Subjects for LLM in Criminal Law:
1. Research Methodology
2. Comparative Criminal Law
3. Human Rights and Criminal Justice
4. Cyber Crimes and Forensic Science
5. Criminology, Penology, Victimology
6. Women and Law
7. Juvenile Justice and white collar crimes

Subjects for LLM in Corporate Law
1. Research Methodology
2. Cross border Mergers and Acquisitions
3. Corporate Law
4. Competition Law
5. Laws of Infrastructure Development
6. Investment Law
8. Dissertation

Subjects for LLM in Constitutional Law
1. Research Methodology
2. Constitutional Law in India
3. Human Rights under Indian Constitution
4. Comparative Constitutional Law and Judicial Process
5. Administration of Criminal Justice
6. Constitutionalism: Pluralism and Federalism
7. National Security, Public Order and Rule of Law
SUBJECT: RESEARCH METHODOLOGY

RESEARCH METHODS & LEGAL WRITING

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research.

Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

1. INTRODUCTION
2. a) The science of research and scientific methodology
3. b) Interrelation between speculation, fact and theory, building some fallacies of scientific methodology with reference to socio legal research
4. c) Inter-disciplinary research and legal research models
5. d) Arm chair research vis-a-vis empirical research
6. e) Legal research-common law and civil law legal systems
7. RESEARCH DESIGN
8. a) Workable Hypothesis-formulation and evaluation
9. b) Major steps in research design

III. RESEARCH TECHNIQUES

1. a) Sampling
2. b) Survey and Case Study method
3. c) Scaling and Content Analysis

1. RESEARCH TOOLS AND DATA PROCESSING
2. a) Observation
3. b) Interview and schedule
4. c) Questionnaire
5. d) Socio-metrics and jurimetrics
6. e) Data processing (deductions and Inductions) analysis and interpretation of data
7. f) Online Legal Research – Use of Electronic Databases

1. LEGAL WRITING
2. a) Report/Article writing & legal research
3. b) Use of definitions, maxims, concepts, principles, doctrines in legal research
4. c) Plagiarism & its consequences.
5. d) Citation methodology
6. e) Book review and case comments

Suggested Reading Materials for Reference

1. Robert Watt- Concise book on Legal Research
2. Good and Hatt- Research Methodology
3. Pauline Young- Research Methodology
4. Earl Babbie- Research Methodology
5. Stott D.-Legal Research
6. Robert Watt and Francis Johns- Concise Legal Research
7. S.K. Verma&Afzal Wani- Legal Research Methodology
SUBJECT: COMPARATIVE CRIMINAL LAW
LLM IN CRIMINAL LAW

OBJECTIVE OF THE COURSE

The objectives of this course are:

1. To understand the conditions under which individuals should be held morally and legally responsible for their (criminal) actions;
2. To understand whether or not there are any "fundamental principles" which underlie all criminal justice systems;
3. To understand the issues concerning the merits or otherwise of codification in both the common law and the civil law, the basic characteristics of criminal procedure under the inquisitorial and the adversarial systems, be aware of the relationship between substantive criminal law and criminal procedure in relation to issues such as the principles of territoriality, equality before the law including the right to a fair trial, and the right to legal representation in the civil and common law systems;
4. In-depth knowledge of the theoretical and practical international instruments for the prevention and punishment of international and transnational crimes as well as of acts of terrorism. This includes a real time analysis of the activities of the international criminal jurisdictions: international criminal tribunals, International Criminal Court and special courts;
5. Understanding the difference and similarities between various systems administering Criminal Justice.
6. To understand specific competencies in the field of International Criminal Law;

TEACHING METHODOLOGY

As per the norms of the university there will be 4 theory classes per week. Teaching Methodology will include Lecture-cum-
case discussion, CRE, Assignments / Projects, and Presentations.

THE EVALUATION SYSTEM

- Continuous Assessment. 30%
- Projects 20%
- End Term 50%

COURSE OUTLINE

MODULE 1: - LEGAL CULTURES AND CRIMINAL JUSTICE POLICE

- Common Law
- Civil Law
- Socialist Law
- Islamic Law

Recommended Readings:

3. Tim Newburn and Richard Sparks (eds), Criminal Justice and Political Cultures, Willan Pub., Cullompton, 2004
5. Alison Liebling and Shad Maruna (eds), The Effects of Imprisonment, Willan Pub., Cullompton, 2006

Articles:


MODULE 2 ASPECTS OF COMPARATIVE CRIMINAL POLICY
Systems of Administration of Criminal Justice (Adversarial & Inquisitorial)
Policing and Prosecution
Trials and Sentencing
Use of Imprisonment
Probation and Community Punishment

Recommended Readings:

4. Tim Newburn and Richard Sparks (eds), Criminal Justice and Political Cultures, Willan Pub., Cullompton, 2004
Articles:

