

**DEPARTMENTAL OF POST GRADUATE STUDIES AND RESEARCH****LL.M. 2017-19 (Annual Pattern)****Criminal Law Group**

<b>Course Code</b>	<b>Annual I year</b>	<b>36 Credit Points</b>
LLM/ ANN/ CRI/ 101	Jurisprudence	4+1+1 credits
LLM/ ANN/ CRI/ 102	Law and Social Transformation	4+1+1 credits
LLM/ ANN/ CRI/ 103	Constitutional Law: New Challenges	4+1+1 credits
LLM/ ANN/ CRI/ 104	Legal Research and Research Methodology	4+1+1 credits
LLM/ ANN/ CRI/ 105	Criminal Justice System	4+1+1 credits
LLM/ ANN/ CRI/ 106	Crime and Social Legislation	4+1+1 credits
	<b>Annual –II year</b>	<b>34 Credit Points</b>
LLM/ ANN/ CRI/ 107	Organized Crime, Terrorism and International Crime: New Challenges	4+1+1 credits
LLM/ ANN/ CRI/ 108	Cyber Crime	4+1+1 credits
LLM/ ANN/ CRI/ 109	Penology Victimology and Treatments of Offenders	4+1+1 credits
LLM/ ANN/ CRI/ 110	White Collar Crime and International Law	4+1+1 credits
LLM/ ANN/ 111	Dissertation and Viva Voice	10 credits

## LAW AND SOCIAL TRANSFORMATION

### Course Objectives:

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

### Unit I

- Whether law follows social change or leaves it
- Ways how law effects changes in society
- Human Law and its Social Contexts
- The Organisation of Law

### Unit II

- Social Movement and Law
- Social Welfare Law and the Government
- Law, Justice and Freedom with special reference to justice in numbers by Pythagoras, natural law and natural rights by Finnish and concept of justification and fit by Dworkin, theory of minimal state and redistributive justice by Nozick.
- Law making and Society

### Unit III

- Legal System, Law and Social Change, Interpretative process by Theory of adjudication by Dworkin, justice as fairness by Rawls
- Law and Language
- Law and Religion
- Caste and Law

### Unit IV

- Communities and Law
- Regionalism and the Law
- Women and Law

- Gender Injustices and its various forms

#### Unit V

- Morality as content of Law in Changing society
- Naxalite Movement: Causes and Cure
- Sarvodaya, socialist thought on law and justice
- Law and morale
- Enforcement of law

### **CONSTITUTIONAL LAW: NEW CHALLENGES**

**Course Objectives:** The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

#### Unit I

- Federalism, secularism, minority appeasement, communalism and fundamentalism
- Cooperative Federalism
- Unitary and Federal Constitution
- Creation of new States.
- Autonomy of States
- Division of power
- Part XI of Indian Constitution
- Allocation and sharing of resources – distribution of grants in aid.
- The settlement of interstate disputes
- Rehabilitation of internally displaced persons.
- Centre's responsibility and internal disturbance within States.
- Directions of the Union to the State under Article 355 and 365.
- Federal Comity: Relationship of trust and faith between Union and State.

- Special status of certain States: Tribal Areas, Scheduled Areas.

## Unit II

- Concept of state and nation, separation of power, human rights of naxals, terrorists and also of Law enforcement machineries.
- State: Need for widening the definition in the wake of liberalization, globalization and privatization.
- Amendment of the Constitution
- Emergency Provision with special emphasis on article 356 & 359
- Right to Equality: Privatization and its impact on affirmative action, critical analysis of Moves of Government of Maharashtra.
- Law and Religion - Freedom of Religion and Freedom from Religion

## Unit III

- Feminism, law and women empowerment, reservations, communism, challenge to constitution,
- Right of privacy
- Media and law
- Convergent Media: PrasarBharti
- Sting operations
- Freedom of Press and challenges of new scientific development
- Freedom of speech and expression
- Right to broadcast and telecast.
- Impact of Information Technology Act, 2000
- Right to strikes, sit-in and bandh
- Emerging regime of new rights and remedies.
- Reading Directive Principles and Fundamental Duties into Fundamental rights.
- Public law remedy for constitutional torts and growth of Compensatory jurisprudence.
- Liability of the Government for torts

- Government Contracts with special reference to spectrum allotments
- Right to education (RTE Act)
- Commercialization of Education and its impact.

