

Schedule II

KSKV Kachchh University
Master of Laws
Semester I

PAPER -1: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Course Objectives:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores.

Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation.

Course Contents:

1. FEDERALISM

- 1.1. Creation of new States
- 1.2. Allocation and sharing of resources – distribution of grants in aid
 - 1.2.1 The interstate disputes on resources
- 1.3. Rehabilitation of internally displaced persons
- 1.4. Centre's responsibility and internal disturbance within States
- 1.5. Directions of the Union to the State under Article 356 and 365
- 1.6. Federal Comity: Relationship of trust and faith between Union and State
- 1.7. Special status of certain States
 - 1.7.1. Tribal Areas, Scheduled Areas

2. EXPLAIN CONSTITUTIONAL VISION ENshrined IN THE INDIAN CONSTITUTION DRAW RELATION BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

- 2.1 Right to equality: privatization and its impact on affirmative action
- 2.2 Reading Directive Principles and Fundamental Duties into Fundamental Rights
- 2.3 Freedom of press and challenges of new scientific development
- 2.4 All hidden Rights given under Article 21
- 2.5 Secularism and religious fanaticism
- 2.6 State to secure a social order for the promotion of welfare of the people.
- 2.7 Equal justice and free legal aid

3. IDENTIFY CONSTITUTIONAL REMEDIES



- 3.1 Explain the nature of writs
- 3.2 Public interest Litigation
- 3.3 Supreme Court Judgment for constitutional remedies
- 3.4 Compensation jurisprudence
- 4. SEPARATION OF POWERS: STRESSES AND STRAIN
 - 4.1. Judicial restraint
 - 4.2. Judicial Powers of Administration
 - 4.3. Judicial independence.
 - 4.3.1. Appointment, transfer and removal of judges.
 - 4.4. Accountability of executive
- 5. DEMOCRATIC PROCESS
 - 5.1. Nexus of politics with criminals and the business.
 - 5.2. Election.
 - 5.3. Election commission: status.
 - 5.4. Electoral Reforms.
 - 5.5. Coalition government, stability, durability, corrupt practices.

References:

- 1. H.M. Sheervai, Indian Constitution of Law (three Volumes)
- 2. M.P. Jain, Constitution Law of India (2008), Tripathi, Bombay
- 3. D. D. Baus Commentaries of Indian Constitution
- 4. Latest Judgments of Supreme Court



Semester I

PAPER – 2: LEGAL THEORIES

Course Objectives:

- Legal Theories is the main source of Jurisprudence 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.

Course Contents:

1. NATURE AND SCOPE OF JURISPRUDENCE

- 1.1 Meaning, Scope and Signification of Jurisprudence
- 1.2 Relation of Jurisprudence with other social Sciences

2. ANALYTICAL LEGAL POSITIVISM

2.1 Analytical School

- 2.1.1 Jermy Bentham
- 2.1.2 John Austin

3. THE PURE THEORY

- 3.1 Hans Kelsen
 - 3.1.1. The Basic Norm
 - 3.1.2. Implication of Pure Theory
 - 3.1.3. Contribution of Kelsen

4. SOCIOLOGICAL THEORY

- 4.1 The Social Origin of Laws & Legal Institution
- 4.2 Impact of Laws on Society
- 4.3 The Task of Law in Society
 - 4.1.1. Roscoe Pound
 - 4.1.2. Social Engineering

5. NATURAL LAW

- 5.1 The Greek Period
- 5.2 The Roman Period
- 5.3 The Medieval Period
- 5.4 Revival of Natural Law Theories

References:

1. Bodenheimer, Jurisprudence – The Philosophy and Method of Law (1996) Universal, Delhi
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay.
3. W. Friedmann, Legal Theory (1999) Universal, New Delhi.
4. Paton G. W., Jurisprudence (1972) Oxford, ELBS.
5. Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
6. Roscoe Pond, Introduction to the Philosophy of Law (1998 re-print) Universal, New Delhi.
7. Hart, H.L.A., The Concepts of Law (1970) Oxford, ELBS
8. Lloyds Introduction to Jurisprudence, Sweet and Maxwell



Semester I

PAPER – 3: POLICE AND CRIMINAL JUSTICE

Course Objectives:

- Historical background of fundamentals.
- Police system, structural organization.
- Ethical value in democratic form of government with reference to legislative aspects.
- National police reference theory, law & order maintenance. Non criminalization on society.
- Offence free society.
- Exercise of powers & duties of police.
- Judicial dimension and role of advocates, with reference to prosecution.