MODULE - 3 - GLOBAL CRIMES

- Controlling Transnational Crime
- War Crimes
- Terrorism
- International Law and Crime

Recommended Readings:

Articles:

MODULE - 4 - COMPARATIVE CRIMINAL LAW

- Penal Code of United Kingdom (England & Wales)
- Penal Code of United States
- Criminal Procedure of United Kingdom (England & Wales)
- Criminal Procedure of United States

Recommended Readings:

Articles:

MODULE - 5 - INTERNATIONAL CRIMINAL LAW

- Sources of International Criminal Law
- Principles of International Criminal Law
- International Criminal Court
  - International Tribunals

Recommended Readings:
2. Keith Bryett and Osborne, Criminal Prosecution, Procedure and Practice: International
Perspectives, Stationery Office, Belfast, 2000

Articles:
2. Declan Roche, Truth Commission Amensties and the International Criminal Court, British Journal of Criminology, 45:565-581, 2005

Case Laws:

**MODULE - 6 - INTERSTATE CO-OPERATION ON CRIMINAL MATTERS**
- Extradition
- Mutual Legal Assistance
- Police Cooperation
- Assets Recovery

**Recommended Readings:**

Articles:

**PROJECT TOPICS:**
1. Control of transnational crime.
2. Terrorism in India.
3. Terrorist organizations of Asia.
4. Rigorous imprisonment in different jurisdictions.
5. Simple imprisonment in different jurisdictions.
6. Relevance of Islamic law in modern society.
7. Implementation of law in civil law countries.
8. Implementation of law in common law countries.
10. Disadvantages of retaining capital punishment.
SUBJECT: CRIMINOLOGY, PENOLOGY & VICTIMOLOGY

LLM IN CRIMINAL LAW

INTRODUCTION

Crime and the threat of victimization are inescapable realities of contemporary society. Crime is so commonplace that prevention and security measures are viewed as natural and necessary precautions in both public and private life. A considerable and growing percentage of public resources are allocated for juvenile delinquency prevention initiatives, law enforcement training and technology, corrections, substance abuse treatment and numerous other aspects of criminal justice.

OBJECTIVES

This course of Crime and Punishment would (a) attempt to answer such queries of the human mind and afford explanations to criminal behaviour and reactions to crime.

(b) It is an ongoing study with numerous researches and surveys been conducted all over the world to find the most suitable explanation of criminality and criminal behaviour, nevertheless, there is no final answer, which will be examined.

(c) Concern for the Victims of crime would be another facet of the study of the subject with emphasis on concepts of restorative justice, compensatory jurisprudence and rehabilitative techniques.

THE EVALUATION SYSTEM

- Continuous Assessment: 30%
- Project: 20%
- End Term Test: 50%
COURSE OUTLINE

MODULE 1: INTRODUCTION: CRIMES AND CRIMINOLOGY

- Notions of Crime
- Who is the Criminal
- Criminology - Nature and Scope, whether criminology is a science?
- Current Trends in Criminology

Recommended Readings:


Articles:


Case Laws:

- State ofMadhya Pradesh v. Chotelal, AIR 1959 MP 203
- Jai Lai v.Delhi Administration, AIR 1969 SC 15
- R. v. Clarke, (1972) 1 All. E. R. 21

MODULE 2: INDIVIDUAL APPROACHES TO CRIME
PART 1 – BIOLOGICAL DETERMINISM

- Classical Theories of Criminology
- Cesare Beccaria, Jeremy Bentham
- Neo Classical Perspectives
- Rossi, Garraud, Joly
- Biological Trait Theory
- Cesare Lombroso, Rafaele Garafelo, Enrico Ferri

Recommended Readings:

**Articles:**


**Case Laws:**


**PART 2 - PSYCHOLOGICAL THEORIES.**

- Psychoanalytic Explanation of Crime
- Freud
- Behavioural Approach to Criminality
- Pavlov, Skinner, Eysench
- Cognitive Approach
- Tolman, Piaget, Kohlberg
- Intelligence and Crime
- Goddart, Hirshi, Hindclang
- Mental Disorder and Crime
- Neuroses, Psychosis

**Recommended Readings:**


**Articles:**


**Case Laws:**

- *Deena alias Deen Dayal & Ors. v. Union of India & Ors.*, AIR 1983 SC 1155
- *P. Rathinam/ Nagbhusan Patnaik v. Union of India & Anr.*, AIR1994SC1844
MODULE 3: SOCIO-ENVIRONMENTAL APPROACHES TO CRIME

- Anomie Theory, Durkeim, Merton
- Differential Association Theory Sutherland
- Social Disorganization Theory, Shaw & Mackay
- Labelling Theory, Cooley, Mead, Blumer, Becker
- Biosocial Theory
- Control Theory
- Individual Control
- Control Balance
- Community Based Control
- Evaluation of Control Theories
- Conflict Theory
- Karl Marx, Bonger, Ralf, Dahrendorf, Void, Quinney
- Environmental Criminology