#### Unit IV

- Social values, independence of judiciary, equality and socialism, personal liberty, euthanasia and death sentence.
- Law and Caste;
- Law and Community,
- Law and Language
- Regionalism
- Right of minorities to establish and administer educational institutions and state control: Critical Analysis of Pai Foundation, P Anandam to Medical Council Of India case 2013 & its aftermath.
- Judicial activism and judicial restraint.
- PIL: implementation.
- Appointment, transfer and removal of judges.
- Accountability: Executive and judiciary.
- Tribunals: Pre - Chandrakumar and Post - Chandrakumar Scenario.
- Election: Jurisprudence of Representation; Role of Election Commission.
- Electoral Reforms: Contribution of Judiciary.
- Coalition government, 'stability, durability, corrupt practice'

#### Unit V

- Corruption and ombudsman, constitutional judicial review and legislative supremacy.
- Bribery, Corruption & Black Money and Law
- Democratic process.
- Nexus of politics with criminals and the business.
- Prevention of corruption Act

- Overview of corruptions from Nehru to Manmohan Singh
- Central vigilance commission
- Central Bureau of investigation
- Lokpal and Lokayukt
- Lokpal Act 2013

## **JURISPRUDENCE**

**Course Objectives:** Jurisprudence is the study of the phenomenon of law. While it is primarily law's self-understanding, it involves interdisciplinary study of law as well. The course analyses and considers the implications of the different understandings and approaches. The course will introduce you to the great thinkers and ideas about law. It provides a survey of their ideas and approaches and critical analysis of those ideas and approaches

### Unit I

- What is Law?, Nature & Definition
- What is Legal Theory and Difference with Jurisprudence
- General Jurisprudence, Specific Jurisprudence
- Priori and Postiori Methods
- Law, science and Technology
- Scientists and Social Scientists
- Natural Law and Law of Nature
- Philosophy of Law
- Cosmic law, basic law of creation
- Religion of Law and Law of Religion
- Transcendental Jurisprudence and Vedic Jurisprudence
- Sociology of law and Legal Sociology
- Natural Law Jurisprudence and Human Rights Jurisprudence- Aquinas, Socrates, Plato, Aristotle and Pre Socrates thinkers, Augustine

### Unit II

- Human law in social contexts.
- Different approaches to law
- Law and social order
- Law, power and legal system
- Positive Law Jurisprudence, Formal Theories of “a law” and “the law” – Machiavelli, Locke, Hobbes, Bentham, Austin, Hart and Fuller
- Historical Jurisprudence – Savigny, Maine
- Economic Jurisprudence – Marx

#### Unit III

- Law, moral and society
- Law, justice and freedom
- Pure Theory of Law – Kelsen
- Sociological theories of legal theory – Comte, Duguit, Ihering, Pound
- Realist Jurisprudence – American Realists(Holmes, Llewellyn, Frank) and Scandinavian Realists (Hagestrom, Lundstedt , Olivecrona and Ross)

#### Unit IV

- Law and social change
- Law making and society
- Concept of “Dharm”
- Concept of Religion
- Hindu Jurisprudence – Sources
- Theories of Ownership
- Theories of Possession
- Concept of Duties
- Social Institutions like Marriage, Live-in-relationships, Gay Marriages, Monogamy, Polygamy, Polyandry and Marital relationships among Adivasis of Chhattisgarh and Khap Dictates and Law
- Domestic Relationship – From undivided -Joint Hindu Family – Joint Family – Single Family – Single Parent Family , Position, Status and Property Rights of Married Women, Un-wed Mothers, Unmarried Girls and widows

- Vedism and transcendentalism
- God- a juristic concept
- Oaths prescribed in third Schedule of the Indian Constitution

#### Unit 5

- Social movement and social welfare
- Law and the government
- Tribal Law in Chhattisgarh
- Muslim Jurisprudence- Sources
- Concept of Ownership in Muslim Law
- Concept of Possession in Muslim Law
- Social Institutions like Nikah, Live-in-relationships, Gay Marriages, Monogamy, Polygamy, Polyandry
- Domestic Relationship – Contribution of Islam in Establishing the feeling of World Family through concept of Fraternity - Position, Status and Property Rights of Married Women, Unmarried Girls and widows

### **Legal Research and Research Methodology**

**Course Objectives:** Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner

#### Unit-1

- Research Methods
- Socio Legal Research
- Doctrinal and non-doctrinal
- Relevance of empirical research
- A priori and posteriori
- Science and philosophy



- Human science methods and social science methods
- Induction and deduction

#### Unit-2

- Identification of Problem of research
- What is a research problem?
- Survey of available literature and bibliographical research.
- Legislative materials including subordinate legislation, notification and policy statements
- 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.

