



**SARDAR PATEL UNIVERSITY OF POLICE,  
SECURITY AND CRIMINAL JUSTICE  
JODHPUR, RAJASTHAN, INDIA**

**LL.M./M.A. (Criminal Law)**

**SYLLABUS  
From the Academic Year 2015 - 2016 Onwards**

**DEPARTMENT OF LAW**

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## **1. OBJECTIVE:**

Criminal Law is concerned with the most potentially invasive contention of authority by the state: if you fail to comply with the law you will be punished. As crime knows no jurisdictional or geographical boundaries, we need to expand our horizons and not only think domestically but also think internationally.

The LLM (Criminal Laws) offers a unique and distinct opportunity to study criminal law in National, international and transnational context.

Further M.A. (Criminal Law) offers for in service persons from law enforcement agencies, a unique and distinct opportunity to study criminal law in National, international and transnational context.

This programme provides a holistic analysis of the criminal process through an analysis of the law, its philosophical underpinnings and its operation in practice in constantly changing environment.

For those wishing to gain in-depth understanding of criminal law and criminal justice, this course offers the opportunity for broader or deeply specialized study within an innovative research. The innovative focus and unique areas of study, allow you to develop your ability to critically appraise the current approaches and contemporary issues relating to criminal law *i.e.* transnational criminal law, cyber crimes and organized crime, and the challenges these pose.

This programme emphasizes more on critical writing instead of traditional classroom teaching.

## **2. EMPLOYABILITY**

In today's tough, competitive job market, having an LLM is a great addition in individuals portfolio and CV. LLM graduates can help in – Advocacy in Criminal Law, Judiciary, Banks, Educational Institutes, Regulatory Bodies, Legal Consultancies, Newspapers as criminal reporter or editor, News channels, Indian Railways, Defense.

Apart from all these they have opportunities in NGOs and international organizations like UNO, and also in ICC. There are many opportunities for LLM passed candidates in Central as well as in State government services.

They can join as judges in various courts in diverse roles such as Attorney and Solicitor General or as public prosecutors.

MA programme helps in service persons in their career and skills enhancement.

## **3. ELIGIBILITY FOR AWARD OF LL.M. DEGREE**

The registration of the candidate in the LL.M. programme shall be normally for a period of Four years from the date of registration.

#### **4. DEFINITIONS OF KEY WORDS:**

- i. **Academic Year:** Two consecutive (one odd + one even) semesters constitute one academic year.
- ii. **Course:** Usually referred to, as 'papers' is a component of a programme. All courses need not carry the same weight. The courses should define learning objectives and learning outcomes. A course may be designed to comprise lectures/ tutorials/laboratory work/ field work/ outreach activities/ project work/ vocational training/viva/ seminars/ term papers/assignments/ presentations/ self-study etc. or a combination of some of these.
- iii. **Credit Based Semester System (CBSS):** Under the CBSS, the requirement for awarding a degree or diploma or certificate is prescribed in terms of number of credits to be completed by the students.
- iv. **Credit Point:** It is the product of grade point and number of credits for a course.
- v. **Credit:** A unit by which the course work is measured. It determines the number of hours of instructions required per week. One credit is equivalent to one hour of teaching (lecture or tutorial) or two hours of practical work/field work per week.
- vi. **Cumulative Grade Point Average (CGPA):** It is a measure of overall cumulative performance of a student over all semesters. The CGPA is the ratio of total credit points secured by a student in various courses in all semesters and the sum of the total credits of all courses in all the semesters. It is expressed up to two decimal places.
- vii. **Grade Point:** It is a numerical weight allotted to each letter grade on a 10-point scale.
- viii. **Letter Grade:** It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, C, P and F.
- ix. **Programme:** An educational programme leading to award of a Degree, diploma or certificate.
- x. **Semester Grade Point Average (SGPA):** It is a measure of performance of work done in a semester. It is ratio of total credit points secured by a student in various courses registered in a semester and the total course credits taken during that semester. It shall be expressed up to two decimal places.
- xi. **Semester:** Each semester will consist of 15-18 weeks of academic work equivalent to 90 actual teaching days. The odd semester may be scheduled from July to December and even semester from January to June.
- xii. **Transcript or Grade Card or Certificate:** Based on the grades earned, a grade certificate shall be issued to all the registered students after every semester. The grade certificate will display the course details (code, title, number of credits, grade secured) along with SGPA of that semester and CGPA earned till that semester.

## 5. REQUIREMENT FOR ADMISSION

### A. Registration:

- (i) The course of LL.M./M.A. Degree shall be of two year duration comprising of four semesters. LL.M./M.A. degree shall be awarded to the candidate upon successful passing of all the four semesters before expiry of the period of LL.M./M.A. registration.

Candidates for LL.M./M.A. Degree shall first be admitted to the First Semester upon the reopening of the University after summer vacation.

- (ii) Subsequent Registration:

- (a) A candidate, who fails to prosecute a regular course of study during any of the Second, Third and Fourth Semesters may be registered in the appropriate Term of any subsequent Year to the Semester concerned but within such time as enables him to complete the study of all Semesters comprising LL.M./M.A. PG Degree Course shall not be stretched more than four years (maximum) from the date of First Semester registration.
- (b) Any candidate, whose name is struck off the rolls for non-payment of dues, may be registered in the same Semester on payment of prescribed fee.

### B. Minimum Qualification for Admission:

- (i) (a) Admission to the LL.M. Degree Course of study shall be open to those candidates who have passed the Three Year LL.B. Degree Examination of this University or such Examination of any other University or Institution after Graduation under 10+2+3 pattern; or Five Year LL.B. Degree Course under 10+2+5 pattern as is recognized by this University as equivalent for the purpose of LL.M. Degree Course and have secured not less than 55% marks in aggregate in the LL.B. Examinations.
- (b) **For M.A. (Criminal Law):** In service persons of law enforcement agencies having five year experience in it and graduation degree with 55% marks in aggregate.
- (ii) The University shall conduct Postgraduate Entrance Test (PET) for each academic session. Admission shall be made according to merit in the PET subject to the fulfilment of eligibility requirement as determined by the University and availability of seats in LL.M. Course.
- a. Postgraduate Entrance Test (PET) normally shall be organized in month of April/May.
- b. Postgraduate Entrance Test (PET) shall be based on objective type question, multiple type and Subjective type questions or any one of it.
- c. **Syllabus Postgraduate Entrance Test:**
- i. Constitutional Law
  - ii. Major Criminal Laws
  - iii. Contemporary Legal issues
  - iv. General Legal awareness

- (iii) To clear the entrance exam, individual will have to secure minimum 50% marks of total and by merely securing 50% marks shall not give right for admission. Admission shall be based on merit list of entrance exams.
- (iv) Minimum 50% strength of sanctioned seats shall be required to start LL.M./M.A. programme i.e. if 20 sanctioned seats than 10 students require to run the programme.

### **C. Conditions of Admission:**

- (i) No application for registration to the First Semester shall be entertained unless it is accompanied by:
  - (a) A duly certified transcript of scholastic record of the candidate, commencing from the High School or equivalent Examinations,
  - (b) Original Transfer Certificate of a candidate who has been a regular student in any Institution at any time prior to making application for registration in the Department of Law; and
  - (c) Original Migration Certificate if the candidate is not enrolled in this University, or, if enrolled, his enrolment has been cancelled.

Provided that if a candidate is unable to produce any of the documents other than the marks-sheet of the Graduation Examination, at the time of seeking admission in the Department of Law, he shall undertake to submit them within one month or within such further period as the University authorities may prescribe; and the admission, if any, of such candidate shall, until the submission of the aforesaid documents, be deemed to be provisional.

- (ii) No application for registration shall be entertained unless the candidate gives a written undertaking that:
  - (a) He shall exclusively devote his time to the study of courses prescribed for LL.M./ M.A. Degree and in particular he shall not offer any other course leading to a degree of any description whatsoever, nor shall he undertake any remunerative work, though with the prior permission of the Department he may join Certificate or Diploma course in any foreign language.
  - (b) He shall not undergo practical training in Law for the purpose of being enrolled as an Advocate or in Service during his studies to the Degree of Master of Laws/ Master of Arts; and
  - (c) He shall abide by the provisions of the University Act, Statutes, Ordinances, Regulation and Rules that are frame or may be framed there under and the orders of the Officers and Authorities of the University and the Department of Law from time to time.

5. **INTAKE:** 20 Seats (LL.M. + M.A.). Minimum 50% students of total sanctioned seats *i.e.* 10 students are required to start the programme.
6. **RESERVATION OF SEATS:** As per Government rules
7. **MEDIUM OF INSTRUCTION:** English

**8. FEES:**

The students pursuing the LL.M. Degree Course of Study shall have to pay fee as may be prescribed by the University from time to time.

