



**GUJARAT UNIVERSITY
AHMEDABAD**

**NEW SYLLABUS
OF
SEMESTER SYSTEM**

**MASTER OF LAWS (LL.M.)
CRIMINAL LAWS**

**EFFECTIVE FROM
JUNE - 2010**

GUJARAT UNIVERSITY

DESIGN AND STRUCTURE OF LL.M. Criminal Laws FOR SEMESTER BASED CREDIT SYSTEM TO BE IMPLEMENTED FROM JUN-2010.

EXPLANATION OF SEMSTER COURSES NOMENCLATURE AND TYPES

XXX INDICATE NAME OF DEPARTMENT/SCHOOL FOR EXAMPLE
PHY STAND FOR PHYSICS AND COM STANDS FOR COMMERCE

401 THE THREE DIGIT INDICATGE YEAR OF HIGHER EDUCATION
AND COURSE NUMBER. FOR EXAMPLE 401 INDICATES
FOURTH YEAR IF HIGHER EDUCATION AND FIRST COURSE
I.E. FIRST COURSE OF FIRST SEMESTER OF PART I OF P.G.
SIMILARLY 505 INDICATES FIFTH COURSE OF FIRST
SEMESTER OF FIFTH YEAR (PART II) OF P.G.

SUFFFIXES OF COURSE

NO SIFFOX FOR CORE COURSES
SUFFIX ECL FOR ELECTIVE CRIMINAL LAWS COURSE
SUFFIXRS FOR ELECTIVE CHOICES BETWEEN ELECTIVE GROUPS
A/B/C/ ETC
EA/EB/EC ETC
SUFFIX PT FOR PROJECTS
SUFFIX PR FOR PRACTICAL COURSES
SUFFIX S FOR SEMINAR COURSES
SUFFIX W FOR WORKSHOP COURSES

EXAMPLES

COM406 SIXTH COURSE OF SEMESTER ONE OF COMMERCE (M.Com)
COR COURSE
PHY411PR PRACTICAL COURSE OF PHYSICS (M.Sc.) OF SECOND SEMESTER
HIS511PR PROJECT COURSE (ELEVENTH COURSE OF THE FIFTH YEAR I.E.

BYFERCATION OF SEMESTERS

THERE ARE SIX COURSE IN EACH SEMSTER, THEREFOR

COURSE No. S 401 - 406 BELONG TO THE FIRST SEMESTER (PART I)

COURSE No. S 417 -412 BELONG TO THE SECOND SEMESTER (PART I)

COURSE No. S 501 -506 BELONG TO THE THIRD SEMESTER (PART II)

COURSE No. S 507-512 BELOND TO THE FOURTH SEMSTER (PART II)

LL.M.: Criminal Laws Semester System

Effective from June - 2010

Department	Semesters	COURSE		No. of Hours per Work				Course Credits
		No.	Name	Lectures	Others	Practical	Total	
LAW		LAW401	Legal Theories	3	1	-	4	4
		LAW402	Indian Constitutional Law: The New Challenges	3	1	-	4	4
	LAW403	Public International Law	3	1	-	4	4	
	LAW404ECL	Penology : Treatment and correctional philosophy of Offenders & Collective Violence	3	1	-	4	4	
	LAW405ECL	Privileged Class Deviance	3	1	-	4	4	
	LAW406ECL	Drug Addiction	3	1	-	4	4	
		Total	18	6	-	24	24	
	1	LAW407	Judicial Process	3	1	-	4	4
		LAW408	Law and Social Transformation in India	3	1	-	4	4
		LAW409	Legal Research Methodology	3	1	-	4	4
		LAW410ECL	Principles of Criminal Law	3	1	-	4	4
		LAW411ECL	Comparative Criminal Procedure	3	1	-	4	4
		LAW412ECL	Offences related to Juveniles	3	1	-	4	4
			Total	18	6	-	24	24
	2	LAW501ECL	Criminology	3	1	-	4	4
		LAW502ECL	Law of Evidence	3	1	-	4	4
		LAW503ECL	Forensic Science and Criminal Investigation	3	1	-	4	4
		LAW504ECL	Cyber Crimes	3	1	-	4	4
		LAW505ECL	Human Rights in Criminal Justice System	3	1	-	4	4
		LAW506ECL	Police and Criminal Justice System					
			Total	18	6	-	24	24
	3	LAW507PR	PR- class room Teaching			6	4	4
		LAW508PR	PR-Doctrinal Research			6	4	4
		LAW509PR	PR-Non Doctrinal Research			6	4	4
LAW510PR		PR-Clinical Research Report			6	4	4	
LAW511PT		PT-Dissertation and Submission of Thesis.				8	8	
		Total	0	0	24	24	24	

TOTAL CREDITS: 96

Group - B (Criminal Laws)

SEMESTER- I

1. Legal Theories : Paper No. 401 C
2. Indian Constitutional Law : The New Challenges : Paper No. 402 C
3. Public International Law : Paper No. 403 C
4. Penology: Treatment and correctional philosophy of Offenders & Collective Violence : Paper No. 404 ECL
5. Privileged Class Deviance : Paper No. 405 ECL
6. Drug Addiction : Paper No. 406 ECL

SEMESTER-II

7. Judicial Process : Paper No. 407 C
8. Law and Social Transformation of India : Paper No. 408 C
9. Legal Research Methodology : Paper No. 409 C
10. Comparative Criminal Procedure : Paper No. 410 ECL
11. Offences related to Juveniles : Paper No. 411 ECL
12. Principles of Criminal Law : Paper No. 412 ECL

SEMESTER-III

1. Criminology : Paper No. 501 ECL
2. Law of Evidence : Paper No. 502 ECL
3. Forensic Science and Criminal Investigation : Paper No. 503 ECL

4. Cyber Crimes : Paper No. 504 ECL
5. Human Rights in Criminal Justice System : Paper No. 505 ECL
6. Police and Criminal Justice System : Paper No. 506 ECL

SEMESTER-IV

1. PR - Class Room Teaching : Paper No. 507 C
2. PR - Doctrinal Research : Paper No. 508 C
3. PR - Non Doctrinal Research : Paper No. 509 C
4. PR - Clinical Research Report : Paper No. 510 C
5. PT - Dissertation and Submission of Thesis : Paper No. 511 C

SEMESTER - I PAPER - 401 C LEGAL THEORIES

LAW 401C Legal Theories

4 CREDITS

1. Analytical Legal Positivism

- 1.1 Analytical School
- 1.2 Jenny Bentham
- 1.3 John Austin

2. The Pure Theory

- 2.1 Hans Kelsen
- 2.2 The Basic Norm
- 2.3 Implication of Pure Theory
- 2.4 Contribution of Kelsen

3. Sociological School

- 3.1 The Social Origin of Laws & Legal Institution
- 3.2 Impact of Laws on Society
- 3.3 The Task of Law in Society
 - 3.3.1 Roscoe Pound
 - 3.3.2 Social Engineering

4. American Realism

- 4.1 Justice Holmes
- 4.2 Carl. N. Llewellyn

5. Natural Law

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

References :

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

PAPER - 402 C

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

LAW 402C Indian Constitutional Law: The New Challenges 4 Credits

- 1 "State": Need for Widening the Definition in the Wake of Liberalization**

- 2. Right to Equality: Privatisation and Its Impact on Affirmative Action & Right to Freedom : Freedom of Press of Press and Challenges of New Scientific Development**
 - 2.1 Concept of Right to Equality.
 - 2.2 Freedom of speech and right to broadcast and telecast
 - 2.3 Access to information
 - 2.4 Right to strikes, hartal and bandh

