

LL.M. One Year Course Detail

SHRI J.J.T.UNIVERSITY, Chudela, Jhunjhunu (Rajasthan)

SYLLABUS for LL.M ONE YEAR COURSE

Institute of Law

Shri J.J.T.University, Chudela, Jhunjhunu (Rajasthan)

LL.M One Year (List of Courses Prescribed for Semester I)

Branch:- CRIMINAL AND SECURITY LAWS

Compulsory Course

Semester 1st

Paper Code

Course Title

LL.M- 101

Research Methods and Legal Writing

LL.M- 102

Comparative Public Law

LL.M- 107

Criminology and Criminal Justice Administration

LL.M- 108

Victimology

LL.M- 109

Criminal Justice and Human Rights

LL.M- 101

Research Methods and Legal Writing

Research:-

What is Research ? Meaning and Objectives Research Methods *vis a vis* Research Methodology
Legal Research- Meaning, scope and purpose. Relation between law and society types/kinds:
Doctrinal and Non- Doctrinal (empirical); Applied, fundamental; Library research, field research
and laboratory research, analytical, descriptive, conceptual; Participatory and Non- participatory;
Comparative, historical, statistical, critical, socio-legal; mono disciplinary and trans disciplinary;
quasi disciplinary, inter- disciplinary (multi-disciplinary) research; Quantitative and quantitative,
one time and longitudinal, clinical or diagnostic research; Research for legal reform.

Research Methods:-

Research Design

Various Steps in Research: Research Process

Research Problem: Identification and Formulation

Hypothesis

Use of Library

Use Of Modern Technology/Computer Assisted Research

Tool and Techniques for Collection of Data

- Primary and Secondary Sources
- Literature Review
- Observation Method
- Questionnaire. Interview
- Case Study
- Sampling
- Jurimetrics

Analysis and Interpretation of Data

Use of Deductive and Inductive Methods in Research report

Budgeting of Research

Ethics and legal Issues: Plagiarism and Copyright Violation

Legal Writing :-

Essentials of Good Legal Writing

Structured Legal Writing: Organization of Legal Materials

Framing of Write Up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and case laws, Analysis, Discussion, Recommendations and Conclusion Sources of Authority Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for court Purposes; Writing for Court Purposes: Brief, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing Citation, Reference and Footnoting Editing and proof reading Writing of Research Proposal Dissertation/ Thesis Writing

Suggested Readings:

1. Bruce L. Berg, Qualitative Research Methods For The Social Sciences (London, Allyn And Bacon, 2001).
2. C.R. Kothari, Research Methodology: Methods and Techniques (New Delhi: Wiley Eastern Ltd., 1985)
3. Dennis P. Force and Stephen Richer (ed.), Stages of Social Research- Contemporary Perspectives (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, Materials and Methods in Legal Research (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, Methods in Social Research (Singapore : MacGraw Hall Book Co. 1985).

LL.M- 102- Comparative Public Law

1. Introduction

Meaning and definition of Public Law . Concept of Public Law . Globalization of Comparative Public law.

2. Tool of Comparative Public Law

Constitutional Law- Common Law, Civil Law . Legislative Mechanism- Common Law, Civil Law . Typology of Federalism- USA, India

3. Public Interest Litigation- US India

Locus standi . Judicial Activism .Judicial Accountability

4. Comparative Criminal Law- Common Law, Civil Law

Domestic Violation- International, National .Provisions relating to Rape .Plea Bargaining- USA, India . White Collar Crimes .Juvenile Justice

5. Ombudsman

Ombudsman in Scandinavian countries . International Scenario- Common law and Civil law . Indian Scenario

i) Lokpal (Ombudsman)

ii) Lokayukta

Select Bibliography:-

1. H.W. Wade- Administrative Law. 2. DeSmith- Judicial Review of Administrative Action.
3. Garner- Administrative Law. 4. D.D. Basu- Comparative Administrative Law. 5. Wade and Philips- Constitutional Law. 6. Decey – Introduction to Law of the Constitution. 7. O

Hood Philips- Constitutional Law and Administrative Law. 8. M.P. Jain S.N. Jain- Principles of Administrative Law.