**9. ATTENDANCE:**

Every student is expected to have full attendance, *i.e.*, 100% and condonation up to 25% can be considered by the Head of Department/Dean of the Faculty/Dean Academics for specified cogent reasons only on the following grounds:

- i. Participation in N.C.C./N.S.C./N.S.O. camps, duly supported by a certificate.
- ii. Participation in University or College/Faculty Team Games or Inter-University tournaments, duly supported by a certificate from the University authorities concerned.
- iii. Participation in Educational Excursions conducted on working days certified by the Principal/Dean of the College/Faculty or the Head of the Department. These excursions shall not include those organized for a class as a whole. No credit will be given for excursion conducted on holidays.
- iv. University Deputation for Youth Festival/ Cultural events certified by the Department/Faculty/University authority concerned.

Notwithstanding anything above from point (i) to (iv) the Vice Chancellor shall have the power of condonation of attendance up to 6% with recorded reasons in special cases.

**10. EXAMINATION****A. General:**

(i) There shall be a University examination at the end of the First, Second, Third and Fourth Semester and the candidate for the Degree of Master of Laws shall be required to pass in all the prescribed courses within a maximum period of four years from the year of his being admitted to the First Semester.

**B. Minimum Percentage of Marks for Passing** – 40 % in each paper and 50% aggregate of the each semester examination. Overall 50% requires in all the semesters.

**Failed:** All the candidates who have not PASSED will be categorized as “FAILED”.

**C. LL.M. Examinations****i. Eligibility:**

The LL.M. Degree Examination shall be open to a student who having been duly admitted to the LL.M. Degree course of Study, has prosecuted a regular course of study for the said examination.

**ii. Division of Assessments:**

The examination will be conducted at the end of each semester; each paper will consist of marks divided as under:

- a. **Written Paper– 60%**
- b. **Internal Assessment – 40%**

**a. Written Paper:**

A candidate for the LL.M. Degree Examination shall be examined in the papers as mentioned in each semester.

\*There shall be one Bridge Paper for those who pursue M.A. programme. The purpose of this paper is to provide legal orientation to non legal candidates. The marks of the paper shall not be counted in degree programme and candidate has just to secure 40% marks in this paper. This paper shall have to pass in one academic year.

**iii. Scale of Marks, Divisions and Distinction:**

- a. Total Marks in each Paper: 100/50 respectively
- b. Minimum Pass Marks in –
  - (i) Written Papers and Internal assessment: 40% in each assessment;
  - (ii) Dissertation: 50% in the aggregate;
  - (iii) Viva Voce: 50%
- c. To pass the Semester candidate must secure 50% of the total marks.

**First Division:** 65% and above of the aggregate of marks.

**Second Division:** 50% and above of the aggregate marks.

**Table 1: Grades and Grade Points**

S. No	Range of Marks	Grade	Grade Point
1	91-100	O (Outstanding)	10
2	81-90	A (Excellent)	9
3	71-80	B (Very Good)	8
4	61-70	C (Good)	7
5	51-60	D (Average)	6
6	40-50	E/F	5
7	<40 (0-39)	F (Fail)	0
8	<b>Incomplete</b> (Subsequently changed into pass or E to O or F grade on subsequent appearance of the examination)	I	0
9	<b>Ab (Absent)</b>		0

- ❖ For each paper securing below 40% of marks shall be considered as fail *i.e.* Grade F. Similarly securing below 50% of marks in aggregate of the each semester examination shall be considered fail *i.e.* Grade F.
- ❖ A student obtaining Grade F shall be considered failed and will be required to reappear in the examination.
- ❖ For non credit courses ‘Satisfactory’ or ‘Unsatisfactory’ shall be indicated instead of the letter grade and this will not be counted for the computation of SGPA/CGPA.

**Classification** of successful candidates is based on CGPA as follows:

- i. Distinction --- CGPA 8.0 or more
- ii. I Class --- CGPA 6.5 or more but less than 8.0
- iii. II Class --- CGPA 5.5 or more but less than 6.5
- iv. Pass --- CGPA 5.0 or more but less than 5.5

**Note:** Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester, at first appearance are eligible to be placed in O grade.

#### **Awards:**

No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

Explanation:

Credits, Grade Letter Grade Points, Credit Points

**Credit** means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week.

**Grade Letter** is an index to indicate the performance of a student in a particular course (Paper). It is the transformation of actual marks secured by a student in a course/paper. It is indicated by a Grade letter O, A, B, C, D, E. There is a **range of marks** for each Grade Letter.



**Grade Point** is Weightage allotted to each grade letter depending on the marks awarded in a course/paper

**CGPA:** CGPA means Cumulative Grade Point Average. It will be calculated from 2<sup>nd</sup> semester onwards.

**SGPA** means Semester Grade Point Average. This is calculated for each semester of the programme

**Note:** CGPA x 10 will be the overall percentage of the marks obtained by the candidate.

The following procedure to compute the Semester Grade Point

Average (SGPA) and Cumulative Grade Point Average (CGPA):

i. The SGPA is the ratio of sum of the product of the number of credits with the grade points scored by a student in all the courses taken by a student and the sum of the number of credits of all the courses undergone by a student, i.e

$$\text{SGPA (Si)} = \frac{\sum(C_i \times G_i)}{\sum C_i}$$

Where  $C_i$  is the number of credits of the  $i$ th course and  $G_i$  is the grade point scored by the student in the  $i$ th course.

ii. The CGPA is also calculated in the same manner taking into account all the courses undergone by a student over all the semesters of a programme, i.e.

$$\text{CGPA} = \frac{\sum(C_i \times S_i)}{\sum C_i}$$

Where  $S_i$  is the SGPA of the  $i$ th semester and  $C_i$  is the total number of credits in that semester.

iii. The SGPA and CGPA shall be rounded off to 2 decimal points and reported in the transcripts.

#### **b. Internal Assessment:**

Methodology of Internal Assessment will be at least 4 components from the following list of assessment methods:

- i. Seminar Presentations
- ii. Written test
- iii. Viva Voce
- iv. Essays
- v. Project, Group projects
- vi. Cases and open problems
- vii. Work based Assessment
- viii. Multiple choice Questions
- ix. Short Answer Questions
- x. Field study

#### **iv. Doctrinal Research, Non-Doctrinal Research and Dissertation:**

- a. The dissertation topic and the topics for the Doctrinal Research and the Non-Doctrinal Research shall be approved by the concerned post-graduate teachers.
- b. Three copies of dissertation shall be submitted in type written or printed format
- c. Three copies of doctrinal research, non-doctrinal research report shall be submitted in type written or printed format.
- d. Candidate shall be required to submit the Dissertation at least one week before the commencement of Fourth Semester Examination.
- e. The candidate shall be required to secure at least 50% marks in the doctrinal research, non-doctrinal research report and Dissertation to pass the Examination.
- f. The Examiner shall either –

- (i) Award at least 50% marks, or
  - (ii) Return the Dissertation for revision, or
  - (iii) Reject the Dissertation.
- g. The candidate who's Dissertation is returned for revision may revise the dissertation and re-submit it within a period of two months. Failure to submit in time shall result in a declaration that the candidate has failed at the relevant LL.M. Examination.
  - h. A Dissertation can be revised only once. If the candidate fails to secure pass marks in the revised Dissertation he shall be declared failed in the LL.M. Examination.
  - i. The candidate whose Dissertation is rejected, may with the approval of the Department of Law write a Dissertation on another topic and submit it within a period of six months. And if he fails to secure pass marks in respect of this Dissertation also, he shall be declared failed at LL.M. Degree Examination.
  - j. A Dissertation shall be examined by an external examiner.
  - k. A candidate who has secured minimum passing marks in the internal component of any paper/course such internal marks shall be carried forward till the expiry of LL.M. registration of that candidate.
  - l. If a candidate fails to clear internal assessment of a paper/course in any semester, the candidate shall be allowed to clear the internal assessment of that particular paper/course in the respective semester of the subsequent academic year by payment, of fees.
- v. Viva Voce Examination:**
- (a) The Viva Voce Examination shall be conducted by a Board of Examiners.
  - (b) The Board shall consist of three members; at least one of them shall be an external member.
  - (c) The Viva-Voce Examination shall carry 50 marks.
  - (d) The candidate shall be required to obtain a minimum of 25 marks to pass the Viva Voce Examination.

## **11. TEACHING METHODOLOGY:**

Programme shall be based more on practical methods than on lectures. Following methods shall be used besides class room teaching:

- A.** Seminars
- B.** Workshops
- C.** Field Study
- D.** Tutorials
- E.** Self Reading
- F.** Assignments
- G.** Research Papers

## **12. SAVINGS :**

The Head of the Department/ Dean of Faculty/Course Coordinator in consultation with the Vice-Chancellor shall have the power to remove all difficulties in interpretation and/or application of these rules, which shall be final and binding.