Recommended Readings:


Articles:


Case Laws:

- Maru Ram & Ors. v. Union of India, AIR 1980 SC 2147

MODULE 4: FACTORS ENHANCING CRIMINALITY

- Drug, Alcohol and Crime
- Media Influences
- Politics and Crime
- Youth and Criminality
- Race, Culture and Gender

Reading Material:


Articles:


**Case Laws:**

- *Pearson v. R.*, (1835) 168 All ER 1108
- *Manindra Lai Das v. Emperor*, AIR 1937 Cal 432
- *Patrick Okeke v. State*, (1966) All NLR 275 (Decided by Supreme Court of Nigeria)

**MODULE 5: FEMALE PERSPECTIVES.**

- Female Criminality
- Lombroso
- Cowie, Slater, Pollack
- Thomas, Talcott Parsons
- Feminist Critique of Traditional Criminology
- Feminist Criminology
- Carol Smart, Maureen Cain and Susan Sharp

**Reading Material:**


**Articles :**


**MODULE 6: WHITE COLLAR AND ORGANIZED CRIME**

- Nature and definition
- Types of White collar crimes
- Components of white collar crimes
- Characteristics and activities of white collar crimes
- Controlling organized crimes
- NN Vohra Committee report
- Corporate crime

**Reading Material:**


**Case Laws:**

- *Provident Investment Company v. Income Tax Commissioner*, AIR 1954 Bom. 95
- *C. S. Bansal v. Delhi Administration*, (1963) 2 Cr. LJ 439 (SC)

**MODULE 7: REACTIONS TO CRIME**

- Penology - Meaning, Nature & Scope
- Theories of Punishment - Expiative, Deterrent, Retributive, Reformative

Types of Punishment - Fine, Imprisonment, Capital Sentence, Solitary Confinement, Transportation & Juvenile Delinquency

**Recommended Readings:**


**Articles:**


**Case Laws:**


**MODULE 8: CHANGING NOTIONS OF PENAL POLICY**

- Probation
- Parole
- Corrective Services
- Community Service
- Other Alternatives

**Reading Material:**


**Articles:**


**Case Laws:**

- Ramji Missar v. State of Bihar, AIR 1963 SC 1088
- Jagdev Singh v. State of Punjab, AIR 1973 SC 2427

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**MODULE 9: POLICING AND THE POLICE**

- Administration
- Role & Functions
- Police & Public
- Accountability in Performance

**Reading Material:**


**Articles:**


**Case Laws:**

- Rajni Kanta v. State of Orissa, 1975 CrLJ 83
• Mohammad Giasuddin v. State of Andhra Pradesh,

(1978) 1 SCR 153.

MODULE 10: CORRECTIONS

• Prison System in India
• Problems & Concerns
• Prisoners' Rights
• Open Peno Correctional Institutions

Reading Material:


Case Laws:

• M. H. Hoskot v. State of Maharashtra, (1978) 3 SCC 544
• Sunil Batra v. Delhi Adm. (1978) 4 SCC 494
• Sunil Batra v. Delhi Adm. (1980) 3 SCC 488
• Sher Singh v. State of Punjab (1983) 2 SCC 344
• Boddisattwa Gautam v. Subhra Chakraborty AIR 1996 SC 922
• Chairman, Railway Board v. Chandrima Das - Manu/SC/0046/2000
• State of Andhra Pradesh v. Challa Ramakrishna Reddy, AIR 2000 SC 2083
• Hiralal Mullick v. State of Bihar, AIR 1977 SC 2236

MODULE 11: VICTIMOLOGY

• Problems of Crime Victims and types of victims
• Victims’ Right within Criminal Justice System
• Caring for the victim
• Compensation to victim
• Rehabilitation of victim or victims’ family

Recommended Readings:


Articles:

of Criminology (1993), p. 231-250


Cases:

- Boddisattwa Gautam v. Subhra Chakraborty AIR 1996 SC 922

PROJECT TOPICS

1. Actuarialism: New Penology
2. Emergence of Alienism in Criminology
3. Jeremy Bentham Contributions' to Criminological Studies
4. Anomie: State of Discontent and Deregulation
5. Alcohol and Crime
6. Blasphemy as a Crime
7. Critical Appraisal of Lombrosian Theory
8. Psychology and Criminology
9. Criminology, Culture and Public Life
10. Comparative Criminal Justice between US, Europe and India
12. Classical Studies in Victimology
13. Gender and Crime
14. The Social Exclusion Paradigm and Criminology
15. Environmental Criminology
16. Community Change and Crime
17. Attitudes of Violence and Socio Legal Constructions of Blame
18. White Collar Crime - Is it really a crime?
19. Critical Evaluation of MCOCA
20. Critical Evaluation of POTA — Does India need such Act?
21. Reactions to Crime
22. Policing Beyond Government
23. Indian Criminal Law and Sentencing
24. Sentencing Reforms
25. Emergence of Modern Prison and Use of Imprisonment
26. Indian Police System - A critical appraisal
27. Prison Services in India
28. Sociological Theory of Crime
29. Feminism and Criminology
30. Comparative Criminal Justice
31. The History of Crime and Control Institutions
32. Crime Statistics: Data Explosion and its implications
33. Media made criminality: Representation of Crime in the mass media
34. Best Bakery Case — Critical appraisal from Criminological Point of view
35. Gender and Crime
SUBJECT: HUMAN RIGHTS AND CRIMINAL JUSTICE