#### Unit-3

- Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.
- Compilation of list of reports or special studies conducted relevant to the problem.
- Preparation of the Research Design.
- Formulation of the Research problem.
- Devising tools and techniques for collection of data : Methodology

#### Unit-4

- Methods for the collection of statutory and case materials and juristic literature.
- Use of historical and comparative research materials.
- Use of observation studies.
- Use of questionnaires/interview.
- Use of case studies

#### Unit-5

- Sampling procedures - design of sample, types of sampling to be adopted.
- Use of scaling techniques
- Jurimetrics
- Computerized Research - A study of legal research programmes such as Lexis and West law coding
- Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data
- Analysis of data

### **CRIMINAL JUSTICE SYSTEM**

**Objective:** The objective of the present course is to enable and equip the students not only to effectively evaluate the contemporary criminal justice system-their policies and practices but also research and critically analyze the lacunae in criminal justice services.

Unit -1- Introduction (Lectures 10)

(a) Crime : Concepts, principles-actus reus, mens rea, strict liability, absolute liability, exclusion of mens rea classification, trends and prevention

(b) Relationship between Crime and society

(c) Schools of Criminology-Neo classical, Biological, Sociological, Psychological theories and concepts related to crime and criminals, Contemporary thoughts of criminology.

Unit-II- Criminal Proceedings in India:(Lectures 10)

(a) Police Investigation: FIR, arrest, bail, confessions of the accused and statements of the witnesses, witness protection, search, seizures.

(b) Prosecutors –role in the criminal proceedings, meaning purpose and need of independent prosecution system.

(c) Attitude of the law towards the police : police dilemma

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(d) Criminal justice reform- Malimath Committee Recommendations

Unit III- Criminal Judicial System and Social Defence(Lectures 10)

(a) Public Interest Litigation

(b) Bail Justice System

(c) Prison Justice

(d) Compensation to victims of crime

(e) Legal aid and legal services.

UNIT-IV- Human rights under criminal justice system (Lectures 10)

(a) Communal and caste violence

(b) Rule of law and due process of law in criminal jurisprudence

(c) Punitive and preventive detention –procedure and safeguards

(d) UDHR, ICCPR, ICESCR –legal significance in Indian context

### **WHITE COLLAR CRIMES**

Objectives: This course focuses on the "Criminality of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behavior. 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.

Unit I

### Conceptual Perspective of White Collar Crimes

1. Concept and Types of White Collar Crimes
2. Indian Approaches to Socio-economics Offences
3. Privileged class deviance
4. Growth of White Collar Crimes
5. Need for Specific Measures

### Unit II

6. Professional Deviance
7. Unethical practices of the Indian Bar
8. Unprofessional and Unethical Journalism
9. Medical Malpractice
10. Organizational or Corporate Crime

### Unit III

11. White Collar Crime and Response of Indian Legal Order
12. Law Commission recommendations
13. White Paper on white collar crime
14. Vigilance Commission
15. Public Account Committee
16. Ombudsman Lokpal Bill

### Unit IV

17. Corruption in Politics and Government
18. Some Major Scandals:
19. Bofors Scandal
20. Stock Market Manipulation Scam 1999-2001
21. 2G Spectrum Allocation Scandal
22. Commonwealth Games Scandal
23. Satyam Computer Scam
24. Fodder Scam

25. JBT Scam

26. Latest Coal Scam

## **ORGANISED CRIME, TERRORISM AND INTERNATIONAL CRIME: NEW CHALLENGES**

### Unit I - Organized Crime

- 1) Definition and Scope
- 2) Characteristics of organized crime
- 3) Types of organized crime
- 4) Causes of organized crime

### Unit II- Classification of Organized Crimes

#### A) International Perspective

- 1) Transnational organized crime
- 2) Illicit Firearms trafficking
- 3) Drug trafficking
- 4) Money laundering scams and frauds

#### B) Indian Perspective

- 1) Smuggling, Money Laundering and Hawala
- 2) Terrorism
- 3) Counterfeiting of Currency
- 4) Drug trafficking: NDPS Act penal provisions
- 5) Cyber Crimes and penal provisions in IT Act, 2000 (Sec.65,66 & 67)
- 6) Trafficking of women and children
- 7) Trafficking of Human Organs (penal provisions)

### Unit III- Profiles of Criminal Gang / Investigation and Prosecution

- 1) Criminal Intent and mensrea in such crimes
- 2) Modus operandi of organized crime
- 3) Role of Police in Investigation of organized crime

4) Role of Judiciary, Trial and Sentencing in organized crime

Unit IV- Legislative Provisions in India

- 1) Maharashtra Control of Organized Crime Act, 1999
- 2) Relevant Provisions under IPC and Indian Evidence Act
- 3) Prevention, control and correctional strategies

Unit V- Laws relating to Transnational Organised Crime

- 1) Organised crime and United Nations
- 2) Naples Declaration and Global Action Plan 24 Dec. 1994 (Salient features)
- 3) United Nations Conventions against Organized Crime 15<sup>th</sup> Dec. 2000 ( Salient features)
- 4) Extradition Treaty: Extradition Act 1962 (Relevant Provisions)

Unit VI- International Crimes

- 1) Emerging Crimes of International Nature
- 2) Objectives of International Criminal Law
- 3) Salient features of International Criminal Court.

