

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**



**WITH EFFECT FROM 2017-18
COURSE STUDY
GROUP G
LLM
(CONSTITUTION AND LEGAL ORDER)
SEMESTER II
CORE SUBJECTS**

Group B	Criminal Law
Group C	Business Law
Group E	Environment & Legal Order
Group G	Constitution & Legal Order
Group J	Human Rights Law

SEMESTER : II (w.e.f. July, 2017)		
Course Code : PL02CLCR21	Course Title: Indian Constitution Law: the New Challenges–II	
Course Credit :	Course Type : Core compulsory Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	Credit
1	Emerging regime of new rights and remedies Rights of life and personal liberty Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence under the constitution Right to education Commercialization of education and its impact. Brain drain by foreign education market.	
2	Right of minorities to establish and administer educational institutions and state control. Inter relation of Art-14,19 and 21 old and present view Inter relation of Art-32 and 226 Constitutional safeguards and minorities in India	
3	Secularism Secularism and religious fanaticism	

	Right against exploitation Right to freedom of religion Uniform civil code and new challenge	
4	Separation of powers: stresses and strain Judicial activism and judicial restraint. PIL: implementation. Judicial independence. Appointment, transfer and removal of judges. Accountability: executive and judiciary. Tribunals	
5	Basic Structure , Amendment & Constitution The constitution and environmental justice Amendment of constitution Basic structure theory of constitution Emergency provisions under the constitution	

Reference books:

1. Marc Galanter (ed.)- Law and Society in Modern India (1997) Oxford,
2. Robert Lingat-The Classical Law of India (1998), Oxford
3. U. Baxi -The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.) -Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi - A Journal about Women and Society.
6. Duncan Derret -The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai -Constitutional Law of India (1996), Tripathi.
8. D.D. Basu -Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi

**SARDAR PATEL UNIVERSITY
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FACULTY: LAW LL.M. (CBCS)**

SEMESTER : II (w.e.f. July, 2017)		
Course Code : PL02CLCR22	Course Title: Jurisprudence	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Definition or Meaning , Nature & Scope of Jurisprudence School of Jurisprudence	
2	Concept of Law Kinds of Law Sources of Law – Custom, Legislation & Precedent State & Sovereignty Administration of Justice	
3	Legal Concepts Concepts of Rights& Duties Nature of Law Concepts of Ownership	
4	Concepts of Possession Concepts of Titles Concepts of Liabilities Concepts of Personality	
5.	Concepts of Law of Obligation Concepts of Property Theories of Negligence Wrongful Acts	

REFERENCE BOOKS:

1. Bodenheimer - Jurisprudence - The Philosophy and Method of Law (1996) Universal, Delhi.
2. Fetzgerald (ed) - Salmond on Jurisprudence (1999) Tripathi, Bombay
3. W. Frieridmarin- Legal Theory (1999) Universal, Delhi
4. V.D. Mahajan - Jurisprudence and Legal Theory(1996 Re-print), Eastern, Lucknow
5. M.D.A. Freeman (ed) -Lloyd’s Introduction t Jurisprudence (1994), Sweet & Maxwell
6. Paton G.W.- Jurisprudence (1972) Oxford, ELBS
7. H.L.A. Hart - The Concepts of Law (1970) Oxford ELBS
8. Roscoe Pond -Introduction to the Philosophy of Law (1998 Re-Print) Universal, Delhi
9. Dias -Jurisprudence (1994 First Indian re-Print), Adithya Books, New Delhi
10. Dhyani SN. - Jurisprudence: A Study of Indian Legal Theory (1985) Metropolitan, New Delhi.

ELECTIVE SUBJECT
SEMESTER II

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SEMESTER : II (w.e.f. July, 2017)		
Course Code : PL02ELCR21	Course Title: International Humanitarian Law	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	International Movement for Humanization of Warfare <ul style="list-style-type: none"> • Contributions of classical writers; • history of the Red Cross; • Geneva conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, • St. Petersburg Declaration, 1868. • The Hague Conventions of 1899 and 1907, • Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war • Wounded and Sick persons and Civilian Persons. 	
2	International Efforts to Outlaw Slavery Slave Trade and Practices Similar to Slavery Forced Labour and Trafficking in Human Beings.	
3	United Nations and Humanitarian Law The Role of ECOSOC and ILO; Crusade against discrimination in respect of employment and occupation; Racial Discrimination	
4	International Refugees The UN Relief and Rehabilitation Administration and other International Refugee Organizations; Conventions relating to Status of Refugees and Stateless persons; Genocide Convention.	
5.	Implementation of the Right to Self-determination Declaration on the grant of independence to colonial countries and people, humanitarian treatment of peoples living under colonial rule and trusteeships. Eliminating Discrimination Against Women Through International Co-operation	

REFERENCE BOOKS:

1. C.Hosoya, N.Ando-Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986).
2. G.Tunkin -Theory of International Law (1974)
3. G.Schwarzenberger -The Law of Armed Conflicts (Vol.II)
4. J.Stone - Legal Controls of International Conflicts (1959)
5. R.Falk -The Shimoda Case" 69 Am. J. Int. Law (1965)
6. T.Taylor- Nuremberg and Vietnam : An American Tragedy (1971)

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SEMESTER : II (w.e.f. July, 2017)		
Course Code : PL02ELCR22	Course Title: Privileged Class Deviance	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p>Introduction</p> <ul style="list-style-type: none"> • Conceptions of white collar crimes • Indian approaches to socio-economic offences • Notions of privileged class deviance as providing a wider categorization of understanding Indian development • Typical forms of such deviance • Official deviance (deviance by legislators, judges, bureaucrats) • Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers • Trade union deviance (including teachers, lawyers/urban property owners) • Landlord deviance (class/caste based deviance) • Police deviance • Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices) • Gender-based aggression by socially, economically and politically powerful 	
2	<p>Official Deviance</p> <ul style="list-style-type: none"> • Conception of official deviance - permissible limit of discretionary powers. • The Chambal valley dacoit Vinoba Mission and Jai PrakashNarain Mission – in 1959 and 1971 • The Chagla Commission Report on LIC-Mundhra Affair • The Das Commission Report on Pratap Singh Kairon • The Grover Commission Report on Dev Raj Urs • The Maruti Commission Report • The Ibakkar-Natarajan Commission Report on Fairfax 	
3	<p>Police Deviance</p> <ul style="list-style-type: none"> • Structures of legal restraint on police powers in India • Unconstitutionality of "third-degree" methods and use of fatal force by police • "Encounter" killings • Police atrocities • The plea of superior orders 	

	<ul style="list-style-type: none"> • Rape and related forms of gender-based aggression by police and para-military forces • Reform suggestions especially by the National Police Commissions 	
4	Professional Deviance <ul style="list-style-type: none"> • Unethical practices at the Indian bar • The Lentin Commission Report • The Press Council on unprofessional and unethical journalism • Medical malpractice 	
5.	Response of Indian Legal Order to the Deviance of Privileged Classes <ul style="list-style-type: none"> • Vigilance Commission • Public Accounts Committee • Ombudsman • Commissions of Enquiry • Prevention of Corruption Act, 1947 • The Antulay Case 	

REFERENCE BOOKS:

1. UpendraBaxi -The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
2. UpendraBaxi (ed.) -Law and Poverty: Essays (1988)
3. UpendraBaxi- Liberty and Corruption: The Antulay Case and Beyond (1989)
4. SurendranathDwevedi and G.S. Bbargava -Political Corruption in India (1967)
5. A.R. Desai (ed.) -Violation of democratic Rights in India (1986)
6. A.G. Noorani -Minister's Misconduct (1974)
7. B.B. Pande -The Nature and Dimensions of Privileged Class Deviance" in The Other Side of
8. Development 136 (1987; K.S. Shuklaed.).

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SEMESTER : II (w.e.f. July, 2017)		
Course Code : PL02ELCR23	Course Title: Juvenile Delinquency	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	The Basic Concepts <ul style="list-style-type: none"> • The conception of 'child' in Indian Constitution and Penal Code. • Delinquent juvenile • "Neglected" juvenile • The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children) 	
2	Determining Factors of Juvenile Delinquency <ul style="list-style-type: none"> • Differential association • Anomie • Economic pressure • Peer group influence • Gang sub-culture • Class differentials Judicial Contribution <ul style="list-style-type: none"> • Social action litigation concerning juvenile justice • Salient judicial decisions • Role of legal profession in juvenile justice system. 	
3	Legislative Approaches <ul style="list-style-type: none"> • Legislative approaches during the late colonial era. • Children's Act • Legislative position in various States • The Juvenile Justice Act • Constitutional aspects. • Distinction between "Neglected" and "delinquent" juveniles. • Competent authorities • Processual safeguards for juveniles • Powers given to government • Community participation as envisaged under the Act 	
4	Indian Context of Juvenile Delinquency <ul style="list-style-type: none"> • The child population percentage to total sex-ratio, urban/rural/rural-urban • Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants. • Labourers 	

	<ul style="list-style-type: none"> • In organised industries like zari, carpet, bidi, glass • In unorganised sector like domestic servant, shops and establishments, rag-pickers family trade. • Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background • Drug addicts • Victims • Of violence - sexual abuse, battered, killed by parents • Of criminal activities like bootlegging, drug pollution as a response of protective approach 	
5.	<p>Implementation</p> <ul style="list-style-type: none"> • Institutions, bodies, personnel • Recruiting and funding agencies • Recruitment qualifications and salaries or fund • Other responsibilities of each agency/person • Coordination among related agencies • Accountability-annual reports and accessibility of public to juvenile justice institution. <p>Preventive Strategies</p> <ul style="list-style-type: none"> • State Welfare programmes health, nutrition, ICWS, grants-in-aid • Compulsory education • Role of community, family, voluntary, bodies, individuals 	

REFERENCE BOOKS:

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