Course Contents:

1. THE POLICE SYSTEM

- 1.1 History of Modern Police in India
- 1.2. Structural organization at the Center
- 1.3 Structural organization in Gujarat State.

2. ROLE OF POLICE IN DEMOCRATIC SOCIETY.

- 2.1 Role of police in Democratic Society.
- 2.2. Crime investigation.
- 2.3 Law and Order Management.
- 2.4 Criminalization of Police.
- 2.5 Politicization of police.

3. POLICE REFORMS

- 3.1 Selected Aspects of National police commissions Reports.
- 3.2. Justice Malimath Committee Report.
- 3.3 Mull Report.

4. POWERS AND DUTIES OF POLICE

- 4.1 Powers and duties under police acts (Indian Police Act & Bombay Police Act.)
- 4.2. Bharatiya Nyaya Sanhita, 2023
- 4.3. Bharatiya Nagarik Suraksha Sanhita, 2023
- 4.5. Bharatiya Sakshya Adhinyam, 2023 and others

5. RELATIONSHIP BETWEEN POLICE, PROSECUTION AND PUBLIC

- 5.1 Relationship between Police and Prosecution
- 5.2 Police Public Relationship



References:

1. Indian Police Act.
2. Bombay Police Act.
3. Rekha Singh & Bhavesh Bharad's Bharatiya Nyaya Sanhita, 2023, Supriya Publication
4. Bhavesh Bharad & Rekha Singh's New Criminal Major Act, Supriya Publication
5. Govt. of India, Ministry of Home affairs, National Crime Records Bureau, Crime in India 2003.
6. Rao.S. Venu Gopal, Criminal Justice : Problems and perspectives in India, Delhi, Konark,1991
7. Government of India, national Police Commission Repors.
8. Government of India, Malimath committee Report, march 2003
9. Role of Police in criminal Justice System – S.K.Chaturvedi.
10. Handbook of Human Rights and criminal Justice in India: the system and procedure south Asia human rights documentation understanding the police in India – Arvind Verma & KS Subramanian.



Semester I

PAPER – 4 : PRINCIPLE OF CRIMINAL LAW

Course Objectives:

- 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 LL.M 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 process 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

Course Contents:

1. Historical Development

- 1.1 Extent and Operation of the BNS
- 1.2 Definition of Crime
 - 1.2.1 Distinction between Crime and Tort
 - 1.2.2 Criminal Law & Morality

2. Fundamental Elements of Crime

- 2.1 Human Being
- 2.2 Mens rea
 - 2.2.1 Mens rea and statutory crimes
 - 2.2.2 Mens rea and Indian Law
 - 2.2.3 Words denoting Mens Rea in BNS
 - 2.2.4 Fraudulently
 - 2.2.5 Dishonestly
 - 2.2.6 Difference between Fraudulently and Dishonestly
 - 2.2.7 Voluntarily
- 2.3 Actus reus (Act or Omission)
- 2.4 Injury
- 2.5 Good faith

3. Stages in Commission of a Crime under BNS

- 3.1 Intention or Contemplation
- 3.2 Preparation
- 3.3 Attempt
 - 3.3.1 Essentials of the Attempt



- 3.3.2 Impossible Attempt
- 3.3.3 Illustrative cases
- 3.3.4 Attempt and preparation distinguished
- 3.3.5 Sections 62 and 109 The BNS

3.4 Accomplishment

4. Constructive joint Criminality

- 4.1 Common Intention and Common Object
- 4.2 Conviction of less than five persons
- 4.3 Organized Crimes, Petty Organized Crimes
- 4.4 Terrorist Act,
- 4.5 Mob Lynching
- 4.6 Distinction between Sec 190 and Sec 3(5) of BNS

5. ABETMENT AND CRIMINAL CONSPIRACY

5.1 English Law

- 5.1.1 A principle in the first degree
- 5.1.2 A principle in the second degree
- 5.1.3 Accessory before the fact
- 5.1.4 Accessory after the fact Indian Law

5.2. Indian Law

- 5.2.1 Abetment by instigation
- 5.2.2 Abetment by conspiracy
- 5.2.3 Abetment by intentional aiding
 - 5.2.3.1 Abetment in General
 - 5.2.3.2 Punishment for Abetment
 - 5.2.3.3 Sections 3(5) and 54 of BNS

5.3 Criminal Conspiracy

- 5.3.1 Ingredients of criminal conspiracy
 - 5.3.1.1 Two or more persons
 - 5.3.1.2 Agreement
 - 5.3.1.3 Illegal act or legal act by illegal means
 - 5.3.2.1.1 Single general conspiracy and separate conspiracies
 - 5.3.2.1.2 Punishment
 - 5.3.2.1.3 Sec 3(5), 49, 61 of BNS
 - 5.3.2.1.4 Proof of Conspiracy
 - 5.3.2.1.5 Abetment and Conspiracy