Module-1: Theoretical Foundations of Human Rights and International Law
- Basic principles: sovereign equality of states - non-intervention - non use of force
- International co-operation - peaceful settlement of disputes
- Individuals as subjects of international law
- State jurisdiction on terrorism, hijacking, narcotics, war crimes and crimes against peace
- Treatment of aliens

Module-2: Historical development of the concept of human rights
- Human rights in Indian tradition: ancient, medieval and modern
- Human rights in Western tradition
  ➢ Concept of natural law
  ➢ Concept of natural rights
  ➢ Human rights in legal tradition: International Law and National Law

Module-3: UN and Human Rights
- Universal Declaration of Human Rights (1948) - individual and group rights
- Covenant on Political and Civil Rights (1966)
- Covenant on Economic, Social and Cultural Rights (1966)
- ILO and other Conventions and Protocols dealing with human rights
- Solidarity rights
- Disarmament: threat to human rights
- International HR Commission
  ➢ Mandates to States
- Right to development

Module-4: Role of Regional Organizations
- European Convention on Human Rights
- American Convention on Human Rights
- African Convention on Human Rights
- SAARC

Module-5: Protection agencies and mechanisms
- International Commission of Human Rights
  ➢ Amnesty International
  ➢ Non-Governmental Organizations (NGOs)
- European Commission on Human Rights/Court of Human Rights.
- U.N. Division of Human Rights
- International Labour Organization
- UNESCO
- UNICEF

Module-6: Impact and implementation of international human rights norms in India
- Human rights norms reflected in fundamental rights in the Constitution
- Directive Principles: legislative and administrative implementation of international human rights norms
- Implementation of international human rights norms through judicial process

Module-7: Enforcement of Human Rights in India
- Role of courts: the Supreme Court, High Courts and other courts
- Statutory commissions- human rights, women's, minority and backward class
Suggested Readings:
2. S.K.Varma, Public International Law (1998), Prentice-Hall, New Delhi
3. Peter J. Van Kricken (ed.), The Exclusion on Clause (1999), Kluwer

SUBJECT: JUVENILE JUSTICE AND WHITE COLLAR CRIMES:

LLM IN CRIMINAL LAW

OBJECTIVES

The objectives of the Course are to (a) create an overview about Juvenile Justice and White Collar Crimes in India.
(b) examine the Juvenile Delinquency Act and the Juvenile Justice Act
(c) examine the different types of White Collar Crimes in India.

Module 1 – Introduction to Juvenile Justice in India
Module 2 – Juvenile Delinquency Act, 1986
Module 3 – Juvenile Justice Board, Special Homes and Observation Homes
Module 5 – White Collar crimes
Module 6 – NDPS Act
Module 7 – Prevention of Money Laundering in India
Module 8 – Laws against Food Adulteration in India

Books and References:
1. Manish Dwivedi, Juvenile Justice System in India, Adhyayan Publishers & Distributors; 1 edition (1 November 2011)
SUBJECT: WOMEN AND LAW

LLM IN CRIMINAL LAW

Chapter 1 - Constitutional Provisions and Privileges

(i) Equality before law for women (Article 14)

(ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them (Article 15 (i))

(iii) The State to make any special provision in favour of women and children (Article 15 (3))

(iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)

(v) The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women (Article 39(d))

(vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (Article 39 a)

(vii) The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42)

(viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46)

(ix) The State to raise the level of nutrition and the standard of living of its people (Article 47)

(x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women (Article 51(A) (e))

(xi) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))
(xii) Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))

(ix) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))

(x) Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

Chapter 2 - Laws relating to women
- Commission of Sati (Prevention) Act, 1987
- Criminal Law (Amendment) Act, 1983
- Dowry Prohibition Act, 1961
- Immoral Traffic (Prevention) Act, 1956
- Indecent Representation of Women (Prohibition) Act, 1986
- National Commission for Women Act, 1990
- Protection of Women from Domestic Violence Act, 2005

Chapter 3 - Laws relating to working women
- Contract Labour (Regulation and Abolition) Act, 1976
- Employees State Insurance Act, 1948
- Equal Remuneration Act, 1976
- Factories (Amendment) Act, 1948
- Maternity Benefit Act, 1961 (Amended in 1995)
- Plantation Labour Act, 1951

