



# હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી

NAAC B (2.21) State University

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

ફોન:(૦૨૭૬૬)૨૩ ૭૦૦૦

ફેક્સ:(૦૨૭૬૬) ૨૩ ૧૯૧૭

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## પરિપત્ર નં.- ૨૧૯/૨૦૨૪

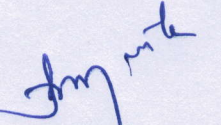
વિષય: એલ.એલ.બી./એલ.એલ.એમ.ના અભ્યાસક્રમ/પરિક્ષા સ્કીમમાં સુધારા અંગે.

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

સદર બાબતની જાણ આપના સ્તરે થી અધ્યાપકશ્રીઓ તથા વિદ્યાર્થીઓ 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 સારૂ જણાવવામાં આવે છે.

બિડાણ: ઉપર મુજબ

  
કા. કુલસચિવ

નં-એકે/અસ/ ૩૭૪/૨૦૨૪

તારીખ: ૦૫/૧૦/૨૦૨૪

પ્રતિ,

૧. કો-ઓર્ડિનેટરશ્રી કાયદા વિભાગ, હેમ. ઉત્તર ગુજ. યુનિવર્સિટી પાટણ. તરફ
૨. ડીનશ્રી, (કાયદા વિદ્યાશાખા), શ્રી એન. એસ. પટેલ. લો કોલેજ, મોડાસા જિ. અરવલ્લી
૩. પરીક્ષા નિયામકશ્રી, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (જરૂરી કાર્યવાહી સારૂ)
૪. ગ્રંથપાલશ્રી, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ. (વિદ્યાર્થીઓના ઉપયોગ સારૂ રેકર્ડ ફાઇલ અર્થે)
૫. માન.કુલપતિશ્રી/કુલસચિવશ્રીનું કાર્યાલય હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ.
૬. સિસ્ટમ એનાલીસ્ટશ્રી, રિઝલ્ટ સેન્ટર, હેમ. ઉત્તર ગુજરાત યુનિ. પાટણ. (વેબસાઇટ પર મૂકવા સારૂ)
૭. પ્રવેશ પ્ર-શાખા, હેમચંદ્રાચાર્ય ઉત્તર ગુજરાત યુનિવર્સિટી પાટણ.
૮. 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 &  
Amendment in Criminal Law Group from 2021**

**PROGRAM : HNGU 2104**



## **Ordinances:-**

### **O.L.L.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.L.L.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.L.L.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.L.L.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.L.L.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.L.L.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.L.L.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.L.L.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.L.L.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
	TOTAL		18	450	450	18
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
	TOTAL		18	450	450	18
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
	TOTAL		22	550	550	22
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
	TOTAL		22	550	550	22

Business 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	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
	TOTAL		18	450	450	450
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	Banking Law	4	100	100	4
	ELLW 2004	Insurance Law	4	100	100	4
	SS 2005	Computer Awareness	2	50	50	2
	TOTAL		18	450	450	450
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	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
	TOTAL		22	550	550	550
Semester-IV W.E.F. – June-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	Direct Taxes	4	100	100	4
	SS 4005	Soft Skill - Case Study	2	50	50	2
	TOTAL		22	550	550	550

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
	TOTAL		18	450	450	450
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
	TOTAL		18	450	450	450
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
	TOTAL		22	550	550	550
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
	TOTAL		22	550	550	550



# **EXAMINATION STRUCTURE**

## **TOTAL MARKS OF EACH SUBJECT**

**100**

### **A. EXTERNAL SEMESTER EXAMINATION**

**100 MARKS**

Total Four questions shall be asked, each of which, carry 25 marks.

**B. Each student shall have to secure Minimum 40 Marks from External Examination.**

**Standard of Passing:- Minimum 40 Marks in each Subjects and 50 Marks in aggregate.**

### **C. Dissertation**

**200 Marks  
(8 Credits)**

Written work - 150  
viva-voce – 50

SEM – I 18 Credits

SEM – II 18 Credits

SEM – III 22 Credits

SEM – IV 22 Credits

**Total 80 Credits**

**D. Each Candidate has to Secure a Minimum 40% of Marks in Both written work and viva-voce separately.**

**E. New Syllabus & New Exam pattern (100) will be implemented from Academic Year 2018 – 19 for newly admitted Students in Sem – I.**

**F. Sem – I and III, and Sem II and IV will Run Parallel.**

**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.**

# **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**

**Objective:-**

Being a student of Law, student must be acquainted with judicial process of our country that is the main reason for introducing this course in Master of Law.