- 3. Emerging Regime of New Rights and Remedies**
 - 3.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 3.1.1 Compensation jurisprudence
 - 3.1.2 Right to education
 - 3.1.2.1 Commercialisation of education and its impact
 - 3.1.2.2 Brain-drain by foreign education market

- 4. Secularism, Religious Fanaticism and Federalism**
 - 4.1 Allocation and share of resources - distribution of grants in aid
 - 4.1.1 The inter-state disputes on resources
 - 4.2 Directions of the centre to the State under Article 356 and 365
 - 4.3 Special status of certain States
 - 4.3.1 Tribal Areas, Scheduled Areas

5. Separation of Powers: Stresses and Strain

- 5.1 Judicial activism and judicial restraint
- 5.2 PIL: implementation
- 5.3 Judicial independence
- 5.4 Appointment, transfer and removal of judges
- 5.5 Accountability: executive and judiciary
- 5.6 Tribunals

References :

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

PAPER - 403 C

PUBLIC INTERNATIONAL LAW

LAW 403C Public International Law

4 CREDITS

1. Introduction

- 1.1 Nature of International Law
- 1.2 Basis of International Law
- 1.3 Evolution and Development of International Law
- 1.4 Codification of International Law

2. Sources of International Law

- 2.1 General
- 2.2 Custom
- 2.3 Treaties
- 2.4 The General Principles of Law
- 2.5 Judicial Decisions
- 2.6 Juristic Work on International Law
- 2.7 General Assembly Resolutions and Declarations

3. Relation between International Law and Municipal Law

- 3.1 Theories on Relationship
- 3.2 Theories on the Application of International Law within Municipal Law
- 3.3 Municipal Law before International Tribunals
- 3.4 International Law within Municipal Sphere

4. Subjects of International Law

- 4.1 State as a Subject
- 4.2 Public International Organizations
- 4.3 Individual as Subject of International Law

5. Law and Practice of Treaties

- 5.1 The Treaty Making Process
- 5.2 Treaties and Third Parties
- 5.3 Treaty Interpretation
- 5.4 Amendment and Modification of Treaties

References:

1. Akehurst's Modern Introduction to International Law, Ed. By Peter Malanczuk, 7th Edition, (Revised)
2. Alina Kaczorowska, Public International Law 150 Leading Cases, Old Bailey Press, 2002.
3. Bowett D.W., The Law of International Institutions, 4th Edition, 2003, Universal.
4. Brownlie, Ian (2003) Principles of Public International Law, Oxford University Press, 6th Edition.
5. David D. Caron, Cases & Materials on International Law.
6. Oppenheim, International Law (Vol. I & II)
7. Starke J.G., Introduction to International Law.
8. M.P. Tandon, Public International Law, 16th Edition, (2005), Allahabad Law Agency.

PAPER-404 E

PENOLOGY : TREATMENT AND CORRECTIONAL PHILOSOPHY OF OFFENDERS & COLLECTIVE VIOLENCE

**LAW 404ECL PENOLOGY : TREATMENT AND CORRECTIONAL
PHILOSOPHY OF OFFENDERS & COLLECTIVE VIOLENCE 4-CREDITS**

Objectives of the course

1. This course offers a specialist understanding of criminal policies including theories of punishment; their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the. 'Developing' societies, a locus normally absent in law curricula so far.

The expert- work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three D's will be explored as offering a range of alternatives: decriminalisation, dependisation and deinstitutionalisation. Broadly, the course will concern itself with:

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial institutions
- (e) The Problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginalized deviance or criminality
- (h) The distinctive Indian (historical and contemporary) approaches to penology

2. This is a crucial area of Indian' development with which traditional, western, criminology is not overly preoccupied. Collective political violence' (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence' by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and. its containment. It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumpenization" of Indian' politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the etiology and- the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, 'compensation and. rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object, of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

PENOLOGY: TREATMENT AND CORRECTIONAL PHILOSOPHY OF OFFENDERS & COLLECTIVE VIOLENCE

1. INTRODUCTORY

1.1 Definition of Penology and Correctional Philosophy of Offenders.

2. THEORIES OF PUNISHMENT

2.1 Retribution

2.2 Utilitarian prevention: Deterrence

2.3 Utilitarian: Intimidation

2.4 Behavioral prevention: Incapacitation

2.5 Behavioral prevention: Rehabilitation - Expiation

3. Sentencing, Implementing the Problematic of Capital Punishment

3.1 Principal types of sentences 'in -the Penal Code and special law

3.2 Sentencing in white collar crime

3.3 Sentencing for habitual offender

3.4 Classification of prisoners

3.5 Rights of prisoner and duties of custodial staff

3.6 Open prisons

3.7 Constitutionality of Capital Punishment

3.8 Judicial Attitudes towards Capital Punishment in India

An inquiry through the statute law and case law

3.9 Probation of Offenders Act, 1958

3.10 Parole

3.11 Open Jails

4. COLLECTIVE VIOLENCE

- 4.1 Notions of "force", "coercion", "violence"
- 4.2 Distinctions: "symbolic" violence, "institutionalised" violence, "structural" violence
- 4.3 Collective political violence", and legal order
- 4.4 Religiously sanctioned structural "violence: Caste and gender based
- 4.5 Gandhiji's approach to non-violence
- 4.6 Discourse on political violence and terrorism during colonial struggle

5. COMMUNAL VIOLENCE & VIOLENCE AGAINST THE STATE.

- 5.1 Incidence and courses of "communal" violence
- 5.2 The role of police and para-military systems in dealing with communal violence

Note: Choice of further areas will have to be made by the teacher and the taught.

SELECT BIBLIOGRAPHY

SECTION 1

- S.Chhabbra, The Quantum of Punishment- in Criminal Law (1970) H.L.A. Hart, Punishment and Responsibility (1968)
- Herbert L, Packer, The Limits of Criminal Sanction (1968)
- Alf Ross, On Guilt, Responsibility and .Punishment (1975)
- A.Siddique, Criminology (1984), Easter, Luclcnow,
- Law Commission of India, Forty-Second .Report Cn, 3 (1971)
- K. S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Surveys of Sociology and Social Anthropology 1969-179 (1986)
- Tapas Kumar Banerjee, Background to Indian Criminal Law (1990),
- R.Campray & Co., Calcutta

SECTION 2

U. Baxi, "Dissent, Development and Violence" in' R.Meaghar (ed.). Law and Social Change: Indo-Americal Reflections 92 (1988)

U. Baxi (ed.), Law and Poverty: Critical Essays (1988)

A.R, Desai (ed.), Peasant Struggles in India (1979)

A.R. Desai, Agrarian Struggles in India: After Independence (1986)

A.R.Desai, Violation of Democratic Rights in India (1986)

D,A, Dhangare, Peasant Movement in India 1920-1950 (1983)

Ranjit Guha, Element any Aspects of Peasqnt Insurgency in Colonial India (1983) Ranjit Guha (ed.), Subaltern'Studies Volil-6 (1983-88)

T. Honderich, Violence for Equality 1980).

"The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)

Rajni Koihari, State against Democracy (1987)

G.Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)

K. S. Shukla, "Sociology of Deviant Behayiouir" in 3 ICSSR Survey of Sociology and Social Anthropology 1,969-1979 (1986).

PAPER- 405 ECL

PRIVILEGED CLASS DEVIANCE

LAW 405 ECL PRIVILEGED CLASS DEVIANCE

4 CREDITS

OBJECTIVES OF THE COURSE

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

In designing teaching materials for this course, current developments in deviance, as reflected in newspapers / Journals, law reports, and legislative proceedings should be highlighted.

