

**SRI VENKATESWARA UNIVERSITY :: TIRUPATI**  
**MASTER OF LAW**

**CBCS Pattern**

**(With effect from 2016-17)**

**The Course of Study and the Scheme of Examinations**

**BRANCH – II - CRIMINAL LAW**

**I Semester**

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	1.1	Penology : Treatment of Offenders	4	2	-	6	20	80	100
2		1.2	Privileged Class Deviance	4	2	-	6	20	80	100
3	<b>Foundation Course</b>	1.3	Law and Social Transformation in India	4	2	-	6	20	80	100
4		1.4	Indian Constitutional Law, The New Challenges	4	2	-	6	20	80	100
	<b>Total</b>					-	24	80	320	400

**II Semester**

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	2.1	Drug Addiction, Criminal Justice and Human Rights	4	2	-	6	20	80	100
2		2.2	Comparative Criminal Law	4	2	-	6	20	80	100
3	<b>Foundation Course</b>	2.3	Judicial Process	4	2	-	6	20	80	100
4		2.4	Legal Education and Research Methodology	4	2	-	6	20	80	100

	<b>Total</b>					-	<b>24</b>	<b>80</b>	<b>320</b>	<b>400</b>
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### III Semester

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	3.1	Juvenile Delinquency	4	2	-	6	20	80	100
2		3.2	Collective Violence and Criminal Justice System	4	2	-	6	20	80	100
3		3.3	Practical Training	-	-	6	6	100	-	100
4	<b>Generic Elective</b>	3.4a	Environment Protection and the Law	4	2	-	6	20	80	100
5		3.4b	Intellectual Property Rights Law							
6	<b>Open Elective</b>	3.5a	Cyber Crimes and Law	4	2	-	6	20	80	100
7		3.5b	Evolution and Concept of ADR							
	<b>Total</b>						<b>24</b>	<b>160</b>	<b>240</b>	<b>400</b>

## **IV – Semester**

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	<b>Core</b>	4.1	Dissertation and Viva-Voce	-	-	24	12		<b>Dissertation - 150 Viva – 50</b>	<b>200</b>
2	<b>Open Elective</b>	4.2a	Law of Consumer Protection	4	2	-	6	20	80	100
3		4.2b	International Human Rights (MOOC / Online Course)							
	<b>Total</b>						<b>12</b>		<b>200</b>	<b>200</b>
			Grand Total				<b>84</b>			<b>1400</b>

**Note:-**

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.

# I SEMESTER

LL.M. SYLLABUS  
BRANCH -II – CRIMINAL LAW  
I SEMESTER

**Paper – 1.1**  
**PENOLOGY: TREATMENT OF OFFENDERS**

**Objectives of the course:**

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 focus 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, dependization, deinstitutionalization. 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

**Syllabus**

**Unit - 1. Introduction and Theories of Punishment**

- 1.1. Definition of Penology
- 1.2. Retribution
- 1.3. Utilitarian prevention: Deterrence
- 1.4. Utilitarian: Intimidation
- 1.5. Behavioural prevention: Incapacitation
- 1.6. Behavioural prevention: Rehabilitation – Expiation
- 1.7. Classical Hindu and Islamic approaches to punishment.

**Unit - 2. The Problematic of Capital Punishment**

- 2.1 Constitutionality of Capital Punishment
- 2.2 Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law.
- 2.3 Law Reform Proposals

### **Unit - 3. Approaches to Sentencing**

- 3.1. Alternatives to Imprisonment
  - 3.1.1. Probation
  - 3.1.2. Corrective labour
  - 3.1.3. Fines
  - 3.1.4. Collective fines
  - 3.1.5. Reparation by the offender/by the court

### **Unit - 4. Sentencing**

- 4.1. Principal types of sentences in the Penal Code and special laws
- 4.2. Sentencing in white collar crime
- 4.3. Pre-sentence hearing
- 4.4. Sentencing for habitual offender
- 4.5. Summary punishment
- 4.6. Plea-bargaining

### **Unit - 5. Imprisonment**

- 5.1. The state of India's jails today
- 5.2. The disciplinary regime of Indian prisons
- 5.3. Classification of prisoners
- 5.4. Rights of prisoner and duties of custodial staff.
- 5.5. Deviance by custodial staff
- 5.6. Open prisons
- 5.7. Judicial surveillance - basis - development reforms

### **Select bibliography**

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

**Paper – 1.2**  
**PRIVILEGED CLASS DEVIANCE**

**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**

**Unit - 1. Introduction**

- 1.1. Conceptions of white collar crimes
- 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 deviance (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.