**1. 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.

**2. Special Dimensions of Judicial Process in Constitutional 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 Variants of judicial and juristic activism.
- 2.5 Problems 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 Concept 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 based of justice : the liberal contractual tradition, the liberal Utilitarian tradition 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 class.
- 5.2 Dependency theories - For its realization justice depends on law but justice is not the same as law.
- 5.3 The independence of 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.

**Bibliography.**

- i. Henry J. Abraham, The Judicial Process (1998), Oxford
- ii. Judicial Process, G P Tripathi, Central Law Publication
- iii. Judicial Process, Dr. Sheetal Kanwal, Amar Law Publication



## **CCLW 3002. Principles of Human Rights**

**100 (4 Credits)**

### **Objective:-**

After the UNO Declaration, concept of Human Right came in to the lime light. What is Human Right? What is Humaterian Laws? we should know about. To acquaint the students, we preferred this subject as a core subject.

### **1. Concept and History of Human Rights**

- 1.1 Notion of 'Rights' and their relationship with Duties
- 1.2 Classification of Rights
- 1.3 Historical Antecedents—Magna Carta, French Declaration
- 1.4 American Bill of rights

### **2. Indian Law on Human Rights**

- 2.1 Constitutional Recognition of Human Rights
- 2.2 National Human Rights Commission of India
- 2.3 National Commission for Women, Minorities, SCs and STs
- 2.4 Rights of Children

### **3. International Protection and Enforcement of Human Rights**

- 3.1 UN Charter and Human Rights
- 3.2 Universal Declaration of Human Rights
- 3.3 International Covenant on Civil and Political Rights, 1966
- 3.4 International Covenant on Social Economic and Cultural Rights
- 3.5 UN Convention on the Rights of Child 1989
- 3.6 CEADAW 1979

### **Bibliography.**

- 1. M. V. Raju, Human Rights: Today and tomorrow.
- 2. Madhusudan Pandit, Fundamental Human Rights.
- 3. Rajeev N. Pradhan, Future of Human

**CCLW 3003. Practical-I**

**100(4 Credits)**

**A. Doctrinal Work - 50 Marks.**

Each student will be assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a team of faculty members.

**B. Non Doctrinal Work - 50 Marks.**

Students will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

**Objective:-**

Industrial revaluation bring world closer, it requires knowing about the corporate laws Investors are becoming smarter day by day. It is necessary to have idea about modernization in investment pattern, fundraising marketing etc. It is difficult to grasp entire corporate finance laws in one Sem. So, entire subject is bifurcated in 2 semesters.

**1. Introduction**

- 1.1 Meaning, importance and scope of corporation finance
- 1.2 Capital needs-capitalization working capital securities - borrowings - deposits debentures
- 1.3 Constitutional perspectives - the entries 37,43,44,45,46,47,52,82,85 of List - 1, Union List; entry 24 of List - 2 - State List.

**2. Equity Finance**

- 2.1 Share capital
- 2.2 Prospectus - information disclosure

**3. Debt Finance**

- 3.1 Debentures
- 3.2 Creation of charges
- 3.3 Mortgages

**4. Protection of Investors**

- 4.1 Individual share holder right
- 4.2 Corporate membership right
- 4.3 Derivative actions
- 4.4 Qualified membership right
- 4.5 Conversion, consolidation and re-organization of shares
- 4.6 Transfer and transmission of securities
- 4.7 Dematerialization of securities

**5. Corporate Fund Raising**

- 5.1 Depositories - IDR (Indian depository receipts), ADR (American depository receipts), GDR (Global depository receipts)
- 5.2 Public financing institutions-IDBI, ICICI, IFC & SFC
- 5.3 Mutual fund and other collective investment schemes
- 5.4 Institutional investment - LIC, UTI and banks
- 5.5 FDI and NRI investment-Foreign institutional investment (IMF and World Bank)

## **6. Administrative Regulation on Corporate Finance**

- 6.1 Inspection of account
- 6.2 SEBI
- 6.3 Central government of companies
- 6.2 RBI control

### **Bibliography.**

- 1. Ramaiya A, Guide to the Companies Act (Latest Edition)
- 2. S.C. Kuchhal Corporation Finance : Principles and problems  
(6<sup>th</sup> ed. 1966).
- 3. V.D. Kulshreshtha, Government Regulation of Financial Management  
of Private Corporate Sector in India (1986).