**SEMESTER-I**

Paper Code	Paper Name	External Assessment Marks	Internal Assessment Marks	Total Marks	Credits
LLM-101	Law And Social Transformation In India	60	40	100	4
LLM-102	Indian Constitutional Law and The New Challenges	60	40	100	4
LLM-103	Judicial Process	60	40	100	4
LLM-104	Research Methodology	60	40	100	4
LLM-105	Practical of Research Methodology			50	2
LLM-105 (Only For M.A. Students)	Jurisprudence, Principles of Legislation and Statutory Interpretation	60	40	100	Non credit

**SEMESTER-II**

Paper Code	Paper Name	External Assessment Marks	Internal Assessment Marks	Total Marks	Credits
LLM-201	Substantive Criminal Law	60	40	100	4
LLM-202	Criminal Justice System And Security Laws	60	40	100	4
LLM-203	International Criminal Law and Transnational Crimes	60	40	100	4
LLM-204	Privileged Class Deviance	60	40	100	4
LLM-205	Doctrinal Research Paper			50	2

**Self study, Library periods shall be asses through satisfactory/unsatisfactory parameters in each semester.**

**SEMESTER-III**

Paper Code	Paper Name	External Assessment Marks	Internal Assessment Marks	Total Marks	Credits
LLM-301	Comparative Perspectives Of Criminal Procedural Law	60	40	100	4
LLM-302	Cyber Crimes	60	40	100	4
LLM-303	Human Rights Under Criminal Justice System	60	40	100	4
LLM-304	Criminology and Penology	60	40	100	4
LLM-305	Non-Doctrinal Research			50	2

**SEMESTER-IV**

Paper Code	Paper Name	External Assessment Marks	Internal Assessment Marks	Total Marks	Credits
LLM-401	Evidentiary Issues Relating to Use of Modern Technology and Forensic in Criminal Trials	60	40	100	4
LLM-402	Victimology and Law Of Probation	60	40	100	4
LLM-403	Class Room Teaching			50	2
LLM-404	Dissertation			150	6
LLM-405	Viva-Voce			50	2

**Total Marks**

Semester I	450
Semester II	450
Semester III	450
Semester IV	450
<b>Total Marks</b>	<b>1800</b>

## ACKNOWLEDGMENT

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## DETAILED SYLLABUS SEMESTER-I

### LAW AND SOCIAL TRANSFORMATION IN INDIA

#### UNIT-I

##### 1. Law and Social Change

- i. Law as an instrument of social change: Roscoe Pound's Social engineering.
- ii. Law as a product of traditions and culture
- iii. Introduction of common law system and institutions in India and the impact of received law on the Indian Social and Legal Order.
- iv. Limits of Law in bringing out social change.
- v. Impact of Social Movement

##### 2. Religion and the law

- i. Religion as an integrating and divisive factor.
- ii. Secularism as a solution to the problem.
- iii. Reform of the law on secular lines: Problems.
- iv. Freedom of religion and non-discrimination on the basis of religion.
- v. Religious minorities and the law
- vi. Religion based conflicts

#### UNIT-II

##### 3. Language and the law

- i. Language as an integrating and divisive factor: formation of linguistic states.
- ii. Constitutional guarantees to linguistic minorities.
- iii. Language policy and the Constitution: Official language Act 1963; multi-language system
- iv. Non-discrimination on the ground of language

##### 4. Community and the law

- i. Caste as an integrating and divisive factor
- ii. Non-discrimination on the grounds of caste.
- iii. Acceptance of caste as a factor to undo past injustices.
- iv. Protective discrimination: Scheduled castes, tribes and backward classes.
- v. Caste and affirmative justice: Reservation; Statutory Commissions, Statutory provisions.
- vi. Protection of Civil Right Act 1995
- vii. Communal violence

#### UNIT-III

##### 5. Women and the law

- i. Status of Women in Indian Society
- ii. Crimes against women.
- iii. Gender injustice and its various forms.
- iv. Women's Commission.
- v. Empowerment of women: Constitutional and other legal provisions.

**6. Children and the law**

- i. Status of Children in Indian Society
- ii. Child labour
- iii. Adoption and related problems.
- iv. Children and education
- v. Constitutional aspects

**UNIT-IV****7. Regionalism and the law**

- i. Regionalism as an integrating and divisive factor.
- ii. Concept of India as one unit.
- iii. Right of movement, residence and business; impermissibility of state or regional barriers.
- iv. Equality in matters of employment: the slogan “Sons of the soil” and its practice.
- v. Admission to educational institutions: preference to residents of a state.

**8. Modernisation and Alternative approaches to the law**

- i. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- ii. Modernisation of social institutions through law: Limits of Law
- iii. Civil law: (ADR) Confrontation vs. consensus; mediation and conciliation; Lok adalats
- iv. Democratic decentralization and local self-government
- v. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property
- vi. Naxalite/Maoist movement: cause and cure

**Suggested Readings:**

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 Manushi A, Journal about Women and Society
5. Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi
6. H. M. Seervai, *Constitutional Law of India* (1996), Tripathi
7. D. D. Basu, *Shorter Constitution of India* (1996), Prentice-Hall of India
8. (P) Ltd., New Delhi
9. Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (2000), Armor Publications, Delhi
10. Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage
11. Indian Law Institute, *Law and Social Change: Indo-American Reflection* (1988), Tripathi
12. J. B. Kripalani, *Gandhi: His Life and Thought* (1970), Ministry of Information and Broadcasting, Government of India
13. M. P. Jain, *Outlines of Indian Legal History* (1993), Tripathi, Bombay
14. Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's*
15. *Rights in India* (1999), Oxford
16. Indian Law Institute, *Law and Social Change: Indo-American Reflections*. Tripathi, (1988).
17. M. P. Jain. *Outlines of Indian Legal History*. (1993). Tripathi, Bombay.
18. Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999) Oxford, New Delhi.
19. Ved Kumari, *Offences Against Women in Kamala Sankaran and Ujjwal Kumar Singh* (ed) *Towards Legal Literacy An Introduction to Law in India* PP.78-94 (2008) Oxford, New Delhi.
20. Virendra Kumar: *Dynamics of Reservation Policy: Towards a More Inclusive Social Order* 50, *Journal of the Indian Law Institute* PP 478-517 (2007).
21. Virendra Kumar, 'Minorities' Right to Run Educational Institutions: T.M.A Pai Foundation in Perspective 45, *Journal of the Indian Law Institute* PP 200-238 (2003)
22. P Ishwara Bhatt *Law and Social Transformation in India*



## INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

### UNIT-I

#### 1. The Concept of Constitutionalism

- i. Essential Principles of Constitutionalism
- ii. Constitutionalism and Rule of Law
- iii. Functions of Rule of Law and Constitutionalism
- iv. Constitutionalism and Philosophy of Indian Constitution
- v. Creation of new states

### UNIT-II

#### 2. Federalism as an aspect of Constitutionalism

- i. The Federal principle: Classical and Modern
- ii. An overview of the Canadian and American Position
- iii. Main features of Indian federalism
- iv. Federalism and Constitutionalism
- v. “State”: Need for widening the definition in the wake of liberalization.

### UNIT-III

#### 3. Emerging regime of new rights and remedies

- i. Freedom of Press and challenges
- ii. Allocation and share of resources – distribution of grants in aid
- iii. The inter-state disputes on resources
- iv. Rehabilitation of internally displaced persons.
- v. Federal Comity: Relationship of trust and faith between Centre and State.
- vi. Special status of certain States.
- vii. Tribal Areas, Scheduled Areas

### UNIT-IV

#### 4. Democratic Process

- i. Nexus of politics with criminals, the business and the bureaucrats.
- ii. Election
- iii. Election commission: status.
- iv. Electoral Reforms
- v. Coalition government, ‘stability, durability, corrupt practice’
- vi. Grass root democracy.

#### 5. Emergency provisions

- i. Centre’s responsibility and internal disturbance within States.
- ii. Directions of the Centre to the State under Article 356 and 365.
- iii. Civil Liberties and Emergency :
- iv. Preventive Detention and Safeguards
- v. Suspension of fundamental Article 19 on declaration of emergency
- vi. President's Right to suspend right to move any court
- vii. Article 21- special importance - its non-suspendability.

#### 6. Amendments and Transformative Jurisprudence

- i. Amending Powers and Procedural under article 368
- ii. Doctrine of Basic Structure

**Suggested 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. C. H. Mell Wain, Constitutionalism: Ancient and Modern. (1947).
5. V. Dicey, Introduction to the Study of Law of the Constitution. (1982) Edition.
6. Lary Alexander (ed). Constitutionalism: Philosophical Foundations. Cambridge. (1998)
7. M. P. Singh 'Constitution of India. 11th Ed. 2008, Eastern Book Co.
8. K. C. Wheare. Federal Government. Ch. 1 & 2, 4th Edition 1963.
9. M. P. Singh. Federalism, Democracy and Human Rights. 47 J.I.L.I. 47 (2005).
10. Parmanand Singh 'Social Rights and Good Governance In C. Raj Kumar and D. K. Srivastava (ed.) Human rights and Development: Law, Policy and Governance Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
11. Parmanand Singh 'Hunger Amidst Plenty: Reflections on Law, Poverty and Governance. 48, J.I.L.I. PP 57-77. (2006).
12. Virendra Kumar. Dynamics of Reservation Policy: Towards a More Inclusive Social Order, 50, J.I.L.I. PP 478-517. (2007).
13. Virendra Kumar, Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective. 45, J.I.L.I. PP 200-238. (2003).
14. Parmanand Singh 'Equality and Compensatory Discrimination: The Indian Experience, In Choklingam and C. Raj Kumar (ed) Human rights, Criminal Justice and Constitutional Empowerment, Chapter 7, Oxford, Delhi. (2006).
15. Parmanand Singh. Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation, in M. P. Singh et al (ed), Human Rights and Basic Needs: Theory and Practice, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).