Chapter 4 - Laws relating to marriage & divorce
- Anand Marriage Act, 1909
- Arya Marriage Validation Act, 1937
- Births, Deaths & Marriages Registration Act, 1886
- Bangalore Marriages Validating Act, 1936
- Converts’ Marriage Dissolution Act, 1866
- Dissolution of Muslim Marriages Act, 1939
- Family Courts Act, 1984
- Foreign Marriage Act, 1969
- Hindu Marriage Act, 1955
- Hindu Marriages (Validation of Proceedings) Act, 1960
- Indian Christian Marriage Act, 1872
- Indian Divorce Act, 1869
- Indian Divorce Amendment Bill, 2001
- Indian Matrimonial Causes (War Marriages) Act, 1948
- Marriage Laws (Amendment) Act, 2001
- Marriages Validation Act, 1892
- Muslim Women (Protection of Rights on Divorce) Act, 1986
- Parsi Marriage & Divorce Act, 1936
- Prohibition of Child Marriage Act, 2006
Chapter 5 - Laws relating to maintenance

The Code of Criminal Procedure, 1973:

- Order for maintenance of wives, children and parents under section 125
- Procedure to be followed under section 125
- Alteration in allowance under section 125
- Enforcement of the order of maintenance

Chapter 6 - Laws relating to abortion

- Medical Termination of Pregnancy Act, 1971
- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994
- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2001
- Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Amendment Act, 2002

Chapter 7 - Laws relating to property, succession, inheritance, guardianship & adoption

- Guardians & Wards Act, 1890
- Hindu Adoptions & Maintenance Act, 1956
- Hindu Inheritance (Removal of Disabilities) Act, 1928
- Hindu Minority & Guardianship Act, 1956
- Hindu Succession Act, 1956
- Hindu Succession (Amendment) Act, 2005
- Indian Succession Act, 1925
- Indian Succession (Amendment) Act, 2002
- Married Women’s Property Act, 1874
- Married Women’s Property (Extension) Act, 1959

Chapter 8 - Offences against women and children in the Indian Penal Code

The Indian Penal Code, 1860

- Abandoning of child under 12 years of age
- Adultery
- Assault or criminal force to a woman with intent to outrage her modesty
- Buying minor for purpose of prostitution
- Causing death of quick unborn child by act amounting to culpable homicide
- Causing miscarriage or miscarriage without the woman’s consent
- Cohabitation caused by a man deceitfully inducing a belief of lawful marriage
- Concealment of birth by secret disposal of dead body
- Concealment of former marriage
- Death caused by act done with intent to cause miscarriage
- Dowry death
- Enticing, detaining or taking away with criminal intent a married woman
- Fraudulent marriage ceremony without lawful marriage
- Husband or relative of a husband of a woman subjecting her to cruelty
- Importation of girl from foreign country
- Intercourse by man with his wife during separation
- Intercourse by a member of management or staff of a hospital with any woman in that hospital
Detailed Syllabus for Law Papers in Semester III

- Intercourse by public servant with a woman in his custody
- Intercourse by superintendent of jail, remand home, etc
- Kidnapping, abducting or inducing woman to compel her marriage
- Marriage ceremony fraudulently gone through without lawful marriage
- Marrying again during lifetime of spouse (Also see here)
- Preventing a child from being born alive or causing its death after birth
- Procreation of minor girl
- Rape
- Selling minor for purpose of prostitution
- Word, gesture or act intended to insult the modesty of a woman

Bare Acts:
- The Indecent Representation of Women (Prohibition) Act, 1986.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- The Dowry Prohibition Act, 1961.
- Protection of Women from Domestic Violence Act, 2005.

Suggested Readings:
1. Indian Penal Code- Ralanlal Dhirajlal-Wadhwa
2. SITA (Supression of Immoral Trafficking in Women)
3. Domestic Violence Act, 2005 – Dr. Preeti Mishra
4. Vishaka’s Case, Chandrima Das Case.
DETAILED SYLLABUS FOR LAW PAPERS IN SEMESTER III

COURSE – CYBER CRIME AND FORENSIC SCIENCE

LLM IN CRIMINAL LAW

CYBER LAW - SYLLABUS:

Module 1 - Cyber Crimes and Cyber Laws-

Module 2 - Cyber Crime Investigation-
Introduction to Cyber Crime Investigation, Cyber Forensics, Investigation Tools, eDiscovery, Digital Evidence Collection, Evidence Preservation, E-Mail Investigation, E-Mail Tracking, IP Tracking, E-Mail Recovery, Encryption and Decryption methods, Search and Seizure of Computers, Cyber Forensics Tools and Softwares, Recovering deleted evidences, Password Cracking etc...

