

GUJARAT UNIVERSITY



SYLLABI OF LL.M. PROGRAMME

Group B: Criminal Law

WITH CREDIT BASED SYSTEM

Effective from the academic year 2024-25

LL.M. (Criminal Law/ Group-B)

LL.M.: Group – B (Criminal Laws), Semester System

Effective from Academic Year 2024-25

Department	Semester	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
	1	LAW403	Public International Law	3	1	-	4	4
		LAW404 E	Penology: Treatment and correctional philosophy of Offenders & Collective Violence	3	1	-	4	4
		LAW405 E	Privileged Class Deviance	3	1	-	4	4
		LAW406 E	Drug Addiction	3	1	-	4	4
			Total	18	6	-	24	24
		2	LAW407	Judicial Process	3	1	-	4
	LAW408		Law and Social Transformation in India	3	1	-	4	4
	LAW409		Legal Research Methodology	3	1	-	4	4
	LAW410 E		Principles of Criminal Law	3	1	-	4	4
	LAW411 E		Comparative Criminal Procedure	3	1	-	4	4
	LAW412 E		Offences related to Juveniles	3	1	-	4	4
			Total	18	6	-	24	24
	3	LAW501 E	Criminology	3	1	-	4	4
		LAW502 E	Law of Evidence	3	1	-	4	4
		LAW503 E	Forensic Science and Criminal Investigation	3	1	-	4	4
		LAW504 E	Cyber Crimes	3	1	-	4	4
		LAW505 E	Human Rights in Criminal Justice System	3	1	-	4	4
		LAW506 E	Police and Criminal Justice System					
			Total	18	6	-	24	24
	4	LAW507 PR	PR- class room Teaching			6	4	4
		LAW508 PR	PR-Doctrinal Research			6	4	4
		LAW509 PR	PR-Non-Doctrinal Research			6	4	4
LAW510 PR		PR-Clinical Research Report			6	4	4	
LAW511 PT		PT-Dissertation and Submission of Thesis.				8	8	
		Total	0	0	24	24	24	

TOTAL CREDITS: 96

SEMESTER- I

- 1. Legal Theories: Paper No. 401**
- 2. Indian Constitutional Law: The New Challenges: Paper No. 402**
- 3. Public International Law: Paper No. 403**
- 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

- 1. Judicial Process: Paper No. 407**
- 2. Law and Social Transformation of India: Paper No. 408**
- 3. Legal Research Methodology: Paper No. 409**
- 4. Comparative Criminal Procedure: Paper No. 410 ECL**
- 5. Offences related to Juveniles: Paper No. 411 ECL**
- 6. 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 – Classroom 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**

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**LL.M. Semester II
Group B Criminal Law**

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

Semester – I :

LAW 401 Legal Theories

LAW 401 Legal Theories

4 Credits

- 1. Analytical Legal Positivism**
 - 1.1 Analytical School
 - 1.1.1 Jermy Bentham
 - 1.1.2 John Austin
- 2. The Pure Theory**
 - 2.1 Hans Kelsen
 - 2.1.1 The Basic Norm
 - 2.1.2 Implication of Pure Theory
 - 2.1.3 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.

LAW 402

Indian Constitutional Law: The New Challenges

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**
- 3. Freedom of Press and Challenges of New Scientific Development**
 - 3.1 Freedom of speech and right to broadcast and telecast
 - 3.2 Access to information
 - 3.3 Right to strikes, hartal and bandh
- 4. Emerging Regime of New Rights and Remedies**
 - 4.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 4.1.1 Compensation jurisprudence
 - 4.1.2 Right to education
 - 4.1.2.1 Commercialisation of education and its impact
 - 4.1.2.2 Brain-drain by foreign education market
- 5. Secularism, Religious Fanaticism and Federalism**
 - 5.1 Allocation and share of resources - distribution of grants in aid 5.1.1 The inter-state disputes on resources
 - 5.2 Directions of the centre to the State under Article 356 and 365
 - 5.3 Special status of certain States 5.3.1 Tribal Areas, Scheduled Areas
- 6. Separation of Powers: Stresses and Strain**
 - 6.1 Judicial activism and judicial restraint
 - 6.2 PIL: implementation
 - 6.3 Judicial independence
 - 6.4 Appointment, transfer and removal of judges
 - 6.5 Accountability: executive and judiciary
 - 6.6 Tribunals