## JUDICIAL PROCESS

### UNIT-I

#### 1. Nature of judicial process

- i. Judicial process as an instrument of social ordering
- ii. Judicial process and creativity in law – common law model – Legal Reasoning and growth of law – change and stability.
- iii. The tools and techniques of judicial creativity and precedent.
- iv. Legal development and creativity through legal reasoning under statutory and codified systems.

### UNIT-II

#### 2. Special Dimensions of Judicial Process in Constitutional Adjudications.

- i. Notions of judicial review: Limits of Judicial review and doctrine of political question
- ii. 'Role' in constitutional adjudication – various theories of judicial role.
- iii. Tools and techniques in policy-making and creativity in constitutional adjudication.
- iv. Varieties of judicial and juristic activism
- v. Problems of accountability and judicial law-making.

### UNIT-III

#### 3. Judicial Process in India

- i. Indian debate on the role of judges and on the notion of judicial review.
- ii. Judicial Reform: appointment and transfer issues
- iii. The “independence” of judiciary and the “political” nature of judicial process
- iv. Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity.
- v. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
- vi. Institutional liability of courts and judicial activism – scope and limits.
- vii. Role of the Judiciary in Criminal Trials

#### 4. The Concepts of Justice

- i. The concept of justice or Dharma in Indian thought
- ii. Dharma as the foundation of legal ordering in Indian thought.
- iii. The concept and various theories of justice in the western thought.
- iv. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

### UNIT-IV

#### 5. Relation between Law and Justice

- i. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
- ii. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
- iii. The independence of justice – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
- iv. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.
- v. Interpretation of Statutes, reasoning, logical, Judicial reasoning

## Suggesting Reference

1. Cardozo, *The Nature of Judicial Process* (1995), Universal, New Delhi
2. Henry J. Abraham, *The Judicial Processes* (1998), Oxford
3. Julius Stone, *Precedent and the Law: Dynamics of Common Law Growth*(1985), Butterworth
4. W. Friedmann, *Legal Theory* (1960), Stevens, London
5. Bodenheimer, *Jurisprudence - The Philosophy and Method of the Law* (1997), Universal, New Delhi
6. Julius Stone, *Legal System and Lawyers' Reasonings* (1999), Universal, New Delhi
7. Upendra Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow
8. Rajeev Dhavan, *The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques* (1977), Tripathi, Bombay
9. John Rawls, *A Theory of Justice* (2000), Universal, New Delhi
10. Edward H. Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago
11. Julius Stone. *The Province and Function of Law* Ch.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi
12. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985), Butterworths.
13. J. Stone. *Legal System and Lawyer's Reasoning* (1999), Universal Law Publishing Co., New Delhi
14. Upendra Baxi, *The Indian Supreme Court and Politics*. (1980), Eastern Book Co., Lucknow.
15. Rajeev Dhavan. *The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi – Bombay.
16. Virendra Kumar, *Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance*, 49 *Journal of the Indian Law Institute*, PP 365-395, (2007).
17. A. S. Anand, *Judicial Review – Judicial Activism–Need for Caution*, 42 *Journal of Indian Law Institute* P. 149 (2000).
18. Upendra Baxi, “On how not to Judge the Judges” 25 *Journal of the Indian Law Institute*, P. 211 (1983).
19. Henry J. Abraham, *The Judicial Process* (1998), Oxford.
20. S.P.Sathe, *Judicial Activism in India: Transgressing borders and Enforcing Limits*, Oxford New Delhi. (2002).
21. Granville Austin , *Judicial Process*
22. AG Norani : 50 years of Indian Constitution

## LEGAL RESEARCH METHODOLOGY

### UNIT-I

#### 1. Research Methods

- i. Introduction to Research Methodology
- ii. Social Legal Research- percept, Nature, Objectives, Types
- iii. Doctrinal and non-doctrinal
- iv. Relevance of empirical research
- v. Induction and deduction

### UNIT-II

#### 2. Identification of Problem of research

- i. What is a research problem?
- ii. Survey of available literature and bibliographical research.
- iii. Legislative materials including subordinate legislation, notification and policy statements.
- iv. 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.
- v. Juristic Writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.
- vi. Compilation of list of reports or special studies conducted relevant to the problem.

### UNIT-III

#### 3. Preparation of the Research Design

- i. Formulation of the Research problem
- ii. Devising tools and techniques for collection of data: Methodology
- iii. Methods for the collection of statutory and case materials and juristic literature
- iv. Use of historical and comparative research materials
- v. Use of observation studies
- vi. Use of questionnaires/interview
- vii. Use of case studies
- viii. Sampling procedures – design of sample, types of sampling to be adopted.’
- ix. Use of scaling techniques

### UNIT-IV

- i. Jurimetrics
- ii. Computerized Research – A study of legal research programmes such as Lexis and West law coding, SPSS
- iii. Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
- iv. Analysis of data
- v. Plagiarism, Referencing styles
- vi. Report writing
- vii. Ethical issues in research

**Suggested 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, McGraw - Hill Book Company, London.
4. H. M. Hyman, Interviewing in Social Research (1965)
5. Payne, The Art of Asking Questions (1965)
6. Eiwin 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. Harvard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research and Methodology
10. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.
11. Baxi, Upendra, 'Socio-Legal Research in India – A Program Schriff, ICSSR, Occasional Monograph, 1975.
12. Cohen, Morris L., 'Legal Research', Minnesota, West Publishing Co. 1985.
13. Ghosh, B.N., 'Scientific Method and Social Research', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
14. Goode and Hatt, 'Methods in Social Research', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
15. Johari J.C. (ed), 'Introduction to the Method of Social Sciences', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
16. Kothari C.K., 'Research Methodology: Method and Techniques', New Delhi, Wiley Eastern Ltd., 1980.
17. Stone, Julius, 'Legal System and Lawyer's Reasoning', Sydney, Maitland Publications, 1968.

**Practical of Research Methodology**

- i. Reviewing the literature
- ii. Preparation of the Research Design
- iii. Sampling methods
- iv. Using secondary data
- v. Quantitative and qualitative research methodologies
- vi. Primary data collection techniques (interviews, focus groups, questionnaires etc.)
- vii. Analysis of qualitative data and quantitative data
- viii. Use of software for design and basic analysis of survey questionnaires
- ix. Computerized Research –SPSS
- x. Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
- xi. Analysis of data
- xii. Plagiarism, Referencing styles
- xiii. Report writing

**Note: Assessment of this paper shall be made on practical based out of 50 marks.**

## Bridge Paper for M.A. (Criminal Law)

### JURISPRUDENCE, PRINCIPLES OF LEGISLATION AND STATUTORY INTERPRETATION

#### UNIT- I

##### Philosophical foundation of Law

1. Jurisprudence-
  - i. Meaning, Nature and Scope of Jurisprudence
2. Nature of law and Administration of Justice:
  - i. Definition and Kinds of Law,
  - ii. Various Sources of law,
  - iii. Nature of Law - Natural Law,
3. Schools of Jurisprudence:
  - i. Analytical school,
  - ii. Historical School,
  - iii. Sociological School,
  - iv. Realism School,
4. General principles of statutory interpretation:
  - i. Primary or literal rule of interpretation,
  - ii. Mischief rule,
  - iii. Golden rule,

#### UNIT-II

##### Constitutional Law & Philosophy

- i. Preambular Philosophy
- ii. Fundamental Rights and Fundamental Duties
- iii. Directive Principles of state policy
- iv. Legislative, Executive & Judiciary
- v. Constitutional remedies
- vi. Emergency Provisions

#### UNIT- III

##### Major Tenets of Criminal Law

- 1. Criminal Law : A Backgrounder**
  - i. Historical Development of Indian Penal Code
  - ii. Extend and Operation of the Penal Code
  - iii. Definitions
- 2. Elements or Conditions of Criminal Liability**
  - i. *Actus reus* or the Harm Principle
  - ii. Elements and conditions of Crime: External and Internal Intention, Recklessness, Negligence, Relevance of Motive, Strict Liability.
  - iii. *Mens rea* or the Guilty mind or Blame worthiness principle
  - iv. Concurrence or the Concurrence Principle

## UNIT- IV

### Law Enforcement Mechanism

1. General principles relating to Fair Trial
2. Classes of Criminal Courts and Powers
3. Classification of Offences
  - i. Cognizable and Non-cognizable offences.
  - ii. Bailable and Non-Bailable offences.
  - iii. Compoundable and Non-Compoundable offences
4. Major types of Trials
5. **Central Conceptions in The Law of Evidence**
  - i. Nature of Law of Evidence
  - ii. Section 3 definition
  - iii. Types of Evidence
  - iv. distinction - relevant facts/facts in issue
  - v. General Principles concerning admission and "confession"
  - vi. Dying Declaration