References:

- 1 Bentham : Principles of Penal Law
- 2 Blackstone's : Commentaries
- 3 Burdick : The Law of Crime, Vol. I
- 4 Friedmann : Law in the Changing Society
- 5 Bare Act : Bharatiya Nyaya Sanhita, 2023
- 6 Rekha Singh & Bhavesh Bharad's Bharatiya Nyaya Sanhita, 2023, Supriya Publication
- 7 Bhavesh Bharad & Rekha Singh's New Criminal Major Act, Supriya Publication



- 8 Gaur, H.S. : Penal Law of India, 9th Edn.
- 9 Gaur, K.D. : Criminal Law : Cases & Materials (1975)
- 10 Hall, Jerome : General Principles of Criminal Law (1960), 2nd Edn.
- 11 Halsbury's : Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI
- 12 Huda, Shamshul : Principles of Law of Crime in British India
13 (1902) (Reprint, 1993-Eastern Book Co., Lucknow)
- 14 Kane, P.V. : History of Dharamshashtra, Vol. III
- 15 Kenny's : Outlines of Criminal Law, 19th Edn.
- 16 Mayne, J.D. : Criminal Law of India, 4th Edn.
- 17 Nelson : Indian Penal Code
- 18 Nigam, R.C. : Law of Crimes in India, Vol. I
- 19 Rattan Lai : The Law of Crimes (20th Edn.)
- 20 Russel : On Crime, 12th Edn., Vol. I
- 21 Siddique, Ahmad : Criminology, 4th Edn., 1997
- 22 Stephen, James : History of Criminal Law, Vols. I & II and
23 Digest of Criminal Law, 9th Edn.



Semester II

PAPER – 1: JUDICIAL PROCESS

Course Objectives:

- 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 LL.M 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 process 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 familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Course Contents:

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 Notion 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 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 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 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 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.

References:

1. Henry J. Abraham, *The Judicial Process* (1998), Oxford.
2. Julius Stone, *The Province and Function of Law, Part II, Chs. I, 8-16* (2000), Universal, New Delhi
3. Cardozo, *The Nature of Judicial Process* (1995), Universal, New Delhi
4. W. Friedmann, *Legal Theory* (1960), Stevens, London
5. Bodenheimer, *Jurisprudence - The Philosophy and Method of the Law* (1997), Universal, New Delhi
6. Upendra Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow
7. Rajeev Dhavan, *The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques* (1977), Tripathi, Bombay
8. John Rawls, *A Theory of Justice* (2000), Universal, New Delhi



Semester II

PAPER – 2: LAW AND SOCIAL TRANSFORMATION IN INDIA

Course Objectives:

- This course is designed to offer the teacher and the taught with
- (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and
- (b) A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law.
- The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

Course Contents:

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 of 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. ALTERNATIVE APPROACHES TO LAW

3.1. The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave, Jayaprakash Narayan - Surrender of dacoits; Concept of gram nyayalayas

3.2. Socialist thought on law and justice: An enquiry. Through constitutional debates on the right to property

3.3. Indian Marxist critique of law and justice.

3.4. Naxalite movement: causes and cure

4. WOMEN, CHILDREN AND THE LAW

4.1 Crimes against women.

4.2 Gender injustice and its various forms

4.3 Women's Commission. Empowerment of women: Legal Provision apart from Constitutional

4.4. Child labour

4.5. Sexual exploitation



4.6. Adoption and related problems

4.7. 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; Lokadalats

5.3.3 Prison reforms

5.4 Democratic decentralization and local self-government

References:

1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
2. Indian Law Institute, Law and Social Change : Indo-American
3. Reflections, Tripathi (1988).



Semester II

PAPER – 3: PENOLOGY: TREATMENT OF OFFENDERS

Course Objectives:

- This course offers a specialist understanding of criminal policies
- It includes theories of punishment, their supposed philosophical and sociological justifications and
- The problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far.