Module 3 – 6 principles of Forensic Science

Module 4 – DNA and Indian Evidence Act

Module 5 – NDPS Act and Poisons

Module 6 – Fire Arms and Explosives.

Books :


SUBJECT: COMPETITION LAW

LLM IN CORPORATE LAW

OBJECTIVES

The objectives of the Course are to (a) create an overview about Competition law in India, (b) examine the anticompetitive practices in India and abroad, (c) examine the abuse of dominant practices in India and abroad, (d) examine the combinations taking place in India and outside India.

THE EVALUATION SYSTEM

- Continuous Assessment: 30%
- Projects: 20%
COURSE OUTLINE

MODULE 1: INTRODUCTION  9 CLASSES

- Anti-trust issues in India
- Background of MRTP Act, 1969
- Requirement of new competition regime in India.
- Enactment of the new Competition Act in India.

Recommended Readings:


Case Laws:

1. *Sarabhai Chemicals P. Ltd. and another, in re*, (1979) 49 Comp. Cas 145 MRTPC. (Case on RTP)

MODULE 2: ANTI-COMPETITIVE AGREEMENTS  15 CLASSES

- Definitions
- What are anticompetitive agreements?
- Different types of anti-competitive agreements.
- Treatment of such agreements under MRTP Act and Competition Act.
- Relevant market.
- Relevant product and geographical market.
- Entry barriers
- Cartels.
- Punishments under the Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007.

Recommended Readings:


Articles:

Case Laws:

2. Haridas Exports v. All India Float Glass Manufacturers Association, (2002) 6 SCC. (Case on predatory pricing)
3. DG (IR) v. Suotomo Corporation, Tokyo, Japan and others, 2004 CTJ 26 (MRTP) (Case on cartel)
6. Quantas Airways and Orangester Investments Holdings, re, 2007 SG CCS 2 (Case related to examination of economic benefit of a transaction)
7. Price Fixing in Bus Services from Singapore to Malaysia and Southern Thailand, re, 2009 SG CCS 2 (Case on price-fixing)
8. Volkswagen AG v. Commission of the European Communities, 2007 Bus LR 35 (Case on anti-competitive activity)

MODULE 3: ABUSE OF DOMINANT POSITION  15 CLASSES

- Introduction
- Dominance
- Abuse of Dominance
- Predatory pricing
- Abuse of dominance in US and Europe
- Abuse of dominance under MRTP Act and Competition Act.

Recommended Readings:


Articles:


Case Laws:

1. Hoffman La Roche & Co. v. Commission of the European Communities, Case 85/76. (Case on abuse of dominance)
2. Uta Pie Co. v. Continental Baking and others, 386 US 685 (1967) (Case on abuse of dominance)

MODULE 4: COMBINATIONS  10 CLASSES

- Definition: Combination.
- Introduction.
- Combination under the Companies Act, 1956.
- Need for control of Mergers and Acquisitions.
- Regulation of combinations under Competition Act, 2002.
Recommended Readings:


Articles:


MODULE 5: EXTRA-TERRITORIAL JURISDICTION 9 CLASSES

- The effects doctrine.
- Lack of extra-territorial jurisdiction under MRTP Act.

Recommended Readings:


Articles:

1. “ANSAC case was a trend setter in Competition Law in India”, Dr. Souvik Chatterji, Company cases, Volume 172, Part 1, 8th June, 2012, Company Law Institute of India Pvt. Ltd., A Journal For Finance & Legal Professionals and Corporate Executives, pages 14 to 16.

Case Laws:

1. *Haridas Exports v. All India Float Glass Manufacturers Association*, (2002) 6 SCC. (Case on predatory pricing and extra-territorial jurisdiction)

MODULE 6: CORPORATE LENIENCY: 5 CLASSES

- Definition of corporate leniency
- Corporate Leniency in India.
- Corporate Leniency in US.

Recommended Readings:

Detailed Syllabus for Law Papers in Semester III


Module 7: Competition Commission of India 8 Classes.

- Composition of CCI.
- Appointment of members of CCI and their removal.
- Independence of CCI.
- Powers of CCI.
- Jurisdiction of CCI.
- Overlap of jurisdiction of CCI with sectoral regulators.

Reading Materials


Case Laws:


Module 8: Enforcement 6 Classes

- Mechanism of enforcement of competition law in India.
- Procedure of enforcement of competition law in India.