It should be stressed that the objectives of the course include:

- (a) Dispelling of the commonly held belief that deviance crime is usually associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper; middle class deviance" criminality in India;
- (c) Critical analyses of legal system responses and
- (d) Issues and dilemmas in penal and sentencing policies

SYLLABUS

1. INTRODUCTION

- 1.1 Conceptions of Privileged Class Deviance
- 1.2 Indian approaches to socio-economic offences
- 1.3 Notions of privileged class deviance as providing a wider categorization of understanding Indian development
- 1.4 Typical forms of such deviance
 - 1.4.1 Official deviance (deviance by legislators, judges, bureaucrats)
 - 1.4.2 Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers
 - 1.4.3 Trade union finance (including. teachers, lawyers/ urban property owners),
 - 1.4.4 Landlord deviance (class/caste, based deviance)
 - 1.4.5 Police deviance
 - 1.4.6 Deviance on electoral process, (rigging, booth capturing, impersonation, corrupt practices)
 - 1.4.7 Gender-based aggression by socially, economically and politically powerful

Note: Depending on specialist interest by the teacher and the taught any three areas of deviance .of privileged class may be explored, what follows is only illustrative of one model of doing the course.

2. OFFICIAL DEVIANCE

- 2.1 Conception of official deviance - permissible limit of discretionary powers
- 2.2 The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission - in 1959 and 1971
- 2.3 The Chagla Commission Report on LIC-Mundhra Affair
- 2.4 The Das Commission Report 'on Pratap Singh Kairon.
- 2.5 The Grover Commission Report on Dev Raj Urs
- 2.6 The Maruti Commission Report
- 2.7 The Ibakkar - Natarajan Commission Report on Fairfax

3. POLICE DEVIANCE

- 3.1 Structures of legal restraint, oh police powers in India
- 3.2 Unconstitutionality of "third-degree" methods and use of fatal force by police
- 3.3 "Encounter" killings
- 3.4 Police atrocities
- 3.5 The plea of superior orders
- 3.6 Rape and related forms of gender-based aggression, by police and para-military forces, Reform suggestion especially, by the National Police Commissions

4. PROFESSIONAL DEVIANCE

- 4.1 Unethical practices at the Indian bar
- 4.2 The Lent in Commission Report
- 4.3 The Press Council on unprofessional and unethical journalism
- 4.4 Medical malpractice

5. RESPONSE OF INDIAN LEGAL ORDER TO THE DEVIANCE OF PRIVILEGED CLASSES

- 5.1 Vigilance Commission
- 5.2 Public Accounts Committee Ombudsman
- 5.3 Ombudsman
- 5.4 Commissions of Enquiry
- 5.5 Prevention of Corruption Act, 1947
- 5.6 The Antulay Case

SELECT BIBLIOGRAPHY

Upendra Baxi, *The Crisis of the Indian Legal System* (1982),. Vikas Publishing House, New Delhi

Upendra Baxi (ed.), *Law and Poverty: Assays* (1988)

Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond* (1989)

Surendranath Dwivedi and G.S.Bhargava, .*Political Corruption in India*

A.R.Desai (ed.), Violation of Democratic Rights in India (1986)

A.G.Nooruni, Minister's Misconduct (1974)

B.B.Pande. "The Nature and Dimensions of Privileged Class Deviance" in
The Other Side of Development 136 (1987, K.S.Shukla ed.)

PAPER-406 ECL DRUG ADDICTION

LAW 406 ECL DRUG ADDICTION OBJECTIVES OF THE COURSE

4 CREDITS

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors which contribute to the determination of both drug abuse and criminal behaviour? Apart from these causal issues, there is the broad questions of the social costs-benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, nontherapeutic purposes may well be linked with international trafficking in psychotropic substance. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal polices should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961

and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986 Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected. Important problems of method in studying the impact of regulation need evaluated at every stage. The following syllabus prepared with the above perspective will be spread over a period of one semester.

SYLLABUS

1. INTRODUCTORY

1.1. Basic conceptions

1.1.1. Drugs ' narcotics" "psychotropic substances"

1.1.2. 'Dependence," "addiction"

1.1.3. "Crimes without victims

1.1.4. "Trafficking" in "drugs"

1.1.5. "Primary drug abuse"

2. HOW DOES ONE STUDY THE INCIDENCE OF DRUG ADDICTION AND ABUSE?

2.1. Self-reporting

2.2. Victim-studies

2.3. Problems of comparative studies

3. ANAGRAPHIC AND SOCIAL CHARACTERISTICS OF DRUG USERS

- 3.1. Gender
- 3.2. Age
- 3.3. Religiousness
- 3.4. Single individuals/cohabitation
- 3.5. Socio-economic level of family
- 3.6. Residence patterns (urban/rural/urban)
- 3.7. Educational levels
- 3.8. Occupation
- 3.9. Age at first use
- 3.10. Type of drug use
- 3.11. Reasons given as cause of first use
- 3.12. Method of Intake
- 3.13. Pattern of the -Use
- 3.14. Average Quantity and Cost
- 3.15. Consequences on addict's health (physical/psychic)

4. THE INTERNATIONAL LEGAL REGIME

- 4.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972
- 4.2. Analysis of the Convention on Psychotropic Substances, 1972
- 4.3. International collaboration in combating drug addiction
- 4.4. The SARC, and South-South Cooperation
- 4.5. Profile of international market for psychotropic substances

5. THE INDIAN REGULATORY SYSTEM AND ROLE OF COMMUNITY IN COMBATING DRUG ADDICTION

- 5.1. Approaches to narcotic trafficking during colonial India
- 5.2. Nationalist thought towards regulation of drug trafficking and usage
- 5.3. The penal provisions (under the IPC and the Customs Act)
- 5.4. India's role in the evolution of the two international conventions
- 5.5. Judicial approaches to sentencing in drug trafficking and abuse
- 5.6. The Narcotic Drugs and Psychotropic Substances Act, 1985
- 5.7. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation
- 5.8. Profile of Community initiatives in inhibition of dependence and addiction (e.g. deaddiction and aftercare)
 - The role of educational systems
 - The role of medical profession
 - The role of mass media
 - Initiatives for compliance with regulatory systems
 - Law reform initiatives
- 5.9. Drug and Crime Relation

SELECT BIBLIOGRAPHY

J.A. Incard, C.D. Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)

Social Defence, Research Institute (UNSDRI) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21).

Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances.
Useful Journals

in this area are:

- (i) *The Law and Society Review* (USA)

- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addictions (New York)
- (iv) British Journal of Criminology
- (v) Journal of Criminal Law, Criminology and Police Science (Baltimore ,
Md.)
- (vi) Journal of Criminal Law and Criminology (Chicago, Ill)
- (vii) International Journal of Offender Therapy and Comparative Criminology
(London)
- (viii) Bulletin on Narcotics (United Nations).