Course Contents:

1. INTRODUCTION AND THEORIES OF PUNISHMENT

- 1.1 Definition of Penology
- 1.2 Retribution
- 1.3 Utilitarian prevention: Deterrence
- 1.4 Utilitarian: Intimidation
- 1.5 Behavioral prevention: Incapacitation
- 1.6 Behavioral prevention: Rehabilitation – Expiation
- 1.7 Classical Hindu and Islamic approaches to punishment

2. THE PROBLEMATIC OF CAPITAL PUNISHMENT

- 2.1 Constitutionality of Capital Punishment
- 2.2 Judicial Attitudes towards Capital Punishment in India – An inquiry through the statute law and case law
- 2.3 Law Reform Proposals

3. APPROACHES TO SENTENCING

- 3.1 Alternatives to Imprisonment
 - 3.1.1 Probation
 - 3.1.2 Corrective labour
 - 3.1.3 Fines
 - 3.1.4 Collective fines
 - 3.1.5 Reparation by the offender/by the court

4. SENTENCING

- 4.1 Principal types of sentences in the Bhartiy nyaya Sanhita and special laws.
- 4.2 Sentencing in white collar crime
- 4.3 Pre-sentence hearing
- 4.4 Sentencing for habitual offender
- 4.5 Summary punishment
- 4.6 Plea-bargaining

5. IMPRISONMENT



- 5.1 The state of India's jails today
- 5.2 The disciplinary regime of Indian prisons
- 5.3 Classification of prisoners
- 5.4 Rights of prisoner and duties of custodial staff
- 5.5 Deviance by custodial staff
- 5.6 Open prisons
- 5.7 Judicial surveillance – basis – development reforms

References:

1. H.L.A. Hart, Punishment and Responsibility (1968)
2. Law Commission of India, Forty-Second Report Ch. 3(1971)
3. Rekha Singh & Bhavesh Bharad's Bharatiya Nyaya Sanhita, 2023, Supriya Publication
4. Bhavesh Bharad & Rekha Singh's New Criminal Major Act, Supriya Publication



Semester II

PAPER – 4: JUVENILE DELIQUENCY

Course Objectives:

- Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable.
- No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.
- Increasingly, it is being also realized that young offenders require a wholly different center of criminal justice system and should not be treated in the same way as the adult offenders.
- Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

Course Contents:

1. THE BASIC CONCEPTS AND DETERMINING FACTORS OF JUVENILE DELIQUENCY

- 1.1 The conception of „child“ in Indian Constitution and BNS
- 1.2 Delinquent juvenile
- 1.3 “Neglected” juvenile
- 1.4 The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)
- 1.5 Differential association
- 1.6 Anomie
- 1.7 Economic pressure
- 1.8 Peer group influence
- 1.9 Gang sub-culture
- 1.10 Class differentials

2. LEGISLATIVE APPROACHES

- 2.1 Legislative approaches during the late colonial era
- 2.2 Children’s Act
- 2.3 Legislative position in various States
- 2.4 The Juvenile (Protection and Care) Act
 - 2.4.1. Constitutional aspects
 - 2.4.2. Distinction between “Neglected” and “Delinquent” juveniles
 - 2.4.3. Competent authorities
 - 2.4.4. Processual safeguards for juveniles
 - 2.4.5. Powers given to government
 - 2.4.6. Community participation as envisaged under the Act

3. INDIAN CONTEXT OF JUVENILE DELIQUENCY

- 3.1 The child population percentage to total sex-ratio, urban/ rural/rural-urban



3.2 Neglected below poverty line, physically and mentally disabled, orphans, destitute, vagrants

3.3 Labourers

3.3.1 in organized industries like zari, carpet, bidi, glass

3.3.2 In unorganized sector like domestic servant, shops and establishment, rag-pickers, family trade

3.4 Delinquent number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background

3.5 Drug addicts

3.6 Victims

3.6.1 Of violence sexual abuse, battered, killed by parents

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

4. JUDICIAL CONTRIBUTION AND PREVENTIVE STRATEGIES

4.1 Social action litigation concerning juvenile justice

4.2 Salient judicial decisions

4.3 Role of legal profession in juvenile justice system

4.4 State Welfare programmes health, nutrition, ICWS, grants-in-aid

4.5 Compulsory education

4.6 Role of community, family, voluntary bodies, individuals

5. IMPLEMENTATION

5.1 Institutions, bodies, personnel

5.2 Recruiting and funding agencies

5.3 Recruitment qualifications and salaries or fund

5.4 Other responsibilities of each agency/person

5.5 Coordination among related agencies

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

References:

1. Myron Weiner, The Child and State in India (1990)
2. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
3. K.S.Shukla, Adolescent Offender (1985)
4. United Nations, Beijing Rules on Treatment of Young Offenders (1985)



SEMESTER– III
PAPER – 1: LEGAL RESEARCH METHODOLOGY

Course Objectives:

- A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.
- Law is taught in different ways in different countries.
- The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education.
- The lecture method both at LL.B. level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods.
- The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.
- The syllabus is designed to develop also skills in research and writing in a systematic manner.