References :

1. H.M. Sheervai, Constitution of India (three Volumes)
2. M.P. Jain, Constitution Law of India (2008), Tripathi, Bombay
3. D. D. Basu's Commentaries of Indian Constitution
4. Basu D.D. : Shorter Constitution of India Wadhwa Publication Nagpur
5. Latest Judgments of the Supreme Court

LAW 403

Public International Law

Public International Law

4 Credits

1. Introduction

2.

- 2.1 Nature of International Law
- 2.2 Basis of International Law
- 2.3 Evolution and Development of International Law
- 2.4 Codification of International Law

3. Sources of International Law

- 3.1 General
- 3.2 Custom
- 3.3 Treaties
- 3.4 The General Principles of Law
- 3.5 Judicial Decisions
- 3.6 Juristic Work on International Law
- 3.7 General Assembly Resolutions and Declarations

4. Relation between International Law and Municipal Law

- 4.1 Theories on Relationship
- 4.2 Theories on the Application of International Law within Municipal Law
- 4.3 Municipal Law before International Tribunals
- 4.4 International Law within Municipal Sphere

5. Subjects of International Law

- 5.1 State as a Subject
- 5.2 Public International Organizations
- 5.3 Individual as Subject of International Law

6. Law and Practice of Treaties

- 6.1 The Treaty Making Process
- 6.2 Treaties and Third Parties
- 6.3 Treaty Interpretation
- 6.4 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 ECL

PENOLOGY: TREATMENT AND CORRECTIONAL PHILOSOPHY OF OFFENDERS & COLLECTIVE VIOLENCE

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.

This course also deals with the various aspects of New Criminal Laws – Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Adhiniyam, 2023 and Bharatiya Sakshya Adhiniyam, 2023.

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 BNS 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, Punishment of Community Service

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: Mob Lynching

4.6 Gandhiji's approach to non-violence

4.6 Discourse on political violence and terrorism during colonial struggle

4.7 Organized Crimes, Petty Organized Crimes, Terrorist Act

5. COMMUNAL VIOLENCE & VIOLENCE AGAINST THE STATE.

5.2 Incidence and courses of "communal" violence

5.2 The role of police and para-military systems in dealing with communal violence

5.3 Act endangering Sovereignty, Unity and Integrity of India (Sec.152 BNS)

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

SELECT BIBLIOGRAPHY

SECTION 1

S.Chhabra, 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, Luclnow,

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 Kohari, 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).

Bharatiya Nyaya Sanhita, 2023 : Bar Ac

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", [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 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

3. 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

4. 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.Noormni, Minister's Miscounduct (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

4 CREDITS

OBJECTIVES OF THE COURSE

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, 1954, adopted in New York, 30 March 1954 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 BNS 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:
 - a. The Law and Society Review (USA)
 - b. Journal of Drug Issues (Tallahassee Florida)
 - c. International Journal of Addictions (New York)
 - d. British Journal of Criminology
 - e. Journal of Criminal Law, Criminology and Police Science (Baltimore , Md.)
 - f. Journal of Criminal Law and Criminology (Chicago, III)
 - g. International Journal of Offender Therapy and Comparative Criminology (London)
 - h. Bulletin on Narcotics (United Nations).
 - i. Narcotic Drugs and Psychotropic Substances Act, 1985
 - j. Bharatiya Nyaya Sanhita, 2023

GUJARAT UNIVERSITY

**LL.M. Semester II
Group B Criminal Law**

1. **Judicial Process:
Paper No. 407**
2. **Law and Social Transformation of India:
Paper No. 408**
3. **Legal Research Methodology:
Paper No. 409**
4. **Comparative Criminal Procedure:
Paper No. 410 ECL**
5. **Offences related to Juveniles:
Paper No. 411 ECL**
6. **Principles of Criminal Law:
Paper No. 412 ECL**

LAW 407

Judicial Process

LAW 407 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 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

5. Relation between Law and Justice

- 5.1 Equivalence Theories - Justice as nothing more than the positive law of the stronger class
- 5.2 Dependency theories - for its realisation justice depends on law, but justice is not the same as law
- 5.3 The independence of justice theories - means to end relationship of law and justice - the relationship in the context of the Indian constitutional ordering.
- 5.4 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.I,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 Theory of Justice (2000), Universal, New Delhi
11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

LAW 408

Law and Social Transformation of India

LAW 408 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

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LAW 409

Legal Research Methodology

LAW 409 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 over-ruled; 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.