SEMESTER - II PAPER-407 C JUDICIAL PROCESS

LAW 407 C Judicial Process

4 CREDITS

- 1. Nature of Judicial Process**
 - 1.1 Judicial process as an instrument of social ordering
 - 1.2 Judicial process and creativity in law - common law model -
Legal Reasoning and growth of law - change and stability
 - 1.3 The tools and techniques of judicial creativity and precedent
 - 1.4 Legal development and creativity through legal reasoning under
statutory and codified systems

- 2. Special Dimension of Judicial Process in Constitutional Adjudications**
 - 2.1 Notions of judicial review
 - 2.2 'Role' in constitutional adjudication - various theories of
judicial role
 - 2.3 Tools and techniques in policy - making and creativity in
constitutional adjudication
 - 2.4 Varieties of judicial and juristic activism
 - 2.5 Problems of accountability and judicial law-making

- 3. Judicial Process in India**
 - 3.1 Indian debate on the role of judges and on judges and on the
notion of judicial review
 - 3.2 The "independence" of judiciary and the "political" nature of
judicial process

3.3 Judicial activism and creativity of the Supreme Court the tools and techniques of creativity

3.4 Judicial process in pursuit of constitutional goals and values- new dimensions of judicial activism and structural challenges

3.5 Institutional liability of courts and judicial activism-scope and limits

4. The Concepts of Justice

4.1 The concept of justice or Dharma in Indian thought

4.2 Dharma as the foundation of legal ordering in Indian thought

4.3 The concept and various theories of justice the western thought

4.4 Various theoretical bases of justice : the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition

Relation between Law and Justice

5.1 Equivalence Theories - Justice as nothing more than the positive law of the stronger class

1.2 Dependency theories - for its realisation justice depends on law, but justice is not the same as law

1.3 The independence of justice theories - means to end relationship of law and justice - the relationship in the context of the Indian constitutional ordering.

1.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References:

1. Julius Stone, The Province and Function of Law, Part II, Chs.1,8-16(2000), Universal, New Delhi
2. Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham, The Judicial Processes (1998), Oxford
4. Julius Stone, Precedent and the Law: Dynamics of Common Law Growth(1985), Butterworth
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law (1997), Universal, New Delhi
7. Julius Stone, Legal System and Lawyers' Reasonings (1999), Universal, New Delhi
8. Upendra Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
9. Rajeev Dhavan, The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay
10. John Rawls, A Theoiy of Justice (2000), Universal, New Delhi
11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

PAPER-408 C

LAW AND SOCIAL TRANSFORMATION OF INDIA

LAW 408 C Law and Social Transformation of India

4 CREDITS

1. Law and Social Change

1.1 Laws as an instrument of social change

1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of Colonization and the introduction of common law system and institutions in India and its impact on further, development of law and legal institutions in India.

2. Law and Its Inter-relationships with Religion, Language, Community and Regionalism

2.1 Religion, Language, community and regionalism as divisive factors

2.2 Responses of law to :

(a) Religion - through secularism

(b) Language - through constitutional guarantees

(c) Community - through non-discrimination

(d) Regionalism - through unity

(e) Non- discrimination and protective discrimination (reservation)

3. Women, Children and the Law :

3.1 Crimes against women

3.2 Gender injustice and its various forms

- 3.3 Women's Commission
- 3.4 Empowerment of women: Constitutional and other legal provisions
- 3.5 Child labour
- 3.6 Sexual exploitation
- 3.7 Adoption and related problems
- 3.8 Children and education

4. Modernizations and the Law

- 4.1 Modernization as a value: Constitutional perspectives reflected in the fundamental duties
- 4.2 Modernization of social instructions through law
 - 4.2.1 Reform of family law
 - 4.2.2 Agrarian reform - Industrialisation of agriculture
 - 4.2.3 Industrial reform: Free enterprise v. State regulation
Industrialisation v. environment protection
- 4.3 Reform of court processes
 - 4.3.1 Criminal law: Plea bargaining; compounding and payment of compensation to victims
 - 4.3.2 Civil law: (ADR) Confrontation v. consensus; meditation and conciliation; Lok Adalat
 - 4.3.3 Prison reforms
- 4.4 Democratic decentralization and local self-government

5. Alternative Approaches to Law

- 5.1 The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave; Jayaprakash Narayan - Surrender of dacoits; concept of gram nyalalayayas

5.2 Socialist thought on law and justice; an enquiry through constitutional debates on the right to property

5.3 Indian Marxist critique of law and justice

5.4 Naxalite movement: causes and cure

References:

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 (P) Ltd., New Delhi
8. Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (2000), Armor Publications, Delhi
9. Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage
10. Indian Law Institute, *Law and Social Change: Indo-American Reflection* (1988), Tripathi
11. J. B. Kripalani, *Gandhi: His Life and Thought* (1970), Ministry of Information and Broadcasting,
12. 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 Rights in India* (1999), Oxford

PAPER-409 C

LEGAL RESEARCH METHODOLOGY

4 - CREDITS

LAW 409 C Legal Research Methodology

4 CREDITS

1. Research Methods

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

2. Identification of Problem of Research

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

3. Preparation of the Research Design

3.1 Formulation of the Research problem

3.2 Devising tools and techniques for collection of data :
Methodology

3.3.1 Methods for the collection of statutory and
case materials and juristic literature

3.3.2 Use of historical and comparative research materials

3.3.3 Use of observation studies

3.3.4 Use of questionnaires/ interview

3.3.5 Use of case studies

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

3.3.7 Use of scaling techniques

3.3.8 Jurimetrics

4. Classification and tabulation of data

4.1 Rules for tabulation

4.2 Explanation of tabulated data

4.3 Analysis of data

5 Computerized Research - A study of legal research programmes such as Lexis and West law coding

References:

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

PAPER-410 ECL

COMPARATIVE CRIMINAL PROCEDURE

LAW 410 ECL COMPARATIVE CRIMINAL PROCEDURE

4 CREDITS

OBJECTIVES OF THE COURSE

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them to renew and revise their laws to be in tune with developed systems.

The paper is taught with reference to India, England, France and China

- 1. ORGANISATION OF COURTS AND PROSECUTING AGENCIES**
 - 1.1 Hierachy of criminal courts and their jurisdiction
 - 1.1.1 Nyaya Panchayats in India
 - 1.1.1.1 Panchayats in tribal areas
 - 1.2 Organisation of prosecuting agencies for prosecuting criminals
 - 1.2.1 Prosecutors and the police
 - 1.3 Withdrawal of prosecution
- 2. PRE-TRIAL PROCEDURES**
 - 2.1 Arrest and questioning of the accused
 - 2.2 The rights of the accused
 - 2.3 The evidentiary value of statements /articles seized/collected by the police
 - 2.4 Right to counsel
 - 2.5 Roles of the prosecutor and the judicial officer in investigation

3. TRIAL PROCEDURES

- 3.1 The accusatory system of trial and the inquisitorial system
- 3.2 Role of the judge, the prosecutor and defence attorney in the trial.
- 3.3 Admissibility, and inadmissibility of evidence
- 3.4 Expert Evidence
- 3.5 Appeal of the court in awarding appropriate punishment
- 3.6 Plea bargaining

4. CORRECTION AND ANERCARE OCIVIUCS.

- 4.1 institutional correction of the offenders
- 4.2 General comparison - Aftercare services in India and France
- 4.3 The role of the court in correctional programmes in India

5. PREVENTIVE MEASURES IN INDIA

- 5.1 Provisions in the Criminal Procedure Code
- 5.2 Special enactments

SELECT BIBLIOGRAPHY

Celia Hampton, criminal Procedure. .

Wilkiris and Cross, Outline of the Law of Evidence

Archbold, Pleading, Evidence and Practice in Criminal Cases Sarkar, Law of Evidence K.N.Chandrasekharan Pllai (ed.), R.V.Kelkar's Outlines of Criminal Procedure (200), Eastern, Lucknow

Patric Devlin, The Criminal Prosecution in Englands

Americal Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China

John N. Ferdico, Criminal Procedure (1996),

West Sanders & Young, Criminal Justice{1994)

Christina Van Den Wyngart, Criminal Procedure Systems in European Community,

Joel Sambha, Criminal Procedure(1997), West

Criminal Procedure Code, 1973

The French Code of Criminal Procedure

14 th and 41st Reports of Indian Law Commission

The Paper will be taught with reference, wherever necessary, to the procedures in India, England and France.