LL.M- 107 Criminology and Criminal Justice Administration

1. Concept of Criminology (a) Meaning, Nature & scope (b) Basic Features of Criminology (c) Pure Criminology (d) Practical Criminology (e) Criminalities
2. Schools of Criminology (a) Pre- Classical School of Criminology (c) Neo Classical school of Criminology (d) Positivist school of Criminology (Italian School) (e) Clinical School of Criminology (f) Sociological School of Criminology.
3. Theories of Criminology (a) Theory of Radical Criminology (Marxist Approach) (b) Modern Conflict Theories i. Sellin's Culture Conflict Theory ii. Vold's Group Conflict Theory iii. Quinney's theory of Social Reality of Crime 19 iv. Turk's Theory of Criminalization (c) The Modern Theory of Criminology (d) Marxist Theory of Criminology (e) Banger's Theory of Economic Criminality
4. Criminal Justice Administration Pre- trial Procedures – arrest and questioning of the accused, the rights of the accused, evidentiary value of statements/ articles seized/ collected by the police, right to counsel ,role of the prosecutor and the judicial officer in Investigation. Trial procedures- the Accusatory system of trial and the inquisitorial system of trial role of the judge the prosecutor and defense attorney in the trial- admissibility of evidence –export evidence appeal of the court in awarding appropriate punishment.

Suggested Readings :

1. Dr. N. Maheshwara Swamy : Criminology and Criminal Justice System, Asia Law House
2. Sutherland and Cressey, principles of Criminology, Surjeet Publications
3. S.Rao, Crime in Our Society, (1983).
4. J.M. Sethna, Society and the Criminal (1980).
5. Siddique, Criminology : Problems and Perspectives (1997).
6. E. Sutherland, White Collar Crime (1949).
7. S. Kaldate, Society, Delinquent and Juvenile Delinquency (1972).
8. W.C. Rockless, The Prevention of Juvenile Delinquency (1972).
9. D.C. Pandey, Habitual Offenders and the law (1983).
10. D. Abrahamsen, David : Crime and the Human Mind (1979).
11. Conrad, John. P. : Crime and its Correction: An international Survey of Attitudes and Practices.
12. Krishna Lyer Report on Female Prisoners (1986).
13. Mulla Committee Report, (1983).

14. P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988).

LL.M- 108 Victimology

1. Concept and Scope of Victimology:
 - (a) Concept of Victimology
 - (b) Historical Development of Victimology
 - (c) Indian Experience
 - (d) Victim and Criminal Justice : Emerging Trends
2. Theories of Victimology and Impact Of Victimization :
 - (a) The Precipitation theory
 - (b) Life- Style Theory
 - (c) Deviant Place Theory
 - (d) Routine Activity

Theory Impact Of Victimization :

- (a) Physical
 - (b) Economical
 - (c) Psychological
3. Concept of Restorative Justice :
 - (a) Essential Elements of Restorative Justice
 - i. Restoration
 - ii. Accountability
 - iii. Community Protection
 - iv. Skill Development
 - (b) Programmes of Restorative Justice
 4. Compensatory Jurisprudence in the field of Victimology :
 - (a) Compensatory Relief under General/ Procedural laws
 - (b) Compensation under Special laws. i. Compensation under the Probation of offender Act, 1958. ii. Compensation under the Motor Vehicle Act, 1988
 - (c) Compensatory Reliefs under the Constitution of India
 - (d) Compensation by Human Rights Commissions
 - i. National Human Rights Commissions
 - ii. State Human Rights Commissions
 - iii. Human Rights Court

Suggested Readings :

1. Prof. N.V. Panjape : Criminology and Penology, Central Law Agency 2. Girjesh Shukla :

Criminology, Lexis Nexis 3. Sutherland and Cressey, Principles of Criminology, Surjeet Publications 4. Martin Wasik, Emmins on Sentencing (1998) 5. Hall J. Law, Social Science and Criminal Theory 6. J.M. Sethna, Society and the Criminal, 1980 7. Siddique, Criminology- Problems and Perspectives, 1997 8. S.M.A. Quadari.

LL.M- 109 Criminal Justice and Human Rights

1. Concept and Development of Human Rights Concept, Importance and Nature • U.N. Charter and its agency • History, Evolution and Growth • Classification of Human Rights.
2. Human Rights and Criminal Jurisprudence Rights of Accused • Rights of Arrested persons • Rights of Fair and Speedy Trial • Rights of free legal aid • Parole and Probation •
3. Human Rights Problems in the Administration of Criminal Justice Police Atrocities and Custodial Torture • Violence against Woman and Children • Terrorism and Insurgency •
4. Implementation of Human Rights in India Role of NGO • Public Interest Litigation • Role of Judiciary • Role of National Human Rights Commission • Essential Case Law: M.M. Hoskot v. State of Maharashtra, AIR 1978 SC 1548 • Hunsainara Khatoon v. State of Bihar, AIR 1979 SC 1360 • Khatri v. State of Bihar, AIR 1981 SC 928 • State of Maharashtra v. Manubhai Pragji Vasi (1995) 5 SCC 730 • D.K. Trivedi v. Union of India, AIR 1986 SC 1328 • Vishaka v. State of Rajasthan, AIR 1997 SC 3011 • State of Karnataka v. Appavalu Ingle, AIR 1995 SC 1126 • Superintendent of Remembrance of Legal Affairs, West Bengal v. S. • Bhaumic, AIR 1981 SC 917.