## **ELLW 3005.Legal Regulation of Economic Enterprises**

**100 (4 Credits)**

### **Objective:-**

Liberalization in all most all the sectors are evident. It is high time to have complete knowledge of Govt. regulations with constitutional perspectives. Position of developing and developed countries is also included in this programme.

#### **1. The Rationale of Government Regulation :**

- 1.1 Constitutional perspectives
- 1.2 The new economic policy - Industrial policy resolutions, declarations and statements
- 1.3 The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context.
- 1.4 Regulation of information
- 1.5 Disclosure of information
- 1.6 Fairness in competition
- 1.7 Emphasis on consumerism

#### **2. Development and Regulation of Industries**

#### **3. Take-over of Management and Control of Industrial Units**

#### **4. Sick Undertakings : Nationalization or Winding Up ?**

#### **5. Critical Issues Regarding the Capital Issues**

- 5.1 Equity and debt finance
- 5.2 Global depositories
- 5.3 De-materialized securities

#### **6. Problems of Control and Accountability : Regulation of Hazardous Activity**

- 6.1 Mass disaster and environmental degradation : legal liability and legal Remedies
- 6.2 Public Liability Insurance : adequacy
- 6.3 Issues in zoning and location of industrial units

#### **7. Legal Regulation of Multi Nationals**

- 7.1 Collaboration agreements for technology transfer
- 7.2 Development and regulation of foreign investments
- 7.3 Investment in India : FDIs and NRIs
- 7.4 Investment abroad



## **Bibliography.**

1. Industrial Policy Resolutions of 1948, 1956, 1991.
2. Industries (Development and Regulation) Act, 1951.
3. Indian Law Institute, Law of International Trade Transactions,(1973).
4. Indian Competition Act.

# **Criminal Law**

**Objective:-**

Being a student of Law, student must be acquainted with judicial process of our country that is the main reason for introducing this course in Master of Law.

**1. 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.

**2. Special Dimensions of Judicial Process in Constitutional 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 Variants of judicial and juristic activism.
- 2.5 Problems 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 Concept 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 based of justice : the liberal contractual tradition, the liberal Utilitarian tradition 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 class.
- 5.2 Dependency theories - For its realization justice depends on law but justice is not the same as law.
- 5.3 The independence of 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.

## **CCLW 3002. Principles of Human Rights**

**100 (4 Credits)**

### **Objective:-**

After the UNO Declaration, concept of Human Right came in to the lime light. What is Human Right? What is Human Rights? we should know about. To acquaint the students, we preferred this subject as a core subject.

#### **1. Concept and History of Human Rights**

- 1.1 Notion of 'Rights' and their relationship with Duties
- 1.2 Classification of Rights
- 1.3 Historical Antecedents—Magna Carta, French Declaration
- 1.4 American Bill of rights

#### **2. Indian Law on Human Rights**

- 2.1 Constitutional Recognition of Human Rights
- 2.2 National Human Rights Commission of India
- 2.3 National Commission for Women, Minorities, SCs and STs
- 2.4 Rights of Children

#### **3. International Protection and Enforcement of Human Rights**

- 3.1 UN Charter and Human Rights
- 3.2 Universal Declaration of Human Rights
- 3.3 International Covenant on Civil and Political Rights, 1966
- 3.4 International Covenant on Social Economic and Cultural Rights
- 3.5 UN Convention on the Rights of Child 1989
- 3.6 CEDAW 1979

### **Bibliography.**

- 1. M. V. Raju, Human Rights: Today and tomorrow.
- 2. Madhusudan Pandit, Fundamental Human Rights.
- 3. Rajeev N. Pradhan, Future of Human Rights.



### **CCLW 3003. Practical-I**

**100(4 Credits)**

**A. Doctrinal Work - 50 Marks.**

Each student will be assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a team of faculty members.