## **Unit - 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. Thelbakkar-Natarajan Commission Report on Fairfax.

## **Unit - 3. Police Deviance**

- 3.1. Structures of legal restraint on 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
- 3.7. Reform suggestions especially by the National Police Commissions

## **Unit - 4. Professional Deviance**

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

## **Unit - 5. Response of Indian Legal Order to the Deviance of Privileged Classes**

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

### **Select bibliography**

- 1 UpendraBaxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
- 2 UpendraBaxi (ed.), Law and Poverty: Essays (1988)
- 3 UpendraBaxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
- 4 SurendranathDwevedi and G.S. Bbargava, Political Corruption in India (1967)
- 5 A.R. Desai (ed.) Violation of democratic Rights in India (1986)
- 6 A.G. Noorani, Minister's Misconduct (1974)
- 7 B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in The Other Side of Development 136 (1987; K.S. Shukla ed.).
- 8 Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

## **Paper – 1.3**

### **LAW AND SOCIAL TRANSFORMATION IN INDIA.**

#### **Objectives of the course:**

This course is designed to offer the teacher and the taught with - (a) awareness of Indian 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 endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

## **Syllabus:**

### **UNIT 1. Law and social change**

Law as an instrument of social change, 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.

### **UNIT -2. Community, religion and the law**

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

### **UNIT –3. Women, children and law**

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

### **UNIT- 4. Modernization and law**

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

### **UNIT-5. Alternative approaches to law**

The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan--- Surrender of dacoits; concept of gramanyayalayas.

### **Select Bibliography**

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.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and KiranDeshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. SavitriGunasekhare, Children, Law and Justice (1997), Sage

11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
13. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

## **Paper – 1.4**

### **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.**

#### **Objectives of the Course:**

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. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

#### **Syllabus:**

##### **UNIT-1. Federalism**

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

##### **UNIT-2. "State" right to equality**

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

##### **UNIT-3. Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

##### **UNIT – 4. Separation of powers stresses and strain**

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

##### **UNIT- 5. Democratic process**

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

**Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

# II SEMESTER

BRANCH –II – CRIMINAL LAW

II SEMESTER

Paper – 2.1

## DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

### **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, non-therapeutic 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 policies 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.

### **Syllabus:**

#### **Unit - 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"
- 1.2 How Does One Study the Incidence of Drug Addiction and Abuse?
  - 1.2.1. Self-reporting
  - 1.2.2. Victim-studies
  - 1.2.3. Problems of comparative studies

## **Unit - 2. Anagraphic and Social Characteristics of Drug Users**

- 2.1. Gender
- 2.2. Age
- 2.3. Religiousness
- 2.4. Single individuals/cohabitation
- 2.5. Socio-economic level of family
- 2.6. Residence patterns (urban/rural/urban)
- 2.7. Educational levels
- 2.8. Occupation
- 2.9. Age at first use
- 2.10. Type of drug use
- 2. 11. Reasons given as cause of first use
- 2.12. Method of Intake
- 2.13. Pattern of the -Use
- 2.14. Average Quantity and Cost
- 2.15. Consequences on addict's health (physical/psychic)

NOTE: Since no detailed empirical studies exist in India, the class should be in this topic sensitized by comparative studies. The principal objective of this discussion is to orient the class to a whole variety of factors which interact in the 'making' of a drug addict.

## **Unit - 3. The International Legal Regime**

- 3.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1954, 1972
- 3.2. Analysis of the Convention on Psychotropic Substances, 1972
- 3.3. International collaboration in combating drug addiction
- 3.4. The SARC, and South-South Cooperation
- 3.5. Profile of international market for psychotropic substances

## **Unit - 4. The Indian Regulatory System**

- 4.1. Approaches to narcotic trafficking during colonial India

- 4.2. Nationalist thought towards regulation of drug trafficking and usage
- 4.3. The penal provisions (under the IPC and the Customs Act)
- 4.4. India's role in the evolution of the two international conventions
- 4.5. Judicial approaches to sentencing in drug trafficking and abuse
- 4.6. The Narcotic Drugs and Psychotropic Substances Act, 1985
- 4.7. Patterns of resource investment in India: policing adjudication, treatment, after care and rehabilitation