Course Contents:

1. RESEARCH METHODS

- 1.1 Socio-legal research
- 1.2 Doctrinal and non-doctrinal
- 1.3 Relevance of empirical research
- 1.4 Induction and deduction

2. IDENTIFICATION OF PROBLEM OF RESEARCH

- 2.1 What is a research problem?
- 2.2 Survey of available literature and bibliographical research
- 2.3 Legislative materials including subordinate legislation notification and policy statements
- 2.4 Decisional materials including foreign decisions; methods of discovering the "Rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
- 2.5 Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals
- 2.6 Compilation of list of reports or special studies conducted relevant to the problem



3. PREPARATION OF THE RESEARCH DESIGN

3.1 Formulation of the Research problem

3.2 Devising tools and techniques for collection of data: Methodology

3.2.1 Methods for the collection of statutory and case materials and Juristic literature

3.2.2 Use of historical and comparative research materials

3.2.3 Use of observation studies

3.2.4 Use of questionnaires/ interview

3.2.5 Use of case studies

3.2.6 Sampling procedures- design of sample, types of sampling to be adopted

3.2.7 Use of scaling techniques

3.2.8 Jurimetrics

4. CLASSIFICATION AND TABULATION OF DATA

4.1 Rules for tabulation

4.2 Explanation of tabulated data

4.3 Analysis of data

5. COMPUTERIZED RESEARCH - A STUDY OF LEGAL RESEARCH PROGRAMMES SUCH AS LEXIS AND WEST LAW CODING

References:

1. M. O. Price, H. Bitner and Bysiewicz, Effective legal Research (1978)
2. Pauline V. Young, Scientific Social Survey and Research (1962)
3. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw – Hill Book Company, London.
4. H. M. Hyman, Interviewing in Social Research (1965)
5. Payne, The Art of Asking Questions (1965)
6. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Research (1959)
7. Morris L. Cohan, Legal Research in Nutshell (1996), West Publishing Co.
8. Havard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research and Methodology



SEMESTER– III
PAPER – 2: COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Course Objectives:

- This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied.
- Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.
- The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

Course Contents:

1. INTRODUCTORY

- 1.1 Notions of “force”, “coercion”; “violence”
- 1.2 Distinctions: “symbolic” violence, “institutionalized” violence, “Structural violence”
- 1.3 Legal order as a coercive normative order Force-monopoly of modern law
- 1.4 “Constitutional” and “criminal” speech: Speech as incitement to violence
- 1.5 “Collective political violence” and legal order.
- 1.6 Notion of legal and extra-legal “repression”

2. APPROACHES TO VIOLENCE IN INDIA

- 2.1 Religiously sanctioned structural violence: Caste and Gender based
- 2.2 Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3 Gandhi’s approach to non-violence
- 2.4 Discourse on political violence and terrorism during colonial struggle.
- 2.5 Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period
- 2.5 Internally Displaced Persons: UN Guiding Principles on Internal Displacement 1998

3. AGRARIAN VIOLENCE AND REPRESSION

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

4. VIOLENCE AGAINST THE SCHEDULED CASTES

- 4.1 Notion of Atrocities
- 4.2 Incidence of Atrocities
- 4.3 Uses of Criminal law to combat Atrocities, aftermath of Atrocities
- 4.4 Violence against Women



5. 5COMMUNAL VIOLENCE

- 5.1 Incidence and causes 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 Operation of criminal justice system during, and in relation to, communal violence

Reference:

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. U. Baxi (ed.), Law and Poverty: Critical Essays (1988)
4. A.R, Desai (ed.), Peasant Struggles in India (1979)
5. A.R. Desai, Agrarian Struggles in India: After Independence (1986)
6. A.R.Desai, Violation of Democratic Rights in India (1986)
7. D,A, Dhangare, Peasant Movement in India 1920-1950 (1983)
8. Ranjit Guha, Element any Aspects of Peasqnt Insurgency in Colonial
9. India (1983) Ranjit Guha (ed.), Subaltern'Studies Volil-6 (1983-88)
10. T. Honderich, Violence for Equality 1980).
11. "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
12. Rajni Koihari, State against Democracy (1987)



SEMESTER– III
PAPER – 3: FORENSIC SCIENCE

Course Objectives:

- Crime in the society is as old as human race.
- With the advancement of science and technology types and methods of crime have undergone a radical change.
- Intelligent criminal has been quick to exploit science and technology for commission of crime.
- Present scenario of criminal justice system is flexible
- Large percentage of criminals goes scot free. These frequent acquittals not only waste the huge amount of public money and precious time but embolden the Criminals, escalate crime and multiply criminals.
- Now a days old techniques of criminal investigation has become obsolete
- Use of third degree does not find favour with the new generation of administrators, judges and the public at large.
- Forensic Science has proved a very useful tool for identification the crime, criminal and victim.
- The syllabus is designed to make aware the students of this recent Forensic Science and Technology.