**B. Non Doctrinal Work - 50 Marks.**

Students will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

**Objective:-**

Ever since Criminalization entered in to the politics and society, it is quite necessary to acquaint Law students regarding collective violence. It includes communal violence and violence against certain communities in India.

**1. Introductory :**

- 1.1 Notions of "force", "coercion", "violence"
- 1.2 Distinctions : "symbolic" violence, "institutionalised" violence "structural" Violence
- 1.3 "Collective political violence" and legal order

**2. Approaches to Violence in India :**

- 2.1 Religiously sanctioned structural violence : Caste and gender based
- 2.2 Gandhiji's approaches to non-violence
- 2.3 Discourse on political violence and terrorism during colonial struggle

**3. Violence against the Scheduled Castes :**

- 3.1 Notion of atrocities
- 3.2 Incidence of atrocities
- 3.3 User of Criminal Law to combat atrocities or contain aftermath of atrocities
- 3.4 Violence against woman

**4. Communal Violence :**

- 4.1 Incidence and courses of "communal" violence
- 4.2 The role of police and para-military systems in dealing with communal violence.

**Bibliography.**

- 1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.), Law and Social Change : Indo-American Reflections 92 (1988).
- 2. G. Shah, Ethnic Minorities and Nation Building : Indian Experience (1984).
- 3. Collective Violence & Criminal Justice System, Dr. Sheetal Kanwal & Dr. Farhat Khan, Amar Law Publication

## **ELLW 3005 - Comparative Criminal Procedure (New Syllabus -2024)**

The **Bharatiy Nagarik Suraksha Sanhita** provides the machinery for the detection of crime, apprehension of suspected criminals, collection of evidence, determination of the guilt or innocence of the suspected person, and the imposition of suitable punishment on the guilty. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused.

With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial.

The provision relating to plea bargaining has been included to critically examine its operation under the criminal law which may be oppressive unless all the stakeholders are equally positioned.

Though the emphasis of this course would be on administration of criminal justice system in India but the students would also be familiarized with aspects of criminal justice system in countries like England, France etc.

The primary objectives of this course are to: -

A. To make students aware about the Administration of criminal justice system in other countries like England and France.

B. To familiarize the students with the crucial aspects relating to investigation and trial of offences (like initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts)

C. To sensitize the students about critical issues in administration of criminal justice (like protection of human rights of accused, victims, principles of fair trial)

### **Topic 1.**

Comparative criminal justice administration in countries like England and France. This would be an introductory module where evolution of certain principles which evolved in these countries would be discussed and how far these principles, rules etc have been adopted in India.

## **Topic 2**

### **Importance of Criminal Procedure**

(i). Stakeholders and Functionaries in the Criminal Justice Administration (ii). Hierarchy, powers and duties of Criminal Courts

(iii). Initiation of Criminal Case - Ss. 2 (c) (d) and (1), 173 to 196 of the BNSS .

A general overall view of investigation will be given to the students with special emphasis on the essentials of F.I.R, Zero F.I.R and its evidentiary value, police officer's powers to investigate cognizable cases, procedure for investigation, police officer's powers to require attendance of witnesses, examination of witnesses by the police, recording of confessions and statements and report of police officer on completion of investigation.

## **Topic 3.**

### **Investigation**

173,174,175,176,177,178,179, 180, 181, 182, 183, 184, 185, 186, 187 188

189, 190, 191, 192, 193,194, 195, 196 ( 5 lectures)

## **Topic 5.**

### **Bail- Ss. 479 - 482 of the BNSS.**

Criminal offences are further classified under the into billable and Non billable offences. In case of billable offences, an accused is entitled to bail as a matter of right on furnishing of surety. In case of non-billable offences, bail is a matter of discretion with the courts and the discretion becomes narrower depending upon the severity of the punishment that an offence entails.

How this discretion is to be exercised and what are the principles governing grant of bail in such cases is discussed in the cases given below. The concept of anticipatory bail and the principles governing its grant are also a subject matter of study. Further, principles governing cancellation of bail will also be discussed here.