## **Unit - 5. Human Rights Aspects and the Role of Community in Combating Drug Addiction**

### **5.1 Human Rights Aspects**

- i. Deployment of marginalized people as carrier of narcotics
- ii. The problem of juvenile drug use and legal approaches
- iii. Possibilities of misuse and abuse of investigative prosecutory powers
- iv. Bail
- v. The Problem of differential application of the Ugal Regimes, especially in relation to the resource less

### **5.2 The Role of Community in Combating Drug Addiction**

- i. Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and aftercare)
- ii. The role of educational systems
- iii. The role of medical profession
- iv. The role of mass media
- v. Initiatives for compliance with regulatory systems
- vi. Law reform initiatives

### **Select bibliography**

1. H.S. Becker, Outsiders : The Studies in Sociology of Deviance (1966)
2. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
3. R. Cocken, Drug Abuse and personality in Young Offenders (1971)
4. G. Edwards Busch, (ed.) Drug Problems in Britain : A Review of Ten Years (1981)
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979)
6. P.R. Rajgopat Violence and Response: A Critique of the Indian Criminal System (1988)
7. United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations

8. Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No. 21).
9. 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)

## **Paper – 2.2**

### **COMPARATIVE CRIMINAL LAW**

#### **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

#### **Syllabus:**

##### **Unit - 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. Organisation of prosecuting agencies for prosecuting criminals
  - 1.2.1. Prosecutors and the police
- 1.3. Withdrawal of prosecution.

##### **Unit - 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.

### **Unit - 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
  - 3.3.1. Expert evidence
- 3.4. Appeal of the court in awarding appropriate punishment.
- 3.5. Plea bargaining

### **Unit - 4. Correction and Aftercare services**

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After - care services in India and France
- 4.3. The role of the court in correctional programmes in India.

### **Unit - 5. Preventive Measures in India**

- 5.1. Provisions in the Criminal Procedure Code
- 5.2. Special enactments
- 5.3. Public Interest Litigation - Directions for criminal prosecution.

### **Select bibliography**

1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
6. Patric Devlin, The Criminal Prosecution in England
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)
10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha,
11. Criminal Procedure (1997), West
12. Criminal Procedure Code, 1973
13. The French Code of Criminal Procedure,
14. 14th and 41st Reports of Indian Law Commission.

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

## **Paper – 2.3**

### **JUDICIAL PROCESS**

#### **Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

#### **Syllabus:**

##### **Unit - 1. Nature of judicial process**

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

##### **Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

Notions of judicial review, 'Role' in constitutional adjudication - various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism Problems of accountability and judicial law-making.

##### **Unit - 3. Judicial Process in India**

Indian debate on the role of judges and on the notion of judicial review. The "independence" of judiciary and the "political" nature of judicial process. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges  
Institutional liability of courts and judicial activism - scope and limits.

#### **Unit - 4. The Concepts of Justice**

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

#### **Unit - 5. Relation between Law and Justice**

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

Dependency theories - For its realisation justice depends on law, justice is not the same as law.

The independence of justice theories - means to end relationship of law and justice- The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

#### **Select Bibliography**

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 Process (1998), Oxford.
4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
7. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

## **Paper – 2.4**

### **LEGAL EDUCATION AND RESEARCH METHODOLOGY**

#### **Objectives of the course:**

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

#### **Syllabus:**

##### **Unit - 1. Objectives of Legal Education and methods of teaching**

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

##### **Unit - 2. Research Methods**

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

##### **Unit - 3. 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 statement, 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, 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.

#### **Unit - 4. Preparation of the Research Design**

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, 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/Schedule, Use of case studies 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 and manupatra

#### **Unit – 5. Analysis and report writing**

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

#### **Bibliography**

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

# III SEMESTER

BRANCH -II - CRIMINAL LAW

III SEMESTER

Paper - 3.1

JUVENILE DELINQUENCY

**Objectives of the course:**

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different centre of criminal justice system and should not be treated in the same way as the adult offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juveniles in certain situations, as *parens patriae*. The category of 'neglected children' defines the burdens of care which state and society have to assume for neglected children. Most categories of neglected children are also themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need.