Suggested Readings:

1. Forgest Martin et.al. (ed.) International Human Rights law and Practice- Part I. and II of cases, treaties and materials. 2. Vijay Chitinis et.al. (ed.) Human Rights and Law – National and Global Perspective. 3. Basu D.D. Human Rights in Constitutional Law. 4. Singh Singhal B.P. Human Rights in India- Problems and Perspectives. 5. Protection of

Human Rights in Criminal Justice Administration – A study by Prof. Upendra Baxi and Manjula Batra. 6. L.H. Leigh- Protection of Human Rights in Criminal Procedure. The British Experience.



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Institute of Law

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LL.M One Year (List of Courses Prescribed for Semester II)

Branch:- CRIMINAL AND SECURITY LAW

Compulsory Course

Semester II

Paper Code

Course Title

LL.M- 201

Law and Justice in a Globalization World

LL.M- 209

Sentences and sentencing

LL.M- 210

Police Law and administration

LL.M- 211

White color Crime

LL.M- 205

Dissertation

LL.M- 201

Law and Justice in a Globalization World

Contents:-

- . Globalization: Meaning, Reach and Form
- . Social, Political, and Economic Dimensions of Globalization
- . Emergence of Transnational Law in a Globalizing World
- . Impact of Globalization on Sovereignty of States

- . Impact of Globalization on Federalism and Democratic Law Making
- . Human Rights
- . Trade Law
- . Globalization and free Market
- . Impact on Welfare state
- . Natural Resources
- . Environment
- . Displacement for Development
- . Problem of Unemployment
- . Concept of Justice in a Globalization World
- . Globalization and Universal Values
- . Concept of Global Justice
- . Cosmopolitanism
- . Globalization and Social Justice/ Global Distributive Justice
- . Impact of Globalization on Judicial Process and Administration of Justice

Suggested Readings:-

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in a Global Institutions (OUP, 2006).
2. Anthony M.C. Grew, Devid Held (eds), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002),
3. Boauventura De Sousa Santos, Casar A. Rodriguez- Garavito (eds.) Law and Globalization from Below (Cambridge University Press, 2005).
4. Devid B. Goldman, Globalization and the Western Legal Tradition : Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
5. Devid Held, A Globalizing World ? Culture, Economics, Politics (2004).

6. Devid Kinley, *Civilizing Globalization : Human Rights and the Global Economy* (Cambridge University Press, 2009).

LL.M- 209 Sentences and sentencing

Concept :-

1. Concept, Nature and Scope of Punishment: (a) Concept and Nature of Punishment (b) Object and purpose of Punishment (c) Forms of Punishment (d) Judicial Approach toward Capital Punishment in India ; Principle of Rare case
2. Theories of Punishment : Deterrence Theory (b) Retributive Theory (c) Preventive Theory (d) Reformatory Theory
3. Sentencing : i. Principal types of sentences in Penal Code ii. The Problems of Default Sentence (Imprisonment for nonpayment of fine) iii. Pre- Sentence Hearing iv. Sentencing for Habitual offender v. Summary Punishment vi. Sentencing Process and Marginalized Accused vii. Plea Bargaining.
4. Sentencing and Imprisonment Approaches to Sentencing : i. Alternative to Sentencing ii. Probation & Parole iii. Corrective Labour iv. Fine v. Remission and Commutation of sentence Imprisonment : (a) Jail System & Jail Reforms (b) Classification of prisoners (c) Open Prisons (d) Rights of prisoners & Duties of custodial staff

Suggested Readings :

1. Girjesh Shukla : *Criminology*, Lexis Nexis 2. Dr. N. Maheshwara Swamy : *Criminology and Criminal Justice System*, Asia Law House 3. Sutherland and Cressey, *Principles of Criminology*, Surjeet Publications 4. S Chhabra, *The Quantum of Punishment in Criminal Law*. 5. H.L.A. Hart, *Punishment and Responsibility* 6. Hartbert L. Packer, *The Limits of Criminal Sanction* 7. Alf Ross, *On Guilt, Responsibility and Punishment* Latest Edn. Law See also U. Baxi Review of this work in 21 J.I.L.I.407 (1979) 8. A. Siddique, *Criminology*, Latest Edn. Law Commission of India, Forty- Second Report Ch. 3 (1971) 9. K.S. Shukla, "Sociology of Deviant Behavior" In 3 ICSSR Survey of Sociology and Social Anthropology 1969- 1979 10. Tapas Kumar Banerjee, *Background to Indian Criminal Law* 11. K.P. Malik – *Penology and Victimology*.