### Suggested Readings

- |     |               |   |  |
|-----|---------------|---|--|
| 1.  | Paton         | : | A Text Book of Jurisprudence                             |
| 2.  | Julius Stone  | : | The Province and Function of Law                         |
| 3.  | Friedmann     | : | Legal Theory   |
| 4.  | Dias          | : | Jurisprudence  |
| 5.  | Keeton        | : | Jurisprudence  |
| 6.  | Rolles        | : | Theory of Jurisprudence                                  |
| 7.  | Maxwell       | : | Interpretation of Statutes                               |
| 8.  | Sarathi       | : | Interpretation of Statutes                               |
| 9.  | G.P. Singh    | : | Principles of Statutory Interpretation                   |
| 10. | Swarup        | : | Legislation and Interpretation                           |
| 11. | Craies        | : | Statute Law  |
| 12. | W. Twining    | : | How to do things with rules : A Primer of Interpretation |
| 13. | P.M. Bakshi   | : | Legislative Drafting                                     |
| 14. | Bentham       | : | Theory of Legislation                                    |
| 15. | Ruthnaswamy   | : | Legislation Principles and Practice                      |
| 16. | Bindra        | : | Interpretation of Statutes                               |
| 17. | P.K. Tripathi | : | Spotlights on Constitutional Interpretation              |
| 18. | U. Baxi       | : | The Indian Supreme Court and Politics                    |



## SEMESTER-II

### SUBSTANTIVE CRIMINAL LAW

#### UNIT-I

#### 1. Criminal Jurisprudence and Elements of Crimes

- i. Jurisprudence in Criminal Laws
- ii. Principles of Criminal Law
- iii. Concept of Crimes, Elements, Transferred Malice, Liability, Stages of Crimes,
- iv. Influence of various schools in framing the Indian penal code 1860 – Historical background
- v. Elements or Conditions of Criminal Liability
- vi. *Actus reus* or the Harm Principle
- vii. Elements of Crime: External and Internal Intention, Recklessness, Negligence, Relevance of Motive, Strict Liability.
- viii. *Mens rea* or the Guilty mind or Blame worthiness principle
- ix. Concurrence or the Concurrence Principle

#### UNIT-II

#### 2. Complicit Criminality and Incomplete or Inchoate Crimes

- i. Abetment
- ii. Conspiracy
- iii. Group or Joint Liability U/Ss 34 or 149 IPC
- iv. Attempts under the Indian Penal Code

#### UNIT-III

- i. General Exception, Joint and Constructive Crime,
- ii. Statutory offences against the state and concerning armed forces.
- iii. Offences against Body- Culpable Homicide and Murder

#### UNIT-IV

#### 3. Offences against Vulnerable Groups

- I. Crimes against Women- Provisions of IPC and Contemporary enactments
  - a. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
  - b. Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995
  - c. The Immoral Traffic (Prevention) Act, 1956
  - d. Dowry Prohibitions Act 1961
- II. Crimes against Children- Provisions of IPC and Protection of Children from Sexual Offences Act (POCSO) 2012
- III. Crimes against Socially-Economically disadvantaged people, Minorities (SC/ST).
- IV. Crimes against Sexual Minorities and Laws- Transgenders, Gay, Lesbian etc.
- V. Crimes against Persons with special needs *i.e.* Disables, Mentally ill and laws related thereto.

**Suggested 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. Gandhi, B.M. : Indian Penal Code (1996)
6. Gaur, H.S. : Penal Law of India, 9th Edn.
7. Gaur, K.D. : Criminal Law : Cases & Materials (1975)
8. Hall, Jerome : General Principles of Criminal Law (1960), 2nd Edn.
9. Halsbury's : Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI
10. Huda, Shamshul : Principles of Law of Crime in British India (1902) (Reprint, 1993-Eastern Book Co., Lucknow)
11. Kane, P.V. : History of Dharamshashtra, Vol. III
12. Kenny's : Outlines of Criminal Law, 19th Edn.
13. Mayne, J.D. : Criminal Law of India, 4th Edn.
14. Nelson : Indian Penal Code
15. Nigam, R.C. : Law of Crimes in India, Vol. I
16. Rattan Lai : The Law of Crimes (20th Edn.)
17. Russel : On Crime, 12th Edn., Vol. I
18. Siddique, Ahmad : Criminology, 4th Edn., 1997
19. Stephen, James : History of Criminal Law, Vols. I & II and
20. Digest of Criminal Law, 9th Edn.
21. Kenny's Outlines of Criminal Law
22. Hall's Principles of Criminal Law
23. H.C. Gour's Indian Penal Code
24. Atchuttan Pillai's Indian Penal Code
25. Bhatia's Preventive Detention Laws in India

## CRIMINAL JUSTICE SYSTEM AND SECURITY LAWS

### UNIT-I

- i. National Security, Public Order and Rule of Law.
- ii. Earlier laws- Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, The Foreign Exchange Management Act, 1999 and the Foreign Exchange Regulation Act, 1973
- iii. the Customs Act, 1962
- iv. Earlier laws- Terrorist and Disruptive Activities (Prevention) Act (TADA) & The Prevention of Terrorism Act, 2002 (POTA) and Contemporary laws
- v. Special courts and tribunals - Due process and special legislation

### UNIT-II

#### 1. Laws Related to Internal Security

- i. The National Security Act, 1980
- ii. Maintenance of Internal Security Act of 1971
- iii. Martial Law 1) Provision in English Law 2) Provision in India
- iv. Firearms- Arms Act
- v. Armed Forces (Special Powers) Act (AFSPA) 1958

### UNIT-III

#### 2. Organized Crime in India

- i. Definition and Scope
- ii. Characteristics of organized crime
- iii. Types of organized crime
- iv. Causes of organized crime
- v. Drug trafficking - IPC provisions - Narcotic Drugs and Psychotropic Substances Act, 1985
- vi. Smuggling, Money Laundering and Hawala, Counterfeiting of Currency - special enactments, penal provisions
- vii. Trafficking of Human and Human Organs- special enactments, penal provisions
- viii. The Nexus of Organized Crime and Politics

### UNIT-IV

#### 3. Hate Crimes in India

- i. Communal violence in India- problems in the Legal system- finding of various commission reports on various communal violence
- ii. Honour Killing- Law and Judicial Verdicts
- iii. Hate Speech and Laws

#### Suggested Readings:

1. Ashok Kumar: 'Challenges to Internal Security of India'
2. Archana Sharma: Threats to India's Internal Security Need for A New Strategy
3. Shrikant Paranjpe: India's Internal Security: Issues and Perspectives
4. Harsh V. Pant , Kanti P. Bajpai: India's National Security: A Reader
5. Namrata Goswami: India's Internal Security Situation: Present Realities and Future Pathways, IDSA Monograph Series No. 23, 2013
6. Institute for Defence Studies and Analyse MONOGRAPH SERIES
7. Institute for Defence Studies and Analyse Books Series

## INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME

### UNIT-I

#### 1. International criminal law Development

- i. The substantive international law
  - a. The concept of an international crime
  - b. Crimes under general international law (i): general
  - c. Crimes under general international law (ii): imposing responsibility
  - d. Crimes under general international law (iii): excluding responsibility
  - e. Treaty crimes (i): general
  - f. Treaty crimes (ii): focus on treaty-based responses to terrorism
- ii. The role of the International Criminal Court and jurisdiction – The Rome Statute
  - a. The crime of aggression
  - b. Genocide
  - c. Crimes against humanity
  - d. War crimes
  - e. Terrorism and transnational crimes
- iii. The objectives and policies of international criminal law; including issues of amnesty, truth and justice
- iv. Various International criminal tribunals
- v. Emerging issues in international criminal law

### UNIT-II

#### 1. Transnational crimes

- i. Definition and Scope
- ii. Characteristics of Transnational crime
- iii. Types of Transnational crime
- iv. Causes of Transnational crime
  - a. Criminal Intent and *mens-rea* in such crimes
  - b. Modus operandi of Transnational crime

#### 2. Classification of Transnational Crimes

- A. International Perspective
  - i. Drug Trafficking as Transnational Crime
  - ii. Trafficking of Weapons
  - iii. Counterfeit of Goods
  - iv. Trafficking of Persons and Smuggling of Migrants
  - v. Money Laundering
  - vi. Terrorism
  - vii. Environmental Crimes

### UNIT-III

#### 3. Laws relating to Transnational Crime

- i. Organised crime and United Nations,
- ii. The UN Convention on transnational and organised crime
- iii. Naples Declaration and Global Action Plan 24 Dec. 1994
- iv. United Nations Conventions Against Organized Crime, 2000

#### UNIT-IV

#### 4. Prevention, control and correctional strategies

- i. Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
- ii. International investigative agencies (Interpol etc), Adjudication authorities (including ad hoc and permanent criminal tribunals),
- iii. Role of Police in Investigation of organized crime
- iv. Role of Judiciary, Trial and Sentencing in organized crime
- v. Profiles of Criminal Gang / Investigation and Prosecution

#### Suggested References:

1. The International Criminal Court: Challenges to Achieving Justice and Accountability in the 21st Century by Mark S. Ellis; Richard J. Goldstone. International Debate Education Association, 2008
2. An Introduction to International Criminal Law and Procedure Paperback – June 28, 2010 by Robert Cryer, Hakan Friman, Darryl Robinson
3. International Criminal Law: Cases and Commentary (Paperback) By (author) Antonio Cassese, By (author) Guido Acquaviva, By Mary De Ming Fan, Alex Whiting
4. An Introduction to Transnational Criminal Law (Paperback) by Neil Boister
5. The International Criminal Court: A Commentary on the Rome Statute (Oxford Commentaries on International Law) By William A. Schabas
6. An Introduction to the International Criminal Court By William A. Schabas
7. International and Transnational Criminal Law by David Luban , Julie R. O'Sullivan, David P. Stewart
8. From Nuremberg to the Hague: The Future of International Criminal Justice, Philippe Sands., Cambridge University Press, 2003
9. Transnational Organized Crime- An Overview from Six Continents by Jay Albanese, Philip Reichel
10. Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols (Oxford Commentaries on International Law) Hardcover – May 17, 2007 by David McClean, Oxford University Press (May 17, 2007)
11. Handbook of Transnational Crime and Justice by Jay Albanese, Philip Reichel, Sage Publications.