- a. Grant of Bail, including anticipatory bail
- b. Cancellation of Bail
- c. Compulsory release
- d. **Topic 6.**

### **Pre-Trial Proceedings**

**(i)**- 84, 355, 356 of BNSS

- a. Cognizance of Offences
- b. Committal Proceedings
- c. Framing of Charges

## **Topic 7.**

### **Trial**

- A.** 248 to 260 of BNSS
- B.** Differences among warrant, summons, and summary trials
- C.** Production of Witnesses - Summons and warrants
- D.** S.321-Withdrawal of Prosecution

## **Topic 8.**

### **Rights of Accused and Victims**

- a. Directorate of Prosecution (District level)
- b. Power of imposing fines increased
- c. Arrest
- d. Summons
- e. Proclaimed offender
- f. Supply of copies
- g. Withdrawal of Prosecution

## **Topic 9.**

### **Judgment**

- (i)**- Section 263 of BNSS
- a. Discharge and acquittal

- b. Conviction
- c. Hearing on sentence
- d. Content of judgments ( **5 Lectures**)

## **Topic 10 .**

### **Appeals,**

**Chapter XXX from Section 413 to 435. of BNSS ( 5 Lectures)**

### **Bibliography.**

Comparative Criminal Procedure, S R Myneni, New Era Law Publication

Comparative Criminal Law: A Critical Analysis, Sukumar Ray, Eastern Law House

Comparative Criminal Law, Sukumar Ray, Eastern Law House 2023

# **Human Rights Law**



**Objective:-**

Being a student of Law, student must be acquainted with judicial process of our country that is the main reason for introducing this course in Master of Law.

**1. 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.

**2. Special Dimensions of Judicial Process in Constitutional 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 Variants of judicial and juristic activism.
- 2.5 Problems 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 Concept 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 based of justice : the liberal contractual tradition, the liberal Utilitarian tradition 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 class.
- 5.2 Dependency theories - For its realization justice depends on law but justice is not the same as law.
- 5.3 The independence of 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.

**Bibliography.**

- 1. Henry J. Abraham, The Judicial Process (1998), Oxford.

## **CCLW 3002. Principles of Human Rights**

**100 (4 Credits)**

### **1. Concept and History of Human Rights**

- 1.1 Notion of 'Rights' and their relationship with Duties
- 1.2 Classification of Rights
- 1.3 Historical Antecedents—Magna Carta, French Declaration
- 1.4 American Bill of rights

### **2. Indian Law on Human Rights**

- 2.1 Constitutional Recognition of Human Rights
- 2.2 National Human Rights Commission of India
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- 2.4 Rights of Children

### **3. International Protection and Enforcement of Human Rights**

- 3.1 UN Charter and Human Rights
- 3.2 Universal Declaration of Human Rights
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- 3.4 International Covenant on Social Economic and Cultural Rights
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### **Bibliography.**

- 1. M. V. Raju, Human Rights: Today and tomorrow.
- 2. Madhusudan Pandit, Fundamental Human Rights.
- 3. Rajeev N. Pradhan, Future of Human Rights.

## CCLW 3003. Practical-I

**100(4 Credits)**

**A. Doctrinal Work - 50 Marks.**

Each student will be assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a team of faculty members.

**B. Non Doctrinal Work - 50 Marks.**

Students will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

**1. Concepts and Approaches**

- 1.1) Concept of societal problems and human rights
- 1.2) Theoretical approaches to social problems and social changes
- 1.3) Causes and types of social problems

**2. Social Issues**

- 2.1) Problems of social hierarchy
- 2.2) Problems of Minorities
- 2.3) Problems of Scheduled Castes and Scheduled Tribes
- 2.4) Violence against women and children
- 2.5) Problems of aged and disabled

**3. Economic Problems**

- 3.1) Poverty and Exploitation
- 3.2) Privatization, liberalization and globalization, Right to property – issue of Special Economic Zones with reference to displacement of disadvantaged Sections of society
- 3.3) Corruption and economic offences
- 3.4) Problems of development
- 3.5) Consumer Exploitation

**4. Political Problems**

- 4.1) Regionalism
- 4.2) Terrorism
- 4.3) Exploitation of caste, religion and language
- 4.4) Criminalization of politics
- 4.5) Abuse and misuse of democratic institutions

**5. Problems of Enforcement of Human Rights in India**

- 5.1) Illiteracy, lack of awareness
- 5.2) Abuse and misuse of power, e.g., deaths and torture in police custody
- 5.3) Lack of accountability and transparency in government functioning:
- 5.4) Right to Information
- 5.5) Lack of People's Participation in Governance
- 5.6) Social prejudices against caste, women, minorities, etc.
- 5.7) Inequitable access to natural and material resources

