Marriage
- 6.3) Child Labour (in construction, carpet, glass, bangles, and other industries, in unorganized sectors). Forced labour, Sale of Children
- 6.4) Child abuse inside and outside homes, trafficking in Children, children and Custodial Crimes (Street children: Child and Crime).

## **7. INTERNATIONAL NORMS FOR PROTECTION OF CHILDREN**

- 7.1) ILO conventions on restrictions and prohibition on child labour including ILO Convention on Child Labour, 1999
- 7.2) UN Convention on the Rights of the Child 1989, Optional Protocol on the Involvement of Children in Armed Conflict, and Optional Protocol on Sale of Children, Child Prostitution and Child Pornography. 2000. Declaration of Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption. 1986
- 7.3) UNESCO: International Charter of Physical Education and Sports, 1978; Convention on Technical and Vocational Education, 1989, Convention and Recommendation against Discrimination in Education. 1960. Universal Declaration on the Human Genome and Human Rights. 1997. Declaration on the Responsibilities of the Present Generation towards Future Generations, 1997
- 7.4) World Summit for Children: Declaration and Plan of Action
- 7.5) other relevant developments

## **8. THE CONSTITUTION OF INDIA "AND STATUS OF CHILDREN**

- 8.1) Fundamental Rights and Directive Principles under Indian Constitution
- 8.2) Special Protection for the child: Article 15(3). Article 24, Article 39 (e) & (f). Article 45
- 8.3) Judicial Endeavor and Children

## **9. SPECIAL LAWS AND POLICIES FOR PROTECTION OF THE CHILD**

- 9.1) Child Labour (Prohibition and Regulation) Act, 1986, Children (Pledging of Labour) Act, 1933. Young Persons (Harmful Publications) Act, 1956, Child Marriage Restraint Act, 1929. Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1956, Children's Act. 1960, Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960. Juvenile Justice (Care & Protection of Children) Act. 2000.
- 9.2) Other Laws relevant to protection of the Child
- 9.3) Gaps between International norms and the Indian Law. if any
- 9.4) Government Policies

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- 1) Lina Gonsalves, 2001, Women and Human Rights, A.P.H Publishing Corporation, New Delhi.
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- 16) Gurusamy, S., *Human Rights and Gender Justice*, New Delhi: APH, 2009.
- 17) A.K. Jha, *Child Abuse and Human Rights*, N.D.: Anmol, 2006.
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- 25) Shinde, Prem K., *Dalits and Human Rights*, Delhi: Isha Books, 2005.
- 26) Sri Krishna, S., *Dalit and Human Rights*, New Delhi: Serial Pub., 2007