## PRIVILEGED CLASS DEVIANCE

### UNIT-I

#### 1. Introduction:

- i. Indian approaches to socio-economic offences.
- ii. Notions of privileged class deviance as providing a wider categorization of understanding Indian development.
- iii. Typical forms of such deviance

### UNIT-II

#### 2. Official deviance (deviance by legislators, judges, bureaucrats)

- i. Conception of Official deviance- permissible limit of discretionary powers.
- ii. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission- in 1959 and 1971.
- iii. The Chagla Commission Report on LIC-Mundhra Affair
- iv. The Das Commission Report on Pratap Singh Kairon
- v. The Grover Commission Report on Dev Raj Urs
- vi. The Maruti Commission Report
- vii. The Ibakkar-Natarajan Commission Report on Fairfax.
- viii. Various reports on Black Money
- ix. Laws related to Lokpal/Lokayukta (The Lokpal and Lokayuktas Act, 2013)

### UNIT-III

#### 3. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers

- i. Unethical practices at the Indian bar
- ii. The Lentin Commission Report
- iii. The Press Council on Unprofessional and Unethical journalism
- iv. Medical malpractice.

#### 4. Trade union deviance (including teachers, lawyers/urban property owners)

#### 5. Landlord deviance (class/caste based deviance)

### UNIT-IV

#### 6. Police deviance

- i. Structures of legal restraint on police powers in India
  - ii. Unconstitutionality of “third-degree” methods and use of fatal force by police.
  - iii. “Encounter” killings
  - iv. Police atrocities
  - v. The plea of superior orders
  - vi. Rape and related forms of gender-based aggression by police and para-military forces.
  - vii. Reform suggestions especially by the National Police Commission
7. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
  8. Gender-based aggression by socially, economically and politically powerful.
  9. Response of Indian Legal Order to the Deviance of Privileged Classes
    - i. Vigilance Commission
    - ii. Public Accounts Committee

- iii. Ombudsman
- iv. Commissions of Enquiry
- v. Prevention of Corruption Act, 1988
- vi. The Antulay Case.

### **Suggested References:**

1. Upendra Baxi, The Crisis of the Indian Legal System (1982),. Vikas Publishing House, New Delhi
2. Upendra Baxi (ed.), Law and Poverty: Assays (1988)
3. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
4. Surendranath Dwivedi and G.S.Bhargava, .Political Corruption in India
5. A.R.Desai (ed.), Violation of Democratic Rights in India (1986)
6. A.G.Noorani, Minister's Miscounduct (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.)
8. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey' of Sociology and Social Anthropology 1969-179 (1986)

### **Doctrinal Research Paper**

Each student has to submit a doctrinal research on the basis of the doctrinal research method taught in the legal research methodology by collecting secondary data from various sources collating with legal issues.

**SEMESTER-III****COMPARATIVE PERSPECTIVES OF CRIMINAL PROCEDURAL LAW****UNIT-I****1. Diverse systems and Models of Criminal Proceedings**

- i. Adversarial / Accusatorial and Inquisitorial Systems
  - Core features of inquisitorial and adversarial systems
  - Trends of borrowing the best under both systems
- ii. Crime Control Model and Due Process Model
  - Common elements
  - Differing points of emphasis
- iii. Indian system of Justice Administration and its challenges

**UNIT-II****2. Pre-trial Processes**

- i. Bringing information about crime incident before the formal system (Police or Magistrate) Sections 154 & 155 and 190 (complaint)
- ii. Investigation of Crime- Sections 157 to 173
- iii. Bail and Remand
- iv. Rights of Accused and Victim
- v. Right to Counsel and Legal Aid
- vi. Principal Features of a Fair Trial

**UNIT-III****3. Trial Processes**

- i. Taking Cognizance by courts and committal proceedings
- ii. Hierarchy of Criminal Courts and types of trials
- iii. Framing of Charge and Discharge Proceedings
- iv. Acquittal or Conviction
- v. Revision, Appeal and transfer of case for trial

**UNIT-IV****4. Sentence Process**

- i. Pre-sentence hearing Ss 235(2) and 248(2)
- ii. Transfer of Cases
- iii. Sentences- Execution, Suspension, remission and commutation of sentences
- iv. Reformatory Sentence
- v. Withdrawal from prosecution
- vi. Plea Bargaining
- vii. Compounding of Offences

**Suggested Readings**

1. K.N. Chandrasekhan Pillai : R.V. Kelkar's Criminal Procedure (2008) Eastern.
2. K.N.S. Pillai : Lectures on Criminal Procedure
3. K.I. Vibhute : Criminal Justice (2004) Eastern
4. R.V. Kelkar's : Criminal Procedure (4th Edn.) Eastern
5. Justice Malimath Committee Report on Reforms of Criminal Justice System (2003)
6. Government of India, Ministry of Home Affairs
7. Law Commission of India Reports
8. Woodroffe: Commentaries on Code of Criminal Procedure, Vol. I & II (2000) Universal.



## CYBER CRIMES

### UNIT-I

1. Meaning, Definition, Nature of Cyber crimes
2. Historical Genesis and Evolution of Cyber Crimes

### UNIT-II

3. Statutory Laws pertaining to Cyber Crimes in India:
  - i. Indian Penal Code
  - ii. Indian Evidence Act.
  - iii. Information Technology Act 2000 and amendments act 2008.
4. Specific Cyber crimes
  - i. Cyber Stalking
  - ii. Cyber Terrorism
  - iii. Child Pornography
  - iv. Computer viruses

### UNIT-III

5. Nature and Definition of Cyber Crime
6. Offence and Penalties under the IT Act 2000
7. Cyber Policing in India: Legal Status
8. Cyber Crime Investigation
  - i. Technical Aspect: Information in the computer, confiscation, protection and packing, computer examination.
  - ii. Legal Aspect: power to investigate and procedure for investigation.
  - iii. Jurisdiction over Cyber crimes.

### UNIT-IV

9. Cyber Crimes Laws of USA, U.K. and Canada: A Comparative Study.
10. **Cyber Law: International Perspectives**
  - i. Budapest Convention on Cybercrime
  - ii. ICANN's core principles and the domain names disputes
  - iii. Net neutrality and the EU electronic communications regulatory framework
  - iv. Web Content Accessibility Guidelines (WCAG) 2.0
11. **Cyber Law – Contemporary Trends**
  - i. Impact of cyber warfare on privacy, identity theft.
  - ii. International law governing Censorship, online privacy, copyright regulations,
  - iii. Online Intermediaries in the governance of Internet
  - iv. Social Networking Sites vis-à-vis Human Rights.

**Suggested References:**

1. An Introduction to Cyber Crime and Cyber Law ;Dr.R.K.Chaubay
2. Cyber crime in India : Dr.M.Dasgupta
3. Cyber laws and crimes :Barkha & U.Ramamohan Information Technology Act 2000
4. Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber
5. Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
6. Deflem, Mathieu, and J. Eagle Shutt. 2006 “Law Enforcement and Computer Security Threats and Measures.” Pp. 200-209 in The
7. Handbook of Information Security, Volume 2: Information
8. Warfare; Social, Legal, and International Issues; and Security
9. Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.
10. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
11. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
12. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
13. McQuade, Samuel C (2005). Understanding and managing cyber crime. New Jersey: Allyn & Bacon.
14. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
15. Seymour Goodman and Abraham Soafer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
16. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
17. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York, <http://www.uncjin.org/Documents/EighthCongress.html>
18. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

## HUMAN RIGHTS UNDER CRIMINAL JUSTICE SYSTEM

### UNIT-I

#### 1. The Concept, History and Development of human Rights.

- i. History of human rights civilization
- ii. Magna Cart,
- iii. British Bill of Rights
- iv. American Declaration of Independence
- v. Declaration of Rights of Man and Citizen
- vi. International Bill of Rights

#### 2. Theories of Rights

- i. Natural Rights Theory
- ii. Legal/Positivist Theory
- iii. Liberal Theory
- iv. Marxist Theory
- v. Cultural Theory
- vi. Sociological theory