Recommended Readings:


Articles:


Case Laws:

1. *Haridas Exports v. All India Float Glass Manufacturers Association*, (2002) 6 SCC. (Case on enforcement)

Reading Materials:

DETAILED SYLLABUS FOR LAW PAPERS IN SEMESTER III


PROJECT TOPICS

1. Anti-competitive agreements in India.
2. MRTP Act, 1969, an overview.
3. Cartels in India.
4. Predatory pricing in India.
5. MRTPC and CCI.
6. Abuse of dominance in India.
7. Abuse of dominance in US.
8. Vitamins cartel in US.
9. EC regulation on anti-competitive agreements.
10. Corporate leniency in India.
11. Corporate leniency in US.
12. Combination in India.
13. Merger review in India.
14. Remedies relating to combinations.
15. Extra-territorial jurisdiction of CCI.
16. Tied-sell in India.
17. Bid-rigging in India.
18. Price-fixing in India.
19. Market-allocation in India.
20. CCI and sectoral regulators.
21. Corporate leniency in India.
22. Per Se Illegality
23. Rule of reason test.
24. Mandatory notification regime.
25. Voluntary notification regime
27. Importance of market share in determination of dominance.
28. Competition advocacy.
29. Merger review in India and South Africa.
30. Dominance in India and USA.
31. Appreciable adverse effect on competition.
32. Procompetitive factors in India.
33. Anti-competitive factors in India.
34. Horizontal agreements.
35. Vertical agreements.
36. Independence of CCI.
37. Overlap of jurisdiction of CCI with TRAI.
38. Overlap of jurisdiction of CCI with CERC.
39. Overlap of jurisdiction of CCI with AERA.
41. Merits of predatory pricing.
42. Demerits of predatory pricing.
43. Bid-rigging in Brazil.
SUBJECT: LAW OF INFRASTRUCTURE DEVELOPMENT

LLM IN CORPORATE LAW

OBJECTIVES OF THE COURSE:

Indian Infrastructure Sectors including Airports, Roadways, Telecom Sector, Electricity Sector, Ports, SEZs, Natural Gas Sector, etc., had developed a lot in the last 15 years after liberalization took place considering the developments all across the world. A lot of development projects in these sectors are taking place through public–private partnerships. The law relating to development of infrastructure sectors require a new look considering the requirements of regulators in the respective sectors. The regulators are required to balance the strategic dimension of the sectors and also the capital requirement which can lead to development of the sectors. Thus the objectives of the course include,

- Creating an insight on development of infrastructure.
- Discussing the laws of infrastructure development.
- Discussing the control of the regulatory bodies over the development of relevant sectors.

CREDIT HOURS:

As per credit hours allotted to the subject there will be 4 classes per week. Teaching Methodology will include Lecture-cum-case discussion, Projects, and Presentations

EVALUATION SCHEME:

- Project 20% marks.
- Continuous Assessments 30% marks.
- End-term exams 50% marks.

COURSE OUTLINE

MODULE 1 – INTRODUCTION OF INFRASTRUCTURE DEVELOPMENT – 5 LECTURES

- Introduction of infrastructure development
The different infrastructure sectors.

Recommended Readings.


MODULE 2 – ECONOMIC INFRASTRUCTURE – 7 LECTURES

• The economic dynamics that are relevant in respect of specific sectors like Telecommunication, Energy, Airport Sector – 7 Lectures.

Recommended Readings.


Case Law.


MODULE 3 – SPECIAL ECONOMIC ZONES – 7 LECTURES

• Background of SEZ.
• Objectives of SEZ Policy.
• SEZs in sensitive areas.
• Exemption of taxes, duties in SEZs.
• The rehabilitation and Resettlement Bill, 2007.
• The Land Acquisition (Amendment) Bill, 2007.

Recommended Readings.

MODULE 4 – NATURAL GAS SECTOR – 8 LECTURES.

• Natural Gas Industry.
• The Legal Framework.
• The New Exploration and Licensing Policy (NELP).
• The Oilfields Regulation and Development Act, 1948.
• Production Sharing Contracts.
• Regulation of Gas Pipelines in US and UK.

Recommended Readings.


MODULE 5 – PORT SECTOR - 7 LECTURES

• Brief history of Ports in India.
• Landlord ports, tool ports, services ports.
• The Indian Ports Act, 1908.
• The Major Ports Trust Act, 1963.

Recommended Readings.


Article.


MODULE 6 – THE ENERGY SECTOR – 9 LECTURES.
The development projects under the Sector and the regulation of the sector by the regulatory body.

- Licensing framework.
- Consumer Issues under the Sector.

**Recommended Readings:**


**Case Law.**


**MODULE 7 – THE TRANSPORT SECTOR, NATIONAL HIGHWAYS, RAILWAYS AND AIRPORTS – 9 LECTURES.**

- Legal framework and issues relating to financing of road projects.
- Privatization of Airports and Issues relating to regulation of Airports.
- The Policy of Airport Infrastructure, 1997
- Infrastructure Development relating to Indian Railways.

**Recommended Readings.**

Case Law.


**MODULE 8 – TELECOMMUNICATIONS – 8 LECTURES.**

- Telegraph, telecommunication services and wireless communications.
- The Telecom Disputes Settlement and Appellate Tribunal.

**Recommended Readings.**


Article.