PAPER-411 ECL

OFFENCES RELATED TO JUVENILES

LAW 411 ECL

4 CREDITS

1. THE BASIC CONCEPTS

- 1.1 The conception of child in India in Indian Constitution and Penal Code
- 1.2 Juvenile conflict with laws
- 1.3 Neglected Juvenile
- 1.4 The over all situation of children / young persons in India also with reference to Crime Statistics of crime by and against Children

2. DETERMINING FACTORS OF JUVENILE DELINQUENCY

- 2.1 Differential association
- 2.2 Anomie
- 2.3 Economic pressure
- 2.4 Peer group influence
- 2.5 Gang sub - culture
- 2.6 Class differentials

3. LEGISLATIVE APPROACHES

- 3.1 Legislative approaches during the late colonial era
- 3.2 Children's Act
- 3.3 Legislative position in various States
- 3.4 The Juvenile Justice Act
 - 3.4.1 Constitutional aspects
 - 3.4.2 Distinction between "Neglected" and "Delinquent" Juveniles
 - 3.4.3 Competent authorities
 - 3.4.4 Processual safeguards for juveniles
 - 3.4.5 Powers given to government
 - 3.4.6 Community participation as envisaged under the Act

4. INDIAN CONTEXT OF JUVENILE DELINQUENCY

- 4.1 The child population percentage to total sex-ratio, urban/rural/rural - urban
- 4.2 Neglected - below poverty line, physically and mentally disabled, orphans, destitute, and vagrants.
- 4.3 Labourers
 - 4.3.1 In organised sector like zari, carpet, bidi, glass
 - 4.3.2 In unorganised sector like domestic servant, shops and establishments, rag-pickers family trade
- 4.4 Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism rate of increase background
- 4.5 Drug addicts
- 4.6 Victims
 - 4.6.1 Of violence - Sexual abuse, battered, killed by parents
 - 4.6.2 Of criminal activities like bootlegging, drug pollution as a responses of protective approach

5. JUDICIAL CONTRIBUTION & PREVENTIVE STRATEGIES

- 5.1 Social action litigation concerning juvenile justice
- 5.2 Salient judicial decisions
- 5.3 Role of legal profession in juvenile justice system
- 5.4 State welfare programmes health, nutritions, ICWS, Grant in Aid
- 5.5 Compulsory Education
- 5.6 Role of Community, Family, Voluntary, Bodies, Individuals

SELECT BIBLIOGRAPHY

National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986 (1986)

K.S.Shukla, Adolescent Offender (1985)

United Nations, Beijing Rules on Treatment of Young Offenders (1985)

Myron weiner, The Child and State in India (1990)

The United Nations Declaration on the Rights of Children UNICEF periodic materials.

PAPER-412 ECL
PRINCIPLES OF CRIMINAL LAW

LAW 412 ECL PRINCIPLES OF CRIMINAL LAW

4 CREDITS

C O N T E N T S

CHAPTERS

1. **Historical Development**
Extent and Operation of the Code
Definition of Crime
 Distinction between Crime and Tort
 Criminal Law & Morality

2. **Fundamental Elements of Crime**
Human Being
Mens rea
 Mens rea and statutory crimes
 Mens rea and Indian Law
 Words denoting Mens Rea in IPC
 Fraudulently
 Dishonestly
 Difference between Fraudulently and
 Dishonestly
 Voluntarily
Actus reus (Act or Omission)
Injury
 Good faith

3. Stages in Commission of a Crime

Intention or Contemplation

Preparation

Attempt

Essentials of the Attempt

Impossible Attempt

Illustrative cases

Attempt and preparation distinguished

Sections 511 and 307, IPC

Accomplishment

4. Constructive joint Criminality

Common Intention

Common Object

Conviction of less than five persons

Chapters

Charge under Section 149 and conviction under

Section 34

Distinction between Sections 34 and 149

5. Abetment and Criminal Conspiracy

A. ABETMENT

ENGLISH LAW

- (a) A principal in the first degree
- (b) A principal in the second degree
- (c) Accessory before the fact
- (d) Accessory after the fact Indian Law

INDIAN LAW

- (i) Abetment by instigation
- (ii) Abetment by conspiracy
- (iii) Abetment by intentional aiding

Abetment in General

Punishment for Abetment

Sections 34 and 114

Criminal Conspiracy

Ingredients of criminal conspiracy

- (a) Two or more persons
- (b) Agreement
- (c) Illegal act or legal act by illegal means

Single general conspiracy and separate conspiracies

Punishment

Sections 34, 109 and 120-A

Proof of Conspiracy

Abetment and Conspiracy

BIBLIOGRAPHY & SUGGESTED READINGS

BOOKS

- | | | |
|----------------|---|---|
| Bentham | : | Principles of Penal Law |
| Blackstone's | : | Commentaries |
| Burdick | : | The Law of Crime, Vol. I |
| Friedmann | : | Law in the Changing Society |
| Gandhi, B.M. | : | Indian Penal Code (1996) |
| Gaur, H.S. | : | Penal Law of India, 9th Edn. |
| Gaur, K.D. | : | Criminal Law : Cases & Materials (1975) |
| Hall, Jerome | : | General Principles of Criminal Law (1960),
2nd Edn. |
| Halsbury's | : | Laws of England : 3rd Edn., Vols. X & XI;
4th Edn., Vol. XI |
| Huda, Shamshul | : | Principles of Law of Crime in British India
(1902) (Reprint, 1993-Eastern Book Co., Lucknow) |
| Kane, P.V. | : | History of Dharamshashtra, Vol. III |
| Kenny's | : | Outlines of Criminal Law, 19th Edn. |
| Mayne, J.D. | : | Criminal Law of India, 4th Edn. |
| Nelson | : | Indian Penal Code |

- Nigam, R.C. : Law of Crimes in India, Vol. I
 Rattan Lai : The Law of Crimes (20th Edn.)
 Russel : On Crime, 12th Edn., Vol. I
 Siddique, Ahmad : Criminology, 4th Edn., 1997
 Stephen, James : History of Criminal Law, Vols. I & II and
 Digest of Criminal Law, 9th Edn.

ARTICLES AND COMMENTS

(Chapterwise)

PRELIMINARY

- Sahai, Balbir : Criminal Law & Justice before Indian Penal
 Code, 1952 SCJ (Journal) 49
 Vidwans, M.D. : Basis of Criminal Liability, AIR 1962
 (Journal) 74
 Nigam., R.C. : Meaning of Crime, 1968 Indian Advocate 48

ELEMENTS OF CRIME

- Sharma, C.L. : Mens rea in Modern Law, (1963) I Punjab Law
 Review 78
 Sastry, K.R.R. : Mens rea in a Crime, (1963) II Kerala LR 61
 Bakhale, V.B. : Is Mens rea an essential ingredient of criminal
 liability in India? AiR 1965 Journal 105
 Ganatra, Lajvanti : Is Crime—actus reus f mens rea? (1973) Guj and
 Gan V.B. LR 9-45atra,
 Reddy, N.K. :
 Kumar, Kanwar : Doctrine of mens rea, 3 Delhi LR 96-109
 Shiv
 Parkins, R.M. : A rationale of mens rea, (1938-39) 52 Hav LR
 905 and also see (1936) IQR 60
 Dave, M.M. : Necessity for Amending Section 21 of IPC, AIR
 1958 Journal 69