Course Contents:

1. PRINCIPLES & PERSPECTIVES

- 1.1 Meaning & Definition.
- 1.2 Need & Principles
- 1.3 Function & Development
- 1.4 Tools & Techniques
- 1.5 Problems of Proof

2. RECENT ADVANCES IN FORENSIC SCIENCE & CYBER FORENSIC

- 2.1 Importance
- 2.2 Nature
- 2.3 Classification
- 2.4 Collection of Evidence
- 2.5 Hypnosis
- 2.6 Truth Serum
- 2.7 Brain Mapping Test
- 2.8 The Polygraph-Lie-Detector Test
- 2.9 Computer Crime

3. ROAD ACCIDENTS, ALCOHOL & DRIVERS

- 3.1 Scientific investigation and evaluation of clue, materials, Arson
- 3.2 Scientific investigation and evaluation of materials trace Analysis



3.3 Nature, Location, Preservation, Collection and evaluation of trace materials, Identification, Comparison, Recording etc.

3.4 Tire Impressions and skid marks

4. NATURE, IDENTIFICATION, CLASSIFICATION, COLLECTION, LOCATION OF NARCOTICS CLUE MATERIALS

4.1 Opium, Morphine, Heroin, Pathadin, Barbiturates.

4.2 Cocaine, Amphetamines, Methaquinon.

4.3 Cannabis, LSD, DMT.

4.4 Alcohol and Alcoholic Beverages.

4.5 Toxicology – Poison - Kinds of Poison

5. ROLE OF INVESTIGATOR

5.1 Micro traces.

5.2 Importance & Nature.

5.3 Location & collection.

5.4 Forensic Problems.

5.5 Individual Micro traces and Ballistics

5.5.1 Dusts content sample

5.5.2 Hair & Fiber, Blood, Semen & other body fluids

(Saliva, Urine, Faces, Sweat, Nasal secretions, Tears)

5.5.3 Bullet Identification, Direction, Time and Range of Fire.

5.5.4 Wounds handling, collection of preservation of evidence.

5.5.5 Bomb disposal handling of explosives and examination of explosive residues

5.6 Death Investigator Post mortem examination (autopsy) Injuries, Age determination of living person Insanity.

5.7 Evaluation of skeletal remains formage, height, sex, time of death, mode of death, and identification including skull and site marks.

5.8 Finger Prints & Foot Prints and Hand writings & Documents Marks and Scratches, Ballistics, Explosives, Firearms, Dog tracking.

References:

1. Sharma B.R.: Forensic Science.

2. Quzalbush Yawer : Law of Lie Detector Narco-analysis etc. (2011) Universal

3. B.S.Nobar : Forensic Science in crime Investigation(Reprint – 2015)

4. Asia Law House Case Law : Related Forensic Science



SEMESTER– III
PAPER – 4:PRIVILEGE CLASS DEVIANCE

Course Objectives:

- This course focuses on the "Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power.
- Accordingly, the course focuses on the relation between privilege power and deviant behaviour.
- The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful.
- The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here.

Course Contents:

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 & 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 on 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 (Earth Summit +5)

3. POLICE DEVIANCE

3.1 Structures of legal restraint on police powers 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

3.7 Reform suggestions especially by the National Police Commissions

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 malpractices

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

References:

1. B.B. Pandey, “The Nature and Dimensions of Privileged Class Deviance” in the Other Side of Development 136 (1987; K.S. Shukla Ed.)
2. Upendra Baxi, The Crisis of the Indian Legal System (1982),. Vikas Publishing House, New Delhi
3. Upendra Baxi (ed.), Law and Poverty: Assays (1988)
4. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
5. Surendranath Dwivedi and G.S.Bhargava, .Political Corruption in India
6. A.R.Desai (ed.), Violation of Democratic Rights in India (1986)
7. A.G.Noornni, Minister's Miscounduct (1974)



SEMESTER– III
PAPER – 5: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN

RIGHTS

Course Objectives:

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

Course Contents:

1. INTRODUCTORY

1.1 Basic conceptions

1.1.1 Drugs „narcotics“ “psychotropic substances”

1.1.2 “Dependence,” “addiction”

1.1.3 “Crimes without victims”

1.1.4 “Trafficking” in “drugs”