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1. M. O. Price, H. Bitner and Bysiewiez, Effective legal Research (1978)
2. Pauline V. Young, Scientific Social Survey and Research (1962)
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8. Havard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research and Methodology

Gujarat University

**PAPER-410 ECL
PRINCIPLES OF CRIMINAL LAW**

LAW 410 ECL PRINCIPLES OF CRIMINAL LAW

4 CREDITS

CHAPTERS

1. Historical Development

1.1 Extent and Operation of the BNS

1.2 Definition of Crime

Distinction between Crime and Tort

Criminal Law & Morality

2. Fundamental Elements of Crime

2.1 Human Being

2.2 Mens rea

- Mens rea and statutory crimes
- Mens rea and Indian Law
- Words denoting Mens Rea in BNS
- Fraudulently
- Dishonestly
- Difference between Fraudulently and Dishonestly
- Voluntarily

2.3 Actus reus (Act or Omission)

2.4 Injury

2.5 Good faith

3. Stages in Commission of a Crime under BNS

3.1 Intention or Contemplation

3.2 Preparation

3.3 Attempt

- Essentials of the Attempt
- Impossible Attempt
- Illustrative cases
- Attempt and preparation distinguished
- Sections 62 and 109 The BNS

3.4 Accomplishment

4. Constructive joint Criminality

4.1 Common Intention and Common Object

4.2 Conviction of less than five persons

4.3 Organized Crimes, Petty Organized Crimes

4.4 Terrorist Act,

4.5 Mob Lynching

5. Abetment and Criminal Conspiracy

5.1 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 under BNS

5.2 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 3(5), 49 and 61
- Proof of Conspiracy
- Abetment and Conspiracy

BIBLIOGRAPHY & SUGGESTED READINGS

BOOKS

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- Blackstone's : Commentaries
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Insanity and Intoxication

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CWN 2

PAPER-411 ECL
COMPARATIVE CRIMINAL PROCEDURE

LAW 411 ECL COMPARATIVE CRIMINAL PROCEDURE

4 CREDITS

OBJECTIVES OF THE COURSE

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 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 Hierarchy of criminal courts and their jurisdiction
 - 1.1.1 Nyaya Panchayats in India
 - 1.1.1.1 Panchayats in tribal areas
- 1.2 Organization 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 defense attorney in the trial.
- 3.3 Admissibility, and inadmissibility of evidence
- 3.4 Expert Evidence, Relevance of evidence collected by Forensic Expert: related provisions of BNSS and procedural laws of other countries.
- 3.5 Appeal and Revision provisions under BNSS and laws of other countries
- 3.6 Plea bargaining: Restriction under BNSS and other country laws.

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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023
- 5.2 Special enactments

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4. Patric Devlin, The Criminal Prosecution in Englands
5. Americal Series of Foreign Penal Codes Criminal Procedure Code of People's Republic
of China
6. John N. Ferdico, Criminal Procedure (1996), West
Sanders & Young, Criminal Justice{1994}
7. Christina Van Den Wyngart, Criminal PProcedure Systems in European Community,
8. Joel Sambha, Criminal Procedure(1997), West
9. Criminal Procedure Code, 1973
- 10.The French Code of Criminal Procedure
11. 14 th and 41st Reports of Indian Law Commission
- 12.The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

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

PAPER-412 ECL
OFFENCES RELATED TO JUVENILES

LAW 412 ECL OFFENCES RELATED TO JUVENILES

4 CREDITS

1. THE BASIC CONCEPTS

- 1.1 The conception of child in India in Indian Constitution and BNS
- 1.2 Juvenile conflict with laws
- 1.3 Neglected Juvenile
- 1.4 The overall 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 organized sector like zari, carpet, bidi, glass
 - 4.3.2 In unorganized 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 programs health, nutrition, ICWS, Grant in Aid

5.5 Compulsory Education

5.6 Role of Community, Family, Voluntary, Bodies, Individuals

SELECT BIBLIOGRAPHY

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2. K.S.Shukla, Adolescent Offender (1985)
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4. Myron weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children UNICEF periodic materials.