## **CRIME AND SOCIAL LEGISLATIONS**

Unit I Meaning and Purpose of Social Legislation

- a) Concept of Social Justice
- b) Historical Evolution of the concept of Social Justice from British Rule onwards
- c) Social Legislations interpreted by Courts in India
- d) Impact of social legislation on the Criminal Law in India
- e) Need for Reform in Social Legislations in the Indian context.

Unit II Protection of rights in Criminal Justice System

- a) Protection of Civil Right Act 1995.
- b) Meaning, Nature and scope of the Act.

- c) Need for reforms in the existing Civil Right Act,
- d) Nature of Offences.

#### Unit III. Dowry Prohibitions Act 1961

- a) Meaning and Purpose
- b) Merits and Demerits
- c) Negative Impact of the Act in certain exceptional cases
- d) Need for modification in the existing provisions
- e) Complementary provisions Sec 498A, Sec 304A & B of I P C
- f) Powers of Police Officers
- g) Nature of Offences.

#### Unit IV A) The Immoral Traffic (Prevention) Act, 1956

- a) Definition and objectives of Act
- b) Regulatory Framework
- c) Scope of the Act and its applicability
- B) Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995
- a) Purpose and Object of the act
- b) Merits and Demerits

#### Unit V Prevention of Corruption Act, 1988: Its impact on Society

- a) Nature, Meaning and Scope
- b) Social reasons for the increase in the crimes of Corruptions
- c) Prosecution - Sanctions and Regulations under the Act
- d) Investigation Procedure and Powers under the Act.

#### Unit VI Prevention of Atrocities Act 1989

- a) Meaning, Nature and Scope of the Act
- b) Relevance of the Act in the present day scenario
- c) Merits and Demerits

## **PENOLOGY VICTIMOLOGY AND TREATMENTS OF OFFENDERS**

Objective: The objective of this course is to make the students aware about the criminal policies including theories of punishment, approaches to sentencing and the problematic of discretion in the sentencing. It also provides the knowledge about the treatment of the offenders under imprisonment and alternative to imprisonment.

1. Definition of Penology - historical and contemporary approaches to penology.
2. Theories of punishment - Retribution - Utilitarian prevention: Deterrence - Utilitarian: Intimidation Behavioral prevention: Incapacitation - Behavioral prevention: Rehabilitation - Classical Hindu and Islamic approaches to punishment.
3. Approaches to sentencing - Probation - parole - corrective labor - fines - bail, bond- collective fines - reparation by the offender/by the court.
4. Juvenile Delinquency - factors - response - JJ Act 2000 - JJ Board - Welfare Boards- Constitutional aspects - Neglected and Delinquent, care and protection.
5. Sentencing - types of sentences in IPC and special laws - sentencing for habitual offender, white collar crime - Pre - sentence hearing - summary punishment – Capital punishment [Constitutionality, Judicial attitude and law reform]
6. Victmology and Compensation - state of Jail reform - Classification of prisoners – Rights of prisoners - open prison.

## **CYBER CRIMES**

Objective: The objective of the paper is to acquaint students with interface of Information Communication Technology (ICT) and the traditional concepts of crime.

Unit I - Nature and Scope of ICT (Lectures 10)

i. Introduction to Information Technology



ii. Nature and functioning of Cyberspace

iii. Various platforms available in ICT:

a. Social media

b. Cloud computing

c. Internet of things

d. Intermediaries

e. Virtual games, etc.

iv. Nature and Extent of misuse of ICT

v. Stakeholders of Cyber world

vi. Development of Cyber laws

Unit II- Cyber Crime

i. Evolution of Cyber crime

ii. Characterization and Classification of Cyber crimes

1. Cyber-crime against women

2. Cyber-crime against child

3. Cyber-crime against society

4. Cyber war, Cyber Terrorism

5. Cyber fraud

iii. The Challenges of Cyber Crime

iv. Legislative and judicial response to Cyber Crime

Unit III - Criminal Justice System and Cyber Crime

i. Applicability of Criminal Procedure Code

ii. Challenges in investigation of Cyber Crime

iii. Evidentiary regime and the internet

iv. Admissibility, Burden of proof and Authenticity

v. Forensic computing

Unit IV - International Response to Cybercrime

i. International Cyber crimes

ii. Global Problems relating to Cybercrime

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iii. International law and Cyber Crime

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iv. Regional Cooperation relating to Cyber Crime