1.1.5 “Primary drug abuse”

1.1.6 Self-reporting

1.1.7 Victim-studies

1.1.8 Problems of comparative studies

2. ANAGRAPHIC AND SOCIAL CHARACTERISTICS OF DRUG USERS

2.1 Gender

2.2 Age

2.3 Religiousness

2.4 Single individuals/cohabitation

2.5 Socio-economic level of family

2.6 Residence patterns (urban/rural/urban)

2.7 Educational levels

2.8 Occupation

2.9 Age at first use

2.10 Type of drug use

2.11 Reasons given as cause of first use

2.12 Method of Intake

2.13 Pattern of the Use



- 2.14 Average Quantity and Cost
- 2.15 Consequences on addict's health (physical/psychic)
- 3. THE INTERNATIONAL LEGAL REGIME AND HUMAN RIGHTS ASPECTS
 - 3.1 Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972
 - 3.2 Analysis of the Convention on Psychotropic Substances, 1972
 - 3.3 International collaboration in combating drug addiction
 - 3.4 The SAARC and South-South Cooperation
 - 3.5 Profile of international market for psychotropic Substances
 - 3.6 Deployment of marginalized people as carrier of narcotics
 - 3.7 Deployment of marginalized people as carrier of narcotics
 - 3.8 The problem of juvenile drug use and legal approaches
 - 3.9 Possibilities of misuse and abuse of investigative prosecutory powers
 - 3.10 Bail
 - 3.11 The Problem of differential application of the legal Regimes, especially in relation to the resource less
- 4. THE INDIAN REGULATORY SYSTEM
 - 4.1 Approaches to narcotic trafficking during colonial India.
 - 4.2 Nationalist thought towards regulation of drug trafficking and usage.
 - 4.3 The penal provisions (under the BNS and the Customs Act).
 - 4.4 India's role in the evolution of the two international Conventions.
 - 4.5 Judicial approaches to sentencing in drug trafficking and abuse.
 - 4.6 The Narcotic Drugs and Psychotropic Substances Act, 1985.
 - 4.7 Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.
- 5. THE ROLE OF COMMUNITY IN COMBATING DRUG ADDICTION
 - 5.1 Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction & aftercare)
 - 5.2 The role of educational systems
 - 5.3 The role of medical profession
 - 5.4 The role of mass media
 - 5.5 Initiatives for compliance with regulatory systems
 - 5.6 Law reform initiatives

References:

1. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
2. Social Defence Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No.21)



SEMESTER– IV

PAPER – 1: DISSERTATION / SUBMISSION & VIVA-VOCE

Course Objectives:

- This subject will help the students to enhance their research, analytical and writing skills.
- This subject will help the students to enhance their research, analytical and writing skills.
- Student could improve your analytical and cognitive abilities

Course Contents:

This course is a research oriented. Every student has to carry out Dissertation should be on topics from the area of specialization chosen topic or issue from the subjects taught in the last three semesters and approved by the Departmental Committee. The dissertation is expected to be an in depth and critical/analytical/comparative analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, articles and books relevant to the topic in the form of footnotes and bibliographical references, Typed and bound dissertations shall be of uniform pattern with applying Legal Research Methodology which is to be submitted for evaluation internally and externally has to appear for viva-voce.

1. STUDENTS ARE REQUIRED TO FOLLOW THE STEPS GIVEN BELOW FOR PREPARATION OF DISSERTATION

- ✓ Title of the study
- ✓ Objectives of the study
- ✓ Significance & Utility of the Study
- ✓ Research Problem/ Problem of the study
- ✓ Objectives of the study
- ✓ Hypothesis
- ✓ Review of Literature
- ✓ Operational concepts and variables of the study
- ✓ Research Design:
- ✓ Nature/ Type of the study b) Method of data collection c) Sources of data Collection
- ✓ Limitations of the study
- ✓ Possible contribution of the study
- ✓ Chapterization / Scheme of the Study

2. LL.M STUDENTS ARE REQUIRED TO FOLLOW THE FOLLOWING STRUCTURE FOR DISSERTATION

- ✓ Cover



- ✓ Cover Page
- ✓ Certificate
- ✓ Declaration Certificate by Candidate
- ✓ Acknowledgement
- ✓ List of Case Laws
- ✓ List of Tables
- ✓ Abbreviations
- ✓ Contents
- ✓ Chapter I: Introduction (Theoretical Background and Research Methodology)
- ✓ Chapter II to V
- ✓ Chapter VI: Conclusions (Major Findings and Suggestion)
- ✓ Bibliography (Books, Journals, Newspapers, Websites, Research Reports, Magazines etc.)
- ✓ Annexures (Interview Schedules, Questionnaires, Master Charts, Acts, Bills, Maps etc.)