GUJARAT UNIVERSITY

**LL.M. Semester III
Group B Criminal Law**

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
6. **Human Rights in Criminal Justice System:**
Paper No. 505 ECL
7. **Police and Criminal Justice System:**
Paper No. 506 ECL

**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 behavior
- 3.6. Freud's theory of Criminal behavior
- 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 Programs
- 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. Crime and Feminism such as Voyeurism, Stalking, gang rape etc.
- 5.4. Victimology: Payment of compensation to victims from accused : Object and reasons
- 5.5. Organized Crimes, Petty Organized Crimes, Terrorist Act
- 5.6. Cyber Crimes : Issues and challenges – Indian and Global Scenario

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

Bharatiya Sakshya Adhiniyam

LAW 502 ECL Bharatiya Sakshya Adhiniyam

4 CREDITS

OBJECTIVES OF THE COURSE:

Bharatiya Sakshya Adhiniyam 2023, 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 both. The art of 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

1.1 Facts: Section 2(1) (a) to (l) definition: distinction - relevant facts/facts in issue (Electronic records, Digital evidence & Social Media Control.) Admissibility of electronic evidence including WhatsApp msg, Email & Social media post.

1.2 Evidence: Oral and documentary

1.3 Circumstantial evidence and direct evidence

1.4 Presumption (Section 2(h)(l))

1.5 "Proving" "Not providing" and "Disproving"

1.6 Witness

1.7 Appreciation of evidence

2. ADMISSIONS AND CONFESSIONS:

2.1 General principals concerning admission (Section 15,21)

2.2 Differences between "admission " and "confession"

2.3 The problems of non - admissibility of confessions caused by "any inducement, threat of promise " (Section 22(1))

2.4 Inadmissibility of confession made before a police officer (Section 23(1))

2.5 Admissibility of custodial confessions (Section 23(2))

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

2.7 "Joint statement " (Section 23(3))

2.8 Confession by co-accused (Section 24)

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

3. ORAL AND DOCUMENTARY EVIDENCE & EXPERTS EVIDENCE:

- 3.1 General principles concerning oral evidence (Section 54-55)
- 3.2 General Principles concerning Documentary Evidence (Section 65-92)
- 3.3 General Principles Regarding Exclusion of Oral by Documentary
- 3.4 Evidence Special problems re-hearing evidence
- 3.5 General Principles
- 3.6 Types of expert evidence
- 3.7 Opinion on relationship especially proof of marriage (Section 44)
- 3.8 The problems of judicial defense to expert testimony
- 3.9 Dying Declaration

4. WITNESSES, EXAMINATION AND CROSS EXAMINATION

- 4.1 Competency to testify (Section 124)
- 4.2 State privilege (Section 129)
- 4.3 Professional Privilege (Section 132,133)
- 4.4 Approval testimony (Section 138)
- 4.4 General Principles of examination and cross examination (Section 140-168)
- 4.5 Leading questions (Section 146(1)-146(4))
- 4.6 Lawful questions in cross - examination (Section - 149)
- 4.7 Compulsion to answer questions put to witness
- 4.8 Hostile witness (Section 157)
- 4.9 Impeaching of the standing or credit of witness (Section 158)

5. BURDEN OF PROOF:

- 5.1 The general conception of onus probandi (Section 104)
- 5.2 General and special exceptions to onus probandi
- 5.3 The Justification of presumption and of the doctrine of judicial notice
- 5.4 Justification as to presumptions as to certain offences (Section 115)
- 5.5 Presumption as to dowry death (Section 118)
- 5.6 The Scope of the doctrine of judicial notice (Section 119)

Suggested Reading:-

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
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5. Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998) Universal , Delhi.
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7. BSA,2023

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.
- 1.8. Role of Forensic Experts and evidence collected by them under the Bharatiya Nagarik Suraksha Adhiniyam, 2023
- 1.9. Mandatory Forensic Investigation in offences punishable with 7 years or More Imprisonment : BNSS

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; rupture of fracture marks.
- 2.3. The Establishment of the Identity of Physical Objects by Physical and Chemical Analysis:

Paints; colored objects: metal; alloys; chain and the earthen wares:
cements: Plaster; bricks: dusts; soil minerals; plastics.