LL.M- 210 Police Law and administration

Contents :-

1. Police Administration and Management : (a) Development of Police Force in India (b) Hierarchical Structure of Police Force (c) Code of Conduct for the Police (d) Police Commissions
2. An Introduction and Overview of Police Law (a) The Police Act, 1861 (b) The Police Act, 1949 (c) The Rajasthan Police Act, 2007
3. Functions, Duties and Problem of Police (i) Prevention of Offences (ii) Arrest and Release of Accused (iii) Investigation and Enquiry into Offences (iv) Frisking and Interrogation of offenders or Suspects (v) Search and Seizure (vi) Identification of Criminals and Crime Prone Area (vii) Police – Public Relations (a) Duties of civil Police (b) Problems of Police.
4. Judicial Trends and Police Reforms (a) Constitution of the state Security Commission (b) Selection and Minimum Tenure of Director- General of Police (c) Minimum Tenure of Inspector General of Police and Other Officers (d) Separation of Investigation Staff from Law and Order Staff (e) Constitution of a Police Establishment Board (f) Constitution of Police Complaints Authority (g) Establishment of a National Security Commission

Suggested Readings:-

1. Dr. N. Maheshwara Swamy: Criminology and Criminal Justice System, Asia Law House
2. Arvind Verma & KS Subramanian : Understanding the Police in India, Lexis Nexis
3. B.L. Babel : Rajasthan Police Act & Rules

LL.M- 211 White color Crime

Contents:-

1. Conceptual Perspective of White Collar Crimes Concept and Types of White Collar Crimes • Indian Approaches to Socio- economic offenders • Privileged class deviance • Growth of White Collar Crimes • Need for Specific Measures •
2. Professional Deviance Unethical practice of the Indian Bar • Unprofessional and Unethical Journalism • Medical Malpractice • Organizational or Corporate Crime •
3. White Collar Crime and Response of Indian Legal Order Law Commission recommendations • White Paper on White Collar Crime • Vigilance Commission • 10 Public Account Committee • Ombudsman Lokpal Bill •
4. Corruption in Politics and Government Some Major Scandals: Before Scandal • Stock Market Manipulation Scam 1999-2001 • 2G Spectrum Allocation Scandal •

Commonwealth Games Scandal • Satyam Computer Scam • Fodder Scam • JBT Scam •
Latest Coal Scam •

Suggested Readings :-

1. Upendra Baxsi, the Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
2. Upendra Baxi (ed.) Law and Poverty : Essays (1988)
3. Upendra Baxi, Liberty and Corruption : The Antulay Case and Beyond (1989)
4. Surendranath Dwevedi and G.S. Bhargava, 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 Development 136 (1987; K.S. Shukla ed) .

LL.M- 205 Dissertation

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of legal problem of contemporary significance in the field chosen by the candidate and the must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The Dissertation will carry 100 marks and it should be submitted (Three copies) to Head of the Department one month before the semester ends i.e. the second semester.

The supervisor for Dissertation shall be the teaching member of the Dept. of law. The students will be assigned the topic for Dissertation by their supervisor in consultation with the head of Department within a month after the semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the head of department and/ internal examiner. The examiner will evaluate the dissertation taking into account the following points:

- (a) Coverage of subjects matter. (b) Arrangement and presentation. (c) Research Methodology (d) Nature of references and materials used. (e) Critical appreciation and original contribution of the candidate.**

Note : The Students have to write their dissertations as per the guidelines of Research Methodology given below.

GUIDELINE FOR DOCTRINAL RESEARCH.

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology :

1. Title of the Study
2. Problem of the Study
3. Relational of the Study
4. Objectives of the Study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the Study
8. Research Design
 - (i) Nature/ Type of the Study
 - (ii) Method of Data Collection
 - (iii) Sources of Data Collection
9. Limitations of the Study
10. Time Schedule
11. Possible contribution of the Study
12. Chapterisation

B. Doctrinal Research shall have the following structure :

Cover page Certificate Acknowledgement

List of Case Laws. List of Tables Abbreviations contents

Introduction A. Theoretical Background B. Research Methodology (As given in A.) Chapter I

Chapter II

Chapter III, Chapter IV, Chapter V Major Finding, Conclusions and Suggestion.

Bibliography

Annexure :

Acts, Bills, Maps, etc.

C. Step by step procedure to be followed for Doctrinal Research :

1. Approval of the title
2. Collection of material
3. Review of literature
4. Problem
5. Objectives

6. Rationale
7. Hypothesis
8. Chapterization
9. Collection of Data
10. Analysis and Interpretation of Data
11. Report Writing
12. Preparation of Bibliography
13. Preparation of list of cases
14. Abbreviation

Department Of Law

Shri J.J.T. University, Churela, Jhunjhunu