SEMESTER– IV

PAPER – 2: LEGAL RESEARCH PRACTICAL (DOCTRINAL & NON DOCTRINAL RESEARCH)

Course Objectives:

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

The practical examination shall be held at the end of the third semester on Research Methodology Law. Teaching and Clinical work. There shall be 50 Marks each for Doctrinal research and for Non-doctrinal research. As well as 50 marks each for Class room teaching an clinical Research work.

Course Contents:

1. DOCTRINAL RESEARCH (50 MARKS)

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

2. NON-DOCTRINAL RESEARCH (50 MARKS)

Here the students are 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. The Doctrinal research and Non Doctrinal Research in spiral/Hard bound in two copies to college and evaluate by a team of faculty members.

TOOLS OF RESEARCH:

1. Statutory materials.
2. Reports of Committees.
3. Legal history
4. Judgments
5. Case Reports
6. Case and Digest
7. Conference Proceedings
8. Online available information



9. Any information which is already published

STEPS IN RESEARCH REPORT:

1. Introduction (context and general background)
2. Statement of research problem.
3. Objectives
4. Literature review
5. Hypotheses/research question.
6. Data Collection (Identification of material and cases etc.
7. Discussion (Critical commentary by examining the objectives and hypotheses and deriving inferences)
8. Conclusions/Recommendations
9. Bibliography
10. Appendix

THE RESEARCH MUST COMPLY WITH THE FOLLOWING FORMAT:

1. Size of paper: A4
2. Margins: Top: 1", Left: 1.5", Right: 1" and Bottom: 1".
3. Paper quality: Normal Paper
4. Printing: printing on both sides only with 1.5 line spacing
5. Font: Times New Roman
6. Title / Top and Inner first pages: Title of Project Report.
7. Declaration by the Scholar
8. Others papers
9. Table of contents



SEMESTER– IV

PAPER – 3: SKILL ENHANCEMENT (CLASS ROOM TEACHING & CLINICAL RESEARCH REPORT)

Course Objectives:

- The students after completion of their master degree will be well equipped with teaching styles, teaching objectives and teaching methods.
- Students can assist departments and program to think about their curriculums. When outcomes are defined, departments can map the outcomes onto the courses that they teach to identify areas within the program where outcomes may overlap (or otherwise be redundant) or where gaps may exist.
- Allow instructors to indicate what knowledge, skills and abilities students are expected to have mastered at the end of their course allow them to communicate expectations to students.
- Provide students with a way to articulate the knowledge and abilities that they have gained and to express what they know to others.

Course Contents:

1. CLASS ROOM TEACHING (50MARKS)

A topic is assigned to the student in advance. He/She is required to handle a class for 60 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students. They can select any of the methods of teaching. In legal education practical, the LL.M. students are evaluate by a team of Faculty members or experts.

2. EXTENSION LEGAL SERVICES & CLINICAL RESEARCH REPORT (50MARKS)

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint with court proceedings, working of a business organization, tackling of labour disputes, family disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by a team of Faculty members.

As a part of clinical research each student has to visit for 10 working days in two different Legal Institutions / NGO to each to understand the functioning of these institutions and its relation with the Human rights and society related issues at large and has to submit a report for evaluation and evaluate by faculties.



STEPS ARE REQUIRED TO FOLLOW IN CLINICAL RESEARCH REPORT:

1. Certificate issued by Institution
2. Summary of Report
3. Table of Content
4. Introduction of visited institution
5. Constitution of Institution
6. Functions
7. Work areas
8. Contribution
9. Analysis
10. Conclusion.

THE CLINICAL RESEARCH REPORT MUST COMPLY WITH THE FOLLOWING FORMAT:

1. Size of paper: A4.
2. Margins: Top: 1", Left: 1.5", Right: 1" and Bottom: 1".
3. Paper quality: Normal Paper.
4. Printing: printing on both sides only with 1.5 line spacing.
5. Font: Times New Roman.
6. Title / Top and Inner first pages: Title of Clinical Research Report.
7. Declaration by the Scholar.
8. If Photographs available

(As per introduction of new three act, Bharatiya Nyaya Sanhita, 2023, Bharatiya Sakshya Adhinyam and Bharatiya Nagarik Suraksha Sanhita, will replace Indian Penal Code, Indian Evidence Act and Criminal Procedure code wherever it applicable anywhere to LLM Syllabus of KSKV Kachchh University from Academic Year 2024-2025)