**Syllabus:****Unit - 1. The Basic Concepts**

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)
- 1.5 Determining Factors of Juvenile Delinquency
  - 1.5.1. Differential association
  - 1.5.2. Anomie
  - 1.5.3. Economic pressure
  - 1.5.4. Peer group influence
  - 1.5.5. Gang sub-culture
  - 1.5.6. Class differentials

**Unit - 2. Legislative Approaches**

- 2.1. Legislative approaches during the late colonial era.
- 2.2. Children's Act
- 2.3. Legislative position in various States
- 2.4. The Juvenile Justice Act
  - 2.4.1. Constitutional aspects.
  - 2.4.2. Distinction between "Neglected" and "delinquent" juveniles.
  - 2.4.3. Competent authorities
  - 2.4.4. Processual safeguards for juveniles
  - 2.4.5. Powers given to government

2.4.6. Community participation as envisaged under the Act

### **Unit - 3. Indian Context of Juvenile Delinquency**

3.1. The child population percentage to total sex-ratio, urban/rural/rural-urban

3.2. Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.

3.3. Labourers

3.3.1. Inorganised industries like zari, carpet, bidi, glass

3.3.2. Inunorganised sector like domestic servant, shops and establishments, rag-pickers family trade.

3.4. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background

3.5. Drug addicts

3.6. Victims

3.6.1. Of violence - sexual abuse, battered, killed by parents

3.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach

#### **3.7. Judicial Contribution**

3.7.1. Social action litigation concerning juvenile justice

3.7.2. Salient judicial decisions

3.7.3. Role of legal profession in juvenile justice system.

### **Unit - 4. Implementation**

4.1. Institutions, bodies, personnel

4.2. Recruiting and funding agencies

4.3. Recruitment qualifications and salaries or fund

4.4. Other responsibilities of each agency/person

4.5. Coordination among related agencies

4.6. Accountability-annual reports and accessibility of public to juvenile justice institution.

### **Unit - 5. Preventive Strategies**

5.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid

5.2. Compulsory education

5.3. Role of community, family, voluntary, bodies, individuals.

### **Select bibliography**

1. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
2. K.S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF periodic materials

## **Paper – 3.2**

### **COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

#### **Objectives of the course:**

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 aetiology 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.

#### **Syllabus:**

##### **Unit - 1. Introductory**

- 1.1. Notions of "force", "coercion", "violence"
- 1.2. Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. "Constitutional" and "criminal" speech: Speech as incitement to violence
- 1.6. "Collective political violence" and legal order
- 1.7. Notion of legal and extra-legal "repression"

##### **Unit - 2. Approaches to Violence in India**

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Gandhiji's approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

### **Unit - 3. Agrarian Violence and Repression**

- 3.1. The nature and scope of agrarian violence in the 18-19 centuries India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order
- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

### **Unit - 4. Violence against the Scheduled Castes**

- 4.1. Notion of Atrocities
- 4.2. Incidence of Atrocities
- 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.4. Violence Against Women

### **Unit - 5. Communal Violence**

- 5.1. Incidence and courses of "communal" violence
  - 5.2. Findings of various commissions of enquiry
  - 5.3. The role of police and para-military systems in dealing with communal violence
  - 5.4. Operation of criminal justice system tiring, and in relation to, communal violence
- NOTE: Choice of further areas will have to be made by the teacher and the taught

### **Select bibliography**

1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
6. RanjitGuha, Element any Aspects of Peasant Insurgency in Colonial India (1983) RanjitGuba,(ed, ) Subaltern Studies Vol. 1-6 (1983-1988)
7. T. Honderich, Violence for Equality (1980)
8. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
9. Rajni Kothari, State Against Democracy (1987)
10. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
11. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

## **Paper – 3.3**

### **PRACTICAL TRAINING**

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

#### **1. Research Methodology**

##### **(i) Doctrinal research (25 marks)**

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

##### **(ii) Non-doctrinal research (25 marks)**

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

#### **2. Clinical work (25 marks)**

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

#### **3. Law Teaching (25 marks)**

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

**Paper – 3.4(a)**  
**ENVIRONMENT PROTECTION AND THE LAW**

**Objectives:-**

The Concept of the Environmental Law is for the maintenance and improvement of environment

**Syllabus:-**

**Unit- 1.** General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India Penal code, Local bodies Law: an overview.

**Unit-2. Environment (Protection) Act, 1986**

‘Necessary and proper clause’: concentration of power on the Central Government, Delegated legislation: power to make rules, regulation and to issue Directions, Delegation of powers.