- Gupta, P.C. : Corporate liability, 1969 Cri LJ (Jour.) 7
 Editorial : Mens rea in murder cases, 79 CWN 83
 Pillai, P.S.A. : Mens rea in rape, (1975) 7 Lawyer 195

STAGES OF CRIME

- Ramamohana : A note on Section 511, Penal Code, 1966
 Rao, V.S. : Cri LJ (Journal) 51

JOINT LIABILITY

- Agarwal, J.N. : Joint liability in the doing of a criminal act
 under Section 34 and 149, IPC, 1954 Cri LJ
 (Journal) 5
 Chandra, H. : Vicarious Liability and Common Intention in
 Criminal Law (distinguished), 1955 Cri LJ
 (Journal) 75
 Nabishah, Syed A. : Common Intention & Common Object—Sections
 34 & 149, IPC, (1958) Cri LJ 3

CONSPIRACY

- Editorial : Conspiracy, 79 CWN 87 and 80 CWN 53
 Ramaswamy, : Criminal Conspiracy, (1960) Cri LJ (Journal)
 Justice P.N. 10
 Mehta, Inder : Conspiracy in Civil and Criminal Cases, 1966
 Kishan (I) Punjab Law Review 203
 Editorial : Conspiracy, 79 CWN 87

PUNISHMENT

- Sharma, V.K. : Aboriginal and Capital Sentence, (1963) I Cri
 LJ (Journal) 13
 Malik, J.N. : Punishment in Food Adulteration, AIR 1963
 Journal 77

- Chaterjee, A.L. : Capital Punishment, 69 CWN 65
- Editorial : Death Sentence, 69 CWN 163, 175 ; 76 CWN CIXV ; 77 CWN VII ; 77 CWN 94 ; 78 CWN 53
- Nagpal, R.C. : Death Punishment, (1974) Lawyer 5
- Sahai, B. : Purpose of Punishment, 1950 Cri LJ (Journal); 14
- Agarwal, M.L. : Capital Punishment Abolition Move in India, AIR 1958 Journal 69
- Subramanyan, : Death Penalty, AIR 1961 Journal 75 K.G.
- Ursekar, M.S. : Ethics of Capital Punishment, 1965 Bom LR 96
- Gupta, A.S. : Punishment as-a Deterrent, 1967 Indian Police Journal 29
- Sinha, D.N. : Crime and Punishment, 1968 Law Quarterly 4
- Deshmukh, P.P. : Abolition of Capital sentence, 1968 Cri LJ 14
- Jain, A.K. : Capital Punishment, 1969 (1) Cri LJ (Journal) 107
- Zlobin, G. : Crime and Punishment, 1969 Indian Advocate 46
- Kapur, K.N. : Crime and Punishment, (1970) 2 SCC (Journal) 37
- Kaur, Sukhcharan : Hang or not to hang,
- Reddi, O. Chinappa : Paradox of Death
- Singh, M.K.S. : Current Trends in Sentencing, 1972-73 Punjab University Law Review 105
- Tyagi, V.P. : Sentencing Policy, 82 Cri LJ (Journal) 67
- Pillai, K.N. : Judicial attempts to evolve a rational
- Chandrasekharan : sentencing policy for India—Reflections on reading Mohd. Giasuddin v. State of A.P., (1978) 2 SCC (Journal) 9

GENERAL EXCEPTIONS

Insanity and Intoxication

- Gauld, James : Hall on McNaughten's Rule, (1964) Cri LJ (Journal) 29
- Sharma, K.M. : Defence of Insanity in Indian Criminal Law, (1965) 7 LLJ 325
- Virdi, P.K. : Defence of Insanity to a Charge of Matrimonial Cruelty, AIR 1968 (Journal) 17
- Mani, V.S. : Insanity in Criminal Law : McNaughten's Rule Today, 1972 Cuttack LT 12
- Boparai : Insanity under Penal Code, 82 Cri LJ (Journal) 9
- Saxena, J.P. : Insanity under Penal Code, 82 Cri LJ (Journal) 71
- Editorial : Drunken Driver, 75 CWN 9
- Sahai, Balbir : Insanity, (1952) 9
- John, T.G. : The McNaughteri
- Rao, Rama : Section 84, IPC : Unsoundness of mind of accused, (1965) 1 An LJ 49
- Durkee, Carl A. : Crime and Mental Illness, 1965 Ker LT 34
- Shanthakumari, B. : Legal Concepts of Insanity, 1970 1 Mad LJ 70
- Singh, Gurpal : Criminal Responsibility and Defence of Insanity in India : 1974-75 Punjab University Law Review 83
- Banerji, E.H. : Culpable Homicide and Unsoundness of Mind, 1971 Law Review 38
- Barber, William E. : Drunken Drivers, 18 Indian Police Jour. 60
Consent
- Srivastava, S.P. : Prosecution under Section 188, Penal Code, 1963 Cri LJ 50
- Editorial : Schoolmaster's Right of Chastisement, 67

CWN 83

Private Defence

- Nabishah, Syed A. : The Right of Private Defence, (1973) 1 Cri
LJ (Journal) 10
- Editorial : Private Defence-, of Public Property, 70 CWN 139
- Sahay, S.N. : Right of Private Defence, AIR 1967 (Journal)
165
- Editorial : Private Defence and. Burden of Proof, 75
CWN 2

PAPER-501 ECL

CRIMINOLOGY

LAW 501 ECL CRIMINOLOGY

4 CREDITS

CRIMINOLOGY

- I. Criminology- Definition, Nature, Scope and utility**
 - 1.1. Criminology: Definition
 - 1.2. Nature, Scope of Criminology
 - 1.3. Utility of Criminology
 - 1.4. Relation between Crime and Society

- 2. Schools of Criminology**
 - 2.1. Introduction
 - 2.2. Pre-classical School of Criminology
 - 2.3. The Classical School of Criminology
 - 2.4. The Neo- Classical School of Criminology
 - Cesare Lombroso
 - Enrico Ferri
 - Raffaele Garofalo
 - Gabriel Tarde
 - 2.5. Clinical School of Criminology
 - 2.6. Sociological School of Criminology
 - 2.7. The New Criminology

- 3. Causation of Crime.**
 - 3.1. Introduction
 - 3.2. Heredity and Crime
 - 3.3. M' Naghten's Rule of Criminal Responsibility
 - 3.4. Bio-physical Factors and Criminology

- 3.5. American School of Criminal behaviour
- 3.6. Freud's theory of Criminal behaviour
- 3.7. Psychological concept of crime
- 3.8. Conflict Theory
- 3.9. Group Theory

4. Prevention of Crime

- 4.1. Introduction
- 4.2. Identification of Potential Delinquency
- 4.3. Kinds of Programmes
- 4.4. Attendance Centers
- 4.5. Vagrancy Laws
- 4.6. Development in India
- 4.7. Habitual Offenders
- 4.8. Coercive Measures

5. Developing Trends in Criminology:

- 5.1. Phenomenology,
- 5.2. Postmodernism
- 5.3. Feminism Crime and Feminism.
- 5.4. Victimology.

SUGGESTED READING ON CRIMINOLOGY:--

Sutherland:principles of criminology(latest Edition)

Garofolo:Criminology Parts I,II and III (Latest Edition).

Taft:Criminology (Latest Edition)Part-I-Ch 1,3 for study.

Pillai:Principles of Criminology lectures 2,3,4,5,6,9,11 and 12.

Cavan :Criminology Part-I Omitting Chapter 2. Part II-full.

Lombroso,Casare:Crime,its cause and remedies.

Different Reports published by government of India form time to time.