### UNIT-II

#### 3. International bills and Criminal Justice System

- i. Universal Declaration on Human Rights:
  - a. History of the Declaration
  - b. Structure of the Declaration
  - c. Legal Significance
- ii. Rights under Criminal Justice System and International Covenants: ICCPR and ICESCR
  - a. Nature and Characteristic
  - b. Optional Protocols
- iii. Rights under Criminal Justice System and Regional Instruments
  - a. European Convention on Human Rights
  - b. American Convention on Human Rights
  - c. African Charter on Human and People's Rights
  - d. Asia and Human Rights

### UNIT-III

#### 4. In India

- a. History and Development of Human Rights in Indian Constitution.
- b. Constitutional Philosophy.
- c. Preamble
- d. Human Rights Problems requiring the need of criminal justice - namely police atrocities,
- e. Protection of Human Rights in Criminal Justice Administration
  - i. Compensation jurisprudence
  - ii. Art. 20 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination

- iii. Art. 21 Impact of expansive interpretation on criminal jurisprudence, Meaning of terms : Life and Personal liberty Fair Procedure Due Process of Law
- iv. Right of Accused Arrest, Hand Cuffing Bail, Speedy Trial Torture Custodial
- v. Violence Compensation Public Interest Litigation : Direct access to Courts in case of violation of Fundamental Right and other implicit rights
- vi. Death Penalty in Light of Art. 21
- vii. Art. 22 Protection to Accused in case of punitive detention Protection against Preventive Detention

#### **UNIT-IV**

### **5. Role of various Agencies in Protection of Human Rights under CJS**

#### **i. At International Level**

- i. Human Rights and the United Nations Charter:
- ii. Normative and Institutional Framework of the UN
- iii. Role of the permanent organs of the UN, Human Rights
- iv. Commissions, UN High Commissioner for Human Right

#### **ii. At National Level**

- i. The Protection of Human Rights Act, 1993 and amendments.
- ii. National Human Rights Commission
- iii. State Human Rights Commissions.
- iv. Human Rights Courts
- v. Other Commissions.
- vi. Emerging regime of new human rights under CJS in India.

**Suggested References:**

1. Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference to India (New Delhi: D.K. Publishers, 1993)
2. Aroras, Nirman, "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41, nos.3, and 4, 1999, pp. 513-29
3. Bajwa, G.S. and D.K. Bajwa, Human Rights in India :
4. Implementation and Violations (New Delhi: D.K. Publishers, 1996)
5. Baxi, Upendra, "Clemency, Extradition and death: the Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998, pp.501-86.
6. Bhargava, G.S., "National Human Rights Commission: An Assessment of Its Functioning", in K.P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: Gyan Publishing House, 1999), pp.106-118.
7. Amnesty International, "Campaign for the Abolition of Torture", Philosophy and Science Action, vol.5, nos. 3-4 1984, pp.205-208.
8. Aroras, Nirman "Custodial Torture in Police Station in India :A Radical Assessment", Journal of Indian Law Institute, vol. 41, nos.3 and 4, 1999, pp.513-29
9. Bag, R.K., "Domestic Violence and Crime Against Women: Criminal Justice Response in India ", Journal of Indian Law Institute, vol. 39, nos.2- 4, 1997, pp.359-75.
10. Batra,Manjula, Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989)
11. Bava,Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
12. Bhagwati, P.N., " Human Rights in the Criminal Justice System", Journal of the Indian Law Institute, vol. 27, no.1, 1985, pp 1-22.
13. Blackshield, A.R."Capital Punishment in India " , Journal of Indian Law Institute vol. 21 no.2, 1979, pp 137-226.
14. Burgers, J.H., "The Fights against Torture ", International Commission of Jurists, no.32, 1984,pp.47-48
15. Jaswal, P.S. and N. Jaswal , "Right to Personal Liberty and Handcuffing: Some Observations", Journal of the Indian Law Institute, vol.33, no.2, April- June 1991, pp.246-53
16. Sharma, S.C., Police and Human Rights (1999).
17. Upadhyay, C.M., Human Rights in Pre-trial Detention (1999).

## CRIMINOLOGY AND PENOLOGY

### UNIT-I

#### 1. Criminology

- i. Criminology: Definition Nature, Scope and importance of Criminology
- ii. Relation between Criminology and other disciplines
- iii. Crime: Concept, types and trend
- iv. Psychology of Crime
- v. Understanding the causes of crime: Major Schools of Criminology

### UNIT-II

#### 2. Criminal Justice System

- i. Meaning, Purpose and Social Relevance;
- ii. Legislative Process and CJS;
- iii. Functionaries of CJS: Police, Prosecution, Judiciary, Prison

### UNIT- III

#### 3. Administration of CJS-Police

- i. Fundamentals of Police Administration
- ii. Organization and Structure of Police
- iii. Police Act of 1861 – Recent State enactment (The Rajasthan Police Act, 2007)
- iv. Police Reforms in Independent India and Judicial Intervention
- v. Policing in Modern Society- Different approaches including Community Policing etc.

### UNIT- IV

#### 4. Penology

- i. Nature, concept and types of Punishment
- ii. Theories of punishment
- iii. Corporal and Capital Punishment; Attitude on Pros and Cons of Capital Punishment
- iv. Rights of Prisoners; Alternative approaches to Imprisonment & Community Based Correction
- v. Sentencing-Process and Policies, Alternative Sentencing system

#### Suggested References:

1. Sutherland:principles of criminology(latest Edition)
2. Garofolo:Criminology Parts I,II and III (Latest Edition).
3. Taft:Criminology (Latest Edition)Part-I-Ch 1,3 for study.
4. Pillai:Principles of Criminology lectures 2,3,4,5,6,9,11 and 12.
5. Cavan :Criminology Part-I Omitting Chapter 2. Part II-full.
6. Lombroso,Casare:Crime,its cause and remedies.
7. Different Reports published by government of India form time to time.
8. Moral Approach to criminal Law by Radzinowicz and Turner.
9. New Horizons in Criminology by Barnes and Tettters.
10. Pioneers in Criminology edited by Minnhein.
11. Criminology : Ahmad Siddique
12. Criminology and Penology : Prof N.V.Paranjape
13. S.Chhabbra, The Quantum of Punishment- in Criminal Law (1970) H.L.A.
14. Hart, Punishment and Responsibility (1968)

15. Herbert L. Packer, *The Limits of Criminal Sanction* (1968)
16. Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
17. A.Siddique, *Criminology* (1984), Eastern, Lucknow,
18. Law Commission of India, *Forty-Second Report Ch. 3* (1971)
19. K. S. Shukla, "Sociology of Deviant Behaviour" in *3 ICSSR Surveys of Sociology and Social Anthropology 1969-179* (1986)
20. Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R.Campray & Co., Calcutta
21. U. Baxi, "Dissent, Development and Violence" in' R.Meaghar (ed.). *Law and Social Change: Indo-American Reflections* 92 (1988)
22. U. Baxi (ed.), *Law and Poverty: Critical Essays* (1988)
23. A.R. Desai (ed.), *Peasant Struggles in India* (1979)
24. A.R. Desai, *Agrarian Struggles in India: After Independence* (1986)
25. A.R.Desai, *Violation of Democratic Rights in India* (1986)
26. D.A. Dhangare, *Peasant Movement in India 1920-1950* (1983)
27. Ranjit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (1983) Ranjit Guha (ed.), *Subaltern Studies Vol-6* (1983-88)
28. T. Honderich, *Violence for Equality* (1980).
29. "The Logic of Religious Violence: The Case of Punjab" *22 Contributions to Indian Sociology* 65 (1988)
30. Rajni Kohari, *State against Democracy* (1987)
31. G.Shah, *Ethnic Minorities and Nation Building: Indian Experience* (1984)
32. K. S. Shukla, "Sociology of Deviant Behaviour" in *3 ICSSR Survey of Sociology and Social Anthropology 1,969-1979* (1986).
33. S. Chhabbra, *The Quantum of Punishment in Criminal Law* (1970),
34. H.L.A. Hart, *Punishment and Responsibility* (1968)
35. Herbert L. Packer, *The Limits of Criminal Sanction* (1968)
36. Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
37. Siddique, *Criminology* (1984) Eastern, Lucknow.
38. Law Commission of India, *Forty-Second Report Ch. 3* (1971)
39. K.S. Shukla, "Sociology of Deviant Behaviour" in *3 ICSSR Survey' of Sociology and Social Anthropology 1969-179* (1986)
40. Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R.Campray & Co., Calcutta.
41. Upendra Baxi, *The Crisis of the Indian Legal System* (1982) Vikas Publishing House, New Delhi.
42. Upendra Baxi (ed.), *Law and Poverty: Essays* (1988)
43. Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond* (1989)
44. Surendranath Dwevedi and G.S. Bhargava, *Political Corruption in India* (1967)
45. A.R. Desai (ed.) *Violation of democratic Rights in India* (1986)
46. A.G. Noorani, *Minister's Misconduct* (1974)
47. B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in *The Other Side of Development* 136 (1987; K.S. Shukla ed.).
48. Indira Rotherrn und, "Patterns of Trade Union Leadership in Dhanbad Coal fields" *23 J.I.L.I* 522'(1981)

### **Non-Doctrinal Research Paper**

Each student has to submit a doctrinal research on the basis of the doctrinal research method taught in the legal research methodology by collecting primary data from various sources collating with legal issues.