**Unit-3. Coastal Zone Management**

Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

**Unit-4. Biological Diversity Act, 2002**

**Unit -5. Emerging Legal Controls**

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

**Select Bibliography**

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. Department of Science and Technology, Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery.
4. For Ensuring Environmental Protection (1980) (Tiwari Committee Report).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment &Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law

8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozencranz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

### **Paper – 3.4(b)**

### **INTELLECTUAL PROPERTY RIGHTS LAW**

Objectives: The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

#### **Unit -1. INTRODUCTION:**

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

#### **Unit -2. Concept and Theoretical Perspectives**

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

#### **Unit – 3. Economic and Technological Approaches**

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

#### **Unit – 4. Approaches of International Institutions and IPR**

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

#### **Unit – 5. SUBJECT PROVINCE OF IPR**

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles
- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

#### **Suggested Readings:**

1. Peter Drahos: A Philosophy of Intellectual Property,1996

2. Commons J.R.: International Economics, 1934
3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
  - International Legal Instruments, D.K. Agencies 1998
  - Intellectual Property Rights CSIR Journal
  - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

### **Paper – 3.5(a)**

## **CYBER CRIMES AND LAW**

### **Unit - 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

### **Unit - 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-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

### **Unit - 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
- 1.5 IT act 2000 and other legal provisions

#### **Unit - 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:

#### **Unit - 5. Cyber Law Prevention measures and Data Safety.**

- 5.1. Cyber Law Prevention measures
- 5.2. Data Safety
- 5.3. Future Challenges

#### **Suggested Reading:-**

1. 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
2. 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.
3. 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
4. Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.
5. Giddens, A (1990) The Consequences of Modernity, Polity Press: Oxford.
6. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
7. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey

8. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn& Bacon.
9. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
10. Seymour Goodman and Abraham Soafer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
11. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
12. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York <http://www.uncjin.org/Documents/EighthCongress.html>
13. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

### **Paper – 3.5(b)**

#### **EVOLUTION AND CONCEPT OF ADR**

##### **UNIT – 1. Introduction to ADR**

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

##### **UNIT – 2. Indian Perspective of ADR**

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

##### **UNIT –3. Dispute Resolution at grass root level**

- a) LokAdalats,
- b) NyayaPanchayath,
- c) Legal Aid, Legal Services Authority
- d) Preventive and Strategic legal aid.

##### **UNIT – 4. ADR Application**

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

##### **UNIT – 5. Informal Methods of Settlements of Disputes and Grievance Redressal Procedures**

- a. Conciliation and Medication through social action groups
- b. Use of media, lobbying and public participation

- c. Public inquires and commissions of inquiry
- d. Ombudsman; Lok Pal, LokAyuktha
- e. Vigilance Commission
- f. Congressional and Parliamentary Committes.

References:

1. P.C. Rao and William Sheffield, Alternative Dispute Resolution, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, LokAdalat: An Effective Alternative Dispute Resolution, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - Alternative Dispute Resolution, Butterworth Lexis Nexis, (Reprint 2010) Ist edition.
4. Federal Judicial Centre, Manual for Litigation Management and Cost and Delay Reduction (1992).
5. Henry J Brown and Arthur L. Marriott, ADR Principles and Practices (2nd ed.) Sweet and Maxwell, 1999.
6. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005(Fifth Edition)
7. D.D. Basu, Comparative Administrative Law (1998)
8. Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi
9. Indian Law Institute, Cases and materials on Administrative Law in India, Vol. (1996), Delhi.

# IV SEMESTER

BRANCH – II – CRIMINAL LAW

IV SEMESTER

Paper – 4.1

## **LL.M 401. DISSERTATION AND VIVA-VOCE**

***{Topic from optional group}***

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks

For Viva - 50 Marks

### **Paper – 4.2a**

### **LAW OF CONSUMER PROTECTION.**

**Unit - 1** Historical and Sociological Background of Consumer Law

Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

- Unit - 2** Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.  
Rights of Consumer under the Act, nature and characteristics.
- Unit - 3** Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.
- Unit - 4** Law of compensation, approach of Consumer Forum while awarding compensation.
- Unit - 5** Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

**Select bibliography**

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S. Chaudhari, Doctor & Consumer Protection Act, 1994, Maharashtra Law Agency.
8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co. Pvt. Ltd.
9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co. Pvt. Ltd.

**Paper – 4.2b**  
**INTERNATIONAL HUMAN RIGHTS**  
(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.  
For more details and syllabus log on to [www.mooc-list.com](http://www.mooc-list.com).