Moral Approach to criminal Law by Radzinowicz and Turner.

New Horizons in Criminology by Barnes and Tetter.

Pioneers in Criminology edited by Minnhein.

Criminology : ahmad Siddique

Criminology and Penology : Prof N.V.Paranjape

PAPER-502 ECL LAW OF EVIDENCE

**LAW 502 ECL LAW OF EVIDENCE
OBJECTIVES OF THE COURSE:**

4 CREDITS

The law of evidence, is an indispensable part of both substantive and Procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the both. The art of examination and cross-examination and cross-examination and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

SYLLABUS :

1. CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

Facts : Section 3 definition : distinction - relevant facts/facts in issue

Evidence : Oral and documentary

Circumstantial evidence and direct evidence

Presumption (Section 4)

"Proving" "Not providing" and "Disproving"

Witness

Appreciation of evidence

2. ADMISSIONS AND CONFESSIONS :

General principals concerning admission (Section 17,23)

Differences between "admission " and "confession"

The problems of non - admissibility of confessions caused by "any inducement, threat of promise " (Section 24)

Inadmissibility of confession made before a police officer (Section25)

Admissibility of custodial confessions (Section 26)

Admissibility of "information" received from accused person in custody with special reference to the problem of discovery based on

"Joint statement " (Section 27)

Confession by co-accused (Section 30)

The problems with the judicial action based on a "retracted confession”

3. ORAL AND DOCUMENTARY EVIDENCE & EXPERTS EVIDENCE:

General principles concerning oral evidence (Section 59-60)

General Principles concerning Documentary Evidence (Section 67-90)

General Principles Regarding Exclusion of Oral by Documentary Evidence Special problems re-hearing evidence

General Principles

Types of expert evidence

Opinion on relationship especially proof of marriage (Section 50)

The problems of judicial defense to expert testimony

Dying Declaration

4. WITNESSES, EXAMINATION AND CROSS EXAMINATION

Competency to testify (Section 118)

State privilege (Section 123)

Professional Privilege (Section 126,127,128)

Approval testimony (Section 133)

General Principles of examination and cross examination (Section 135-166)

Leading questions (Section 141-143)

Lawful questions in cross - examination (Section - 146)

Compulsion to answer questions put to witness

Hostile witness (Section 154)

Impeaching of the standing or credit of witness (Section 155)

5. BURDEN OF PROOF:

The general conception of onus probandi (Section 101)

General and special exceptions to onus probandi

The Justification of presumption and of the doctrine of judicial notice

Justification as to presumptions as to certain offences (Section 111A)

Presumption as to dowry death (Section 113-B)

The Scope of the doctrine of judicial notice (Section 114)

Suggested Reading:-

Sarkar and manohar , Sarkar and Evidence (1999) Wadha & Co.
Nagpur

Indian Evidence Act, (Amendment up to date)

Rattan Lal, Dhiraj Law Law of Evidence (1994) Wadhwa, Nagpur

Pole in Murphy, Evidence (5th Edn. Reprint 2000) Universal Delhi.

Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998)
Universal , Delhi.

Avtar Singh, Principles , of the law of Evidence (1992) , Central Law
Agency , New Delhi.

PAPER-503 ECL

FORENSIC SCIENCE AND CRIMINAL INVESTIGATION

LAW 503 ECL FORENSIC SCIENCE AND CRIMINAL INVESTIGATION 4 CREDITS

1. The role of Forensic Sciences in Criminal Cases.

- 1.1. The basic question in investigation-*Qui Bono*;
- 1.2. The scene of crime;
- 1.3. Discovery of traces of physical evidence;
- 1.4. Classification and reference to classified record;
- 1.5. Systematization and classification of physical evidence and comparison with suspected material;
- 1.6. The principles of exchange;
- 1.7. The principles of heredity, Taxonomy, etc.

2. The Establishment of Identity

- 2.1. The Establishment of Identity of Individuals:-
Footprints: hair, skin, blood grouping; physical peculiarities.
- 2.2. 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.

- 2.3. 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.

3. Questioned Documents and the Identificaion of

Handwriting:

- 3.1. Paper, its types and identification;
- 3.2. inks: pencils and writing tools;
- 3.3. Handwriting habit and flow;

Disguised writing;comparison and points of identity;

- 3.4. Samples; various type of forgery and their detection;

Additions; erasures alterations;seals;rubberstamps;type-writing;printing;blocks.

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

4.1.Type of fire-arms and their use;time and range of firing;

4.2.Identification of a fire-arm with a cartridge case and bullet;

4.3. Miscellaneous fire-arm problems like origin or direction of

fire.

Injuries to Persons:

4.4.Evidentiary value of details of injuries;

4.5.Traces left by the weapon used:its range and direction;

4.6.Danger to clothing worn by the victim and related problems;

4.7.The flow of blood from injries;

4.8. The shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects;

4.9 Accidental deaths and suicides.

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

5.1. Fallibility of eye witnesses.

The probative value of such evidence.

5.2. Findings of scientific methods of investigation; their probative value.

5.3. Assessment of value from actual cases.

Value to be assigned to the different types of exhibit.

Restoration of numbers;

5.4. Examination of the walking, picture of footprints; clothing; copper wire; pieces of wood etc.

5.5. Modern scientific Techniques :

Modern scientific Techniques of Narco-Analysis Tests, Polygraph test, Brain Mapping Test, hypnotism, Lie Detector Test & others

Suggested Reading:-

1. Sharma B.R. : Forensic Science.
2. Forensic Science in criminal Investigation Dr. Jaishankar And Amin

3. Fundamentals of Forensic Science by Max M. Houck, Jay Siegel
4. Forensic Science In Criminal Investigation And Trials :
Sharma
- 5.
5. Modern Criminal Investigation: Harry Soderman and John
J.O. Conell (Published by Funk & Wagnalls Co. Inc., New
York)
6. Criminal Investigation: Paul L. Kirk, Ph.D. (Published by Inter
Science
Publishers, Inc., (New York).
7. Criminal Investigation: Cr. A. and Cross. (Published by Sweet &
Maxwell, Limited, London).
8. Fire Arms, Forensic Ballistics, Forensic Chemistry and Criminal
Jurisprudence : Gour, A.N.:
9. Forensic Chemistry and Scientific Criminal Investigation.: Lucas
A.
10. Methods of Forensic Science (Vol. I) : Lundquist, F.:

PAPER-501 ECL

CYBER CRIMES

LAW 501 ECL CYBER CRIMES

4 CREDITS

1. Introduction to Cyber Laws, Cyber Crimes.

1.1. Meaning, Definition, Nature of Cyber crimes

1.2. Historical Genesis and Evolution of Cyber Crimes

1.3. International & Indian Laws on Cyber Crimes.

1.4. Computer and Internet basics

Computer Hardware & Networks:

The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD ROMs and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts - World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites - Web Commerce

2. Cyber Crimes

2.1. Cyber crime: Definition -

2.2. Malicious Code - Computer Viruses , Computer Worms , Computer Trojans,

2.3. Web Hacking Foot printing, Port Scanning, E-Shoptlifting Web

Defacement, Denial of Service Attacks, Manipulating Cookies

2.4. Email Hacking: Email Hacking using Packet Sniffers, Email

Hacking & Phishing, Email Frauds & Phishing, Email Bombing

2.5. Email Hijacking - Social Engineering .

2.6. Cyber Stalking,

- 2.7.Cyber Terrorism,
- 2.8.Pornography,
- 2.9.Cyber Bullying, Piracy.