## SEMESTER-IV

### EVIDENTIARY ISSUES RELATING TO USE OF MODERN TECHNOLOGY AND FORENSIC IN CRIMINAL TRIALS

#### UNIT-I

##### 1. Understanding Evidence

- i. Facts : Section 3 definition : distinction - relevant facts/facts in issue
- ii. Types of Evidence
- iii. "Proving" "Not providing" and "Disproving" Witness
- iv. Presumption (Section 4) Presumptions (Sec.4, 41, 79-90, 105,107,108,112,113-A, 114 and 114-A)
- v. Rules relating to Burden of Proof (Sec.101-105)
- vi. The Doctrine of *Res Gestae*
- vii. General Principles concerning Admissions and Confessions.
- viii. Evidence by accomplice (Sec.133 with 114(b))

#### UNIT-II

##### 2. Crucial Role of Evidence in Criminal Trials

- i. Need for investigating agencies to appreciate the special value of use of modern technology in collection and presentation of evidence

##### 3. The role of Forensic Sciences in Criminal Cases.

- i. Kinds of Forensic Evidence
- ii. The basic question in investigation-*Qui Bono*;
- iii. The scene of crime;
- iv. Discovery of traces of physical evidence;
- v. Classification and reference to classified record:
- vi. Systematization and classification of physical evidence and comparison with suspected material;
- vii. The principles of exchange;
- viii. The principles of heredity, Taxonomy, etc.
- ix. Probative Value of Forensic Evidence
- x. Processes Involved in Collecting Forensic Evidence

##### 4. The Establishment of Identity

- i. The Establishment of Identity of Individuals:-
- ii. Footprints, hair, skin, blood grouping; physical peculiarities.
- iii. The Establishment of the Identity of Physical Objects by shape and size: Identifying marks and impressions made by physical objects; shoe prints: type and tread marks; die and tool marks; uptake of fracture marks.
- iv. The Establishment of the Identity of Physical Objects by Physical and Chemical Analysis: Paints; coloured objects: metal; alloys; chain and the earthen wares: cements: Plaster; bricks: dusts; soil minerals; plastics.



**UNIT-III****5. Questioned Documents and the Identification of Handwriting:**

- i. Paper, its types and identification;
- ii. Inks: pencils and writing tools;
- iii. Handwriting habit and flow; Disguised writing; comparison and points of identity;
- iv. Samples; various type of forgery and their detection;
- v. Additions; erasures alterations; seals; rubberstamps; typewriting; printing; blocks.

**6. The Identification of Fire-Arms and Cartridges and Related Problems:**

- i. Type of fire-arms and their use; time and range of firing;
- ii. Identification of a fire-arm with a cartridge case and bullet;
- iii. Miscellaneous fire-arm problems like origin or direction of fire.

**UNIT-IV****7. Injuries to Persons:**

- i. Evidentiary value of details of injuries;
- ii. Traces left by the weapon used: its range and direction;
- iii. Danger to clothing worn by the victim and related problems;
- iv. The flow of blood from injuries;
- v. The shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects;
- vi. Accidental deaths and suicides.

**8. Evidentiary value of Physical Evidence as Evaluated a Forensic sciences laboratory viz, Evidence with scientific report.**

- i. Fallibility of eye witnesses. The probative value of such evidence.
- ii. Findings of scientific methods of investigation; their probative value.
- iii. Assessment of value from actual cases. Value to be assigned to the different types of exhibit. Restoration of numbers;
- iv. Examination of the walking, picture of footprints; clothing; copper wire; pieces of wood etc.

**9. Modern scientific Techniques**

- i. Narco-Analysis
- ii. Tests, Polygraph test, Brain Mapping Test, hypnotism,
- iii. Lie Detector Test & others

**Suggested Readings:**

1. Sarkar and manohar , Sarkar and Evidence (1999) Wadha & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Rattan Lal, Dhiraj Law Law of Evidence (1994) Wadhwa, Nagpur
4. Pole in Murphy, Evidence (5th Edn. Reprint 2000) Universal Delhi.
5. Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998) Universal , Delhi.
6. Avtar Singh, Principles , of the law of Evidence (1992) , Central Law Agency , New Delhi.
7. Harry Soderman & John O. Conell, Modern Criminal Investigation, Fung and Wangnalls Co. New York
8. UN (1997) UN Mnaual on the Prevention and Control of Computer Related Crime, International Review of Criminal Policy NOs 43 & 44, UN, New York.
9. Barkha and U Rammohan, Cyber Law and Crimes
10. Albert J. Marcella & Robert S Greenfield (Eds), Cyber Forensics, A Field Manual For Collecting, Examining and Preserving Evidence of Computer Crimes (2002)
11. Pease. K., “Crime Futures and Foresight: Challenging Criminal Behaviour in Information Age” in D.Wall (Ed.) Crime and Internet, Routledge:London (2001)
12. McQuade, Samuel C, Understanding and Managing Cyber Crime, Allyn and Bacon, U.S.A (2005)
13. Dr.Jaishankar And Amin: Forensic Science in criminal Investigation
14. Max M. Houck, Jay Siegel : Fundamentals of Forensic Science
15. Sharma : Forensic Science In Criminal Investigation And Trials
16. Modern Criminal Investigation:Harry Soderman and john J.O.Conell(Published by Funk & Wangnalls Co.Inc.,New York)
17. Paul L.Kirk,ph.D: (Criminal Investigation: Published by inter Science publishers,Inc.,(New York).
18. Criminal Investigation:Cr.Aand Cross.(Published by sweet & Maxwell,Limited,London).
19. Gour,A.N.:fire arms,Forensic ballistics,Forensic chemistry and criminal jurisprudence
20. Lucas A : Forensic chemistry and scientific criminal investigation.
21. Lund quist.F.: Methods of forensic science (Vol.I)

## VICTIMOLOGY AND LAW OF PROBATION

### UNIT-I

#### 1. Victimology

- i. Victim, Victimization, Victimology ; Concept, Nature & Related Issues
- ii. Victimological theories
- iii. Key Concepts in Victimology: Need of understanding Victim Psychology  
Psycho-dynamics of Victimization- Primary Victimization, Secondary  
Victimization, Tertiary Victimization, Victim Vulnerability - Victimless  
Crimes

### UNIT-II

#### 2. Victims Assistance

- i. National & International Organization and Initiatives for Victims of Crime:  
Indian Society of Victimology, World Society of Victimology, The South  
Asian Society of Criminology and Victimology (SASCV), UN Declaration on  
Victims of Crime, 1985, The Commonwealth Human Rights Initiative,  
Amnesty International
- ii. Victim Assistance & Service: Types; Victims Assistance & Services of  
Criminal Justice System. Provision for victim compensation and  
compensatory Jurisprudence.
- iii. CJS and victim relationship: Collaborator or evidence - Victim & Police

### UNIT-III

#### 3. Therapeutic Approaches-I

- i. Prison Reforms
- ii. Probation and other flexible techniques
- iii. The Probation of Offenders Act, 1958
- iv. Parole

### UNIT-IV

#### 4. Therapeutic Approaches-II and Juvenile Delinquency

- i. The Juvenile Justice Act (care and Protection of Children), 2000 and  
amendments
- ii. Juvenile Institutions
- iii. Constitutional aspects.
- iv. Competent authorities
- v. Procedural safeguards for juveniles
- vi. Social action litigation concerning juvenile justice
- vii. Judicial decisions

**Suggested Reading:**

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 UNICEF periodic materials.
6. Singh Makkar, S.P, 1993, Global perspectives in Victimology, ABC Publications, Jalandar.
7. Rajan, V.N, 1981, Victimology in India: An Introductory Study, Allied Publishers, New Delhi
8. Devasia, V.V, 192, Criminology, Victim logy and Corrections, Ashish Publishing House, New Delhi
9. Schur, Edwin, M, 1965, Crimes without victims, Prentice Hall. Inc.
10. Sparks, Richard F, Genn, Hezel G, Dodd, David. J, 197, Surveying victims, John Wiley and Sons' Ltd.
11. Geiser, Robert. L, 1979, Hidden Victims, Beacon Press, Boston.
12. Parsonage, William H, 1979, Perspectives on Victimology, Sage Publications
13. Shapland, Joanna, Willmore Jon, Duff Peter, 1985, Gower Publishing Company Ltd.
14. Mc Donald, William F, 1976, Criminal Justice and the Victim, Sage Publications, London.
15. Drapkin Israel and Viano, Emilio, 1973, Victimology: A new focus Lexington Books.
16. Walklate, Sandra, 1989, Victim logy: The victim and the Criminal Justice Process, Unwin Hyman Ltd.
17. Ahmad Siddique, Criminology: Problem & Perspectives, Eastern Book Company

**Class room Teaching**

Each student will be assign two topics in advance to deliver class room teaching. Each class will be of 45 minutes by selecting any methods of teaching relating to Law and shall be assessed according to his/her performance.

**Dissertation**

To make the LL.M. program research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.