**References:**

- 1) Indrani Sen Gupta (ed), 2005, Human Rights of Minority and Women's, Isha Book, Delhi.
- 2) Jhon, K. Thomos (ed) 2005, Human Rights of Tribals, Isha Book, Delhi.
- 3) Aman Gupta, 2005, Human Rights of Indigenous Peoples, Isha Books, Delhi.
- 4) Vijay Kumar, 2003, Human Rights Dimensions and Issues, Anmol Publication, New Delhi.
- 5) R.S. Verma (ed), 2000, Human Rights, Burning Issues of the World Vol.III, Indian Publishers Distributors, Delhi.
- 6) Henry J. Steiner and Philip Alston, 2000, International Human Rights in Context, Oxford University Press.
- 7) Adil Ul-Yasin and Archana Upadhyay, 2004, Human Rights, Akansha Publishing House, New Delhi.
- 8) Jeremy Waldron (ed) 1984, Theories of Rights, Oxford University Press.

## **ELLW 3005. Human Rights and Environment**

**100 (4 Credits)**

### **1. THE CONCEPT OF ENVIRONMENT**

- 1.1) Meaning and Historical Perspective
- 1.2) Traditions
- 1.3) Natural and Biological Sciences: Perspectives
- 1.4) Modern concept: Conflicting dimension.

### **2. INTERNATIONAL PERSPECTIVES AND DLVELOPMENT**

- 2.1) Stockholm Declaration, 1972
- 2.2) Right to development: UN Declaration on the Right to Development, 1986
- 2.3) Right to development versus right to clean environment
- 2.4) Rio Declaration: Sustainable development

### **3. ENVIRONMENTAL PROTECTION IN INDIA**

- 3.1) Constitutional rights and duties,
- 3.2) Precautionary principle
- 3.3) Public trust doctrine
- 3.4) Polluter pay principle

### **4. ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES**

- 4.1) Poverty
- 4.2) Indigenous people and Tribal.
- 4.3) Developing economies
- 4.5) Depletion of forest and natural resources.

### **5. INTERNATIONAL CONCERN**

- 5.1) World environment movement
- 5.2) Natural and cultural heritage: Common Heritage Principle
- 5.3) Role of international and regional organization
- 5.4) International financing policy and world environment fund
- 5.5) Global Environmental Facility (GEF)

## **References:**

1. Therese Murphy (ed.), *New Technologies and Human Rights*, OUP, Clarendon, 2009.
2. Roger Brownsword, *Rights, Regulation and the Technological Revolution*, OUP, Clarendon, 2009.
3. Ruth Deech and Anna Smajdor, *From IVF to Immortality: Controversy in the Era of Reproductive Technology*, OUP, Clarendon, 2009.
4. R J Cook and C G Ngwena (eds.), *Health and Human Rights*, OUP, Clarendon, 2007.
5. G. Hodge et al (eds.), *New Global Frontiers of Regulation: The Age of Nanotechnology*, OUP, Clarendon, 2007.
6. H Somsen (ed.), *The Regulatory Challenge of Biotechnology: Human Genetics, Food and Patents*, OUP, Clarendon, 2007.
7. UNESCO, *Ethics of Science and Technology: Explorations of the Frontiers of Science and Ethics*, OUP, Clarendon, 2006.
8. Roger Brownsword (ed.), *Human Rights*, OUP, Clarendon, 2004.
9. A Plomer, *The Law and Ethics of Medical Research: International Bioethics and Human Rights*, OUP, Clarendon, 2005.
10. A Murray (ed.), *Human Rights in the Digital Age*, OUP, Clarendon, 2005.
11. F Francioni (ed.), *Biotechnology and International Human Rights*, OUP, Clarendon, 2007.
12. Nuffield Council on Bioethics, *Genetically Modified Crops: The Ethical and Social Issues*, OUP, London, 1999.
13. Roger Brownsword and K Yeung (eds.), *Regulating Technologies*, OUP, Clarendon, 2008.
14. F Francioni (ed.), *The Impact of Technologies on Human Rights*, OUP, Clarendon, 2006.
15. C G Weeramantry, *Justice without Frontiers: Protecting Human Rights in the Age of Technology*, OUP, Clarendon, 1997.