3. Statutory Laws pertaining to Cyber Crimes in India:

- 3.1.Cyber Policing Current statutes in India:
- 3.2.Penalties & Offences under the Information Technology Act,
2000,
- 3.3.Offences under the Indian Penal Code, 1860,
- 3.4.Issues relating to investigation and adjudication of cyber crimes in India Digital evidence
- 3.5.IT act 2000 and other legal provisions

4. Cyber Crime Investigation

- 4.1.Introduction to Cyber Crime Investigation:
- 4.2.Basic Investigation Techniques

- First Information Report

Initialising a Search and Seizure Operation

Tracking & Tracing Emails,

- Final Form/ Report
- Computer evidence assessment checklist
- Computer evidence analysis checklist
- Computer evidence analysis report
- Cyber forensics analysis report Recovery of Digital Evidence,

4.3.Setting up a Cyber Crime Investigation Cell Cyber Forensics:

5. Cyber Law Prevention measures and Data Safety.

5.1.Cyber Law Prevention measures

5.2.Data Safety

5.3.Future Challenges

Suggested Reading:-

An Introduction to Cyber vCrime and Cyber Law
;Dr.R.K.Chaubay

Cyber crime in India : Dr.M.Dasgupta

Cyber laws and crimes :Barkha & U.Ramamohan

Information Technology Act 2000

Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.

Deflem, Mathieu, and J. Eagle Shutt. 2006 “Law Enforcement and Computer Security Threats and Measures.” Pp. 200-209 in The Handbook of Information Security, Volume 2: Information Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.

Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.

Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.

Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey

McQuade, Samuel C (2005). Understanding and managing cyber crime. New Jersey: Allyn & Bacon.

Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.

Seymour Goodman and Abraham Sofer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.

Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10

United Nations (1997). United Nations Manual on the Prevention and Control of Compute-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York <http://www.uncjin.org/Documents/EighthCongress.html>

Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

PAPER-505 ECL
HUMAN RIGHTS IN CRIMINAL JUSTICE SYSTEM
4 - CREDITS

LAW 505 ECL HUMAN RIGHTS IN CRIMINAL JUSTICE SYSTEM 4-CREDIT

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

1.1. At International Level

Human Rights and the United Nations Charter:

- (a) Normative and Institutional Framework of the UN
- (b) Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights

Universal Declaration on Human Rights:

- (a) History of the Declaration
- (b) Structure of the Declaration
- (c) Legal Significance

International Covenants: ICCPR and ICESCR

- (a) Nature and Characteristic
- (b) Optional Protocols

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

1.2. In India

1. History and Development of Human Rights in Indian Constitution.

1.2.1. Constitutional Philosophy.

1.2.2. Preamble

1.2.3. Fundamental Rights.

1. Right to Equality: Gender Justice and Empowerment of Women. Special provisions for Weaker Sections of society Reservation Policy under the Constitution.
2. Freedom of Speech and Expression. Freedom of Press. Limitations, Right to Information.
3. Right to Life and Personal Liberty. New Dimension. Judicial approach.
4. Right to Freedom of Religion. Secularism. Protection to Minorities under the Constitution.
5. Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.

1.2.4.Fundamental Duties.

Article 51-A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.

2. Concept of Crime and Criminal Liability and Human Rights of Vulnerable Groups.

- 2.1. Concept of Crime and Criminal Liability;
- 2.2. Role of the courts in dispensing criminal justice;
- 2.3. Human Rights Problems requiring the need of criminal justice - namely police atrocities, violence against women & children,
- 2.4. communal and caste violence,
- 2.5. terrorism and insurgency.

3. Protection of Human Rights in Criminal Justice Administration

- 3.1. Protection from double jeopardy
- 3.2. self- incrimination
- 3.3. production before magistrate from police custody,
- 3.4. fair trial
- 3.5. speedy trial
- 3.6. representation
- 3.7. appeal
- 3.8. protection from ex post facto laws
- 3.9. legal aid
- 3.10. compensation, rehabilitation.

4. Administration of criminal Justice -

- 4.1. Ordinary Courts Special Courts,
- 4.2. District & State Human Rights Courts,
- 4.3. International Criminal Court,
- 4.4. International norms on administration of criminal justice -
- 4.5. U.N. General Assembly Resolutions.

5. Role of various Protection Agencies/Institutions

- 5.1. Perpetrators and Victims of Human Rights.
- 5.2. National Human Rights Commission
- 5.3. State Human Rights Commissions.
- 5.4. Human Rights Courts
- 5.5. Other Commissions.

5.6. Emerging regime of new human rights in India.

5.7. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

Suggested Readings

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 : Implementation and Violations (New Delhi: D.K. Publishers, 1996)
4. 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.
5. 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.
6. Amnesty International, "Campaign for the Abolition of Torture", Philosophy and Science Action, vol.5, nos. 3-4 1984, pp.205-208.
7. 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
8. 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.

9. 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)
10. Bava,Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
11. Bhagwati, P.N., " Human Rights in the Criminal Justice System ", Journal of the Indian Law Institute, vol. 27, no.1, 1985, pp 1-22.
12. Blackshield, A.R."Capital Punishment in India " , Journal of Indian Law Institute vol. 21 no.2, 1979, pp 137-226.
13. Burgers, J.H., "The Fights against Torture ", International Commission of Jurists, no.32, 1984,pp.47-48
14. 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
15. Sharma, S.C., Police and Human Rights (1999).
16. Upadhyay, C.M., Human Rights in Pre-trial Detention (1999).

PAPER-506 ECL

POLICE AND CRIMINAL JUSTICE SYSTEM

LAW 506 ECL POLICE AND CRIMINAL JUSTICE SYSTEM

4-CREDIT

1. The Police System

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

2. Role of Police in Democratic Society.

- 2.1. Role of Police in Democratic Society.
- 2.2. Crime investigation.
- 2.3. Law and Order Management
- 2.4. Criminalisation of Police.
- 2.5. Politicisation of Police.

3 Police Reforms

- 3.1. Selected Aspects of National Police Commissions
Repos
- 3.2. Justice Malimath Committee Report
- 3.3. Mulla Report.

4 Powers and Duties of Police

- 4.1. Powers and duties under Police Acts
(Indian Police Act & Bombay Police Act),
- 4.2. Indian Penal code
- 4.3. Criminal Procedure Code
- 4.5. Evidence Act and others.

5. Relationship between Police, Prosecution and Public

5.1. Relationship between Police and Prosecution

5.2. Police Public Relationship.

- **Suggested Readings :**

-
- Indian Police Act.
- Bombay Police Act.
- Govt. of India, Ministry of Home affairs, National Crime Records Bureau, Crime in India 2003, p. 5
- Rao. S. Venu Gopal, Criminal Justice: Problems and Perspectives in India, Delhi, Konark, 1991
- Government Of India, National Police Commission Reports,
- Government of India, Malimath Committee Report, March 2003
- Role Of Police In Criminal Justice System -S K Chaturvedi
- Handbook of Human Rights and Criminal Justice in India : The System and Procedure- South Asia Human Rights Documentation Understanding The Police In India - :Arvind Verma & KS Subramanian.

SEMESTER - IV

LAW 507PR Class room Teaching

4 Credits

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.

LAW 508PR Doctrinal Research

4 Credits

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.

LAW 509PR Non-Doctrinal Research

4 Credits

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.

LAW 510PR Clinical Research Report

4 Credits

As a part of clinical research each student has to visit for a week to different Legal Institutions to understand the functioning of these institutions and its relation with the society at large and has to submit a report for evaluation.

LAW 511PT Dissertation and Submission of Thesis

8 Credits

To make the LL.M. program in IPR 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.

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