3. Questioned Documents and the Identification 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 types of forgery and their detection; Additions; erasures alterations; seals; rubberstamps; typewriting; printing; blocks.

4. The Identification of Firearms and Cartridges and Related Problems:

4.1. Type of firearms and their use; time and range of firing.

4.1.1 Identification of a firearm with a cartridge case and bullet.

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

4.2 Injuries to Persons:

4.2.1 Evidentiary value of details of injuries.

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

4.2.3 Danger to clothing worn by the victim and related problems.

4.2.4 The flow of blood from injuries.

4.2.5 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 in a Forensic sciences laboratory viz, Evidence with scientific report.

5.1. Fallibility of eyewitnesses. : 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 exhibits. : 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. 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.Aand 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) : Lund quist.F.:

PAPER-504 ECL

CYBER CRIMES

LAW 504 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

1.5 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. Cybercrime: Definition –

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

2.3. Web Hacking Foot printing, Port Scanning, E-Shoplifting 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 BNS, 2023

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
- Initializing 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 like Cyber Crime through Artificial Intelligence, Virtual Rape etc.

Suggested Reading:-

1. An Introduction to Cyber vCrime and Cyber Law ;Dr.R.K.Chaubay
2. Cyber crime in India : Dr.M.Dasgupta
3. Cyber laws and crimes :Barkha & U.Ramamohan
4. Information Technology Act 2000
5. 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.
6. 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.
7. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
8. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
9. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
10. McQuade, Samuel C (2005). Understanding and managing cyber crime. New Jersey: Allyn & Bacon.
11. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
12. Seymour Goodman and Abraham Soafer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
13. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
14. 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>
15. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.
16. Bharatiya Nyaya Sanhita, 2023

PAPER-505 ECL
HUMAN RIGHTS IN CRIMINAL JUSTICE SYSTEM

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:
 1. Normative and Institutional Framework of the UN
 2. Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights
- Universal Declaration on Human Rights:
 1. History of the Declaration
 2. Structure of the Declaration
 3. Legal Significance
- International Covenants: ICCPR and ICESCR
 1. Nature and Characteristic
 2. Optional Protocols
- Regional Instruments
 1. European Convention on Human Rights
 2. American Convention on Human Rights
 3. African Charter on Human and People's Rights
 4. Asia and Human Rights

1.2. In India

- 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.
- 1.4. Role of Police under Bharatiya Nagarik Suraksha Sanhita, 2023

2. Role of Police in Democratic Society.

- 2.1. Role of Police in Democratic Society.
- 2.2. Crime investigation, Concepts of Zero FIR, E-FIR
- 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 Reports
- 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 & Gujarat Police Act),
- 4.2. Bharatiya Nyaya Sanhita, 2023
- 4.3. Bharatiya Nagarik Suraksha Sanhita, 2023
- 4.5. Bharatiya Sakshya Adhinyam, 2023 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.
- Bharatiya Nyaya Sanhita, 2023
- Bharatiya Nagarik Suraksha Adhinyam, 2023
- Bharatiya Sakshya Adhinyam, 2023 and others

GUJARAT UNIVERSITY

**LL.M. Semester IV
Group B Criminal Law**

SEMESTER-IV

1. **PR – Classroom 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**

LL.M. Semester IV Group B Criminal Law

LAW 507PR Classroom Teaching

4 Credits

Each student will be assigning two topics in advance to deliver classroom teaching. Each class will be 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 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 must submit doctrinal research based on 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 must visit for a week to different Legal Institutions to understand the functioning of these institutions and its relationship 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 must 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.