Case Law


**MODULE 9 – DEVELOPMENT OF HEALTH SECTOR – 5 LECTURES.**

- Public-private Partnerships in development of India’s Health Sector.

**Recommended Readings.**


**Suggested Readings.**
DETAILED SYLLABUS FOR LAW PAPERS IN SEMESTER III


Project Topics.


4. TRAI and TDSAT.

5. TRAI and CCI.


7. SERCs in India.

8. Appellate Tribunal in Electricity Sector.


10. Roadways and BOT Projects.

11. SEZs in India.

12. The SEZ Policy.


17. AERA and CCI.

18. Developments in the Airport Sector.

19. The Natural Gas Sector.

20. NELP and Indian Natural Gas Sector.


22. Tool Ports.

23. The major Port in India.

24. The Indian Ports Act, 1908.


SUBJECT: INTELLECTUAL PROPERTY RIGHTS LAW.

Module-I Introduction
- The meaning of intellectual property
Detailed Syllabus for Law Papers in Semester III

- Forms of intellectual property: copyright, trademarks, patents and designs
- New forms as plant varieties and geographical indications
- Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright, Convention, the Paris Convention, Trips, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

Module-II Law of copyright in India
- Historical evolution of the copyright law
- Meaning of copyright
- Copyright in literacy, dramatic and musical works
- Copyright in sound records and cinematograph films
- Ownership of copyright
- Assignment and licence
- Copyright authorities
- Infringement of Copyright and remedies including Anton Pillor injunctive relief in India

Module-III Trademarks
- The rationale of protection of trademarks as an aspect of commercial and of consumer rights, Dilution Theories of trademark
- Definition and concept of trademarks
- Registration of trademark- authorities under the trademark Act
- Passing off and infringement
- Remedies

Module-IV Design
- The Designs Act, 2000
  - Definition and characteristics of Design
- Law in India
  - Protection and rights of design holders
  - Copyright in design
  - Registration
  - Remedies for infringement.
- Trademark and Domain Name Interface

Module-V Patents
- Concepts and Historical view of the patents
- Process of obtaining a patent, authorities
- Procedure for filling patents: patent co-operation treaty
- Prior publication or anticipation
- Rights and obligations of a patentee
- Compulsory licences
- Infringement; defences
- Injunctions and related remedies

Module-VI Miscellaneous
- Geographical indication.
- Plant varieties
  - Traditional knowledge
  - Bio piracy,
- Patentability of Biotechnology and micro organize
- New plant culture and breeds Act
Bare Acts:

- The Trademarks Act, 1999.
- The Copyright Act, 1957.
- The Geographical Indications of Goods (Registration and Protection), 1999.
- The Biodiversity Act, 2002.

Suggested Readings:

5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries
7. K. Thairani, copyright: The Indian Experience.
8. Ahuja, V.K.; Law relating to Intellectual Property Rights; LexisNexis
SUBJECT: CORPORATE LAW

LLM in Corporate Law

Syllabus for subject Corporate Law
Subject: Law of Corporate Management and Governance
Unit - I: Corporate Incorporation and Management
1. (i) Certificate of Incorporation
(ii) Memorandum and Articles of Association
(iii) Doctrine of Ultra Vires
(iv) Doctrine of Indoor Management
(ii) Audit Committee: Its Role.
(iii) Company Secretary: Qualification, Appointment and Duties
(iv) Officer who is in default: Definition of Officer who is in default
(v) Liability of independent directors.
3. (i) Types of Meetings
(ii) Procedure of calling meeting
(iii) Company’s resolutions and its kinds

Unit - 2: Oppression & Mismanagement and Investigation
(Sections 397 to 408; Sections 235 to 251)
1. (i) Rule in Foss v. Harbottle
(ii) Prevention of Oppression
(iii) Prevention of Mismanagement
(iv) Role & Powers of the Company Law Board
(v) Role & Powers of Central Government
2. (i) Company Investigation

Unit – 3: Corporate Liquidation
1. (i) Winding up of Companies (ii) Mode of winding up of the companies (iii) Compulsory Winding up under the Order of the Tribunal
(iv) Voluntary winding up
(v) Contributors
(vi) Payment of liabilities

Unit – 4: Corporate Governance and Social Responsibility
1. (i) Importance of Corporate Governance
(ii) Different system of Corporate Governance  
(iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance  
(iv) Legal Reforms of Corporate Governance in India  
(v) Reports of the various Committees on Corporate Governance  
(vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

2. (i) Corporate Social and Environmental Responsibility

Text Books:
2. Taxmann, Companies Act 2013  
3. Taxmann, A Comparative Study of Companies Act 2013 and Companies Act 1956

References:
4. C.A. Kamal Garg, Bharat’s Corporate and Allied Laws, 2013,
LLM in Corporate Law

Objectives: The objectives of the course is to create an overview of cross – border mergers and acquisitions for students. After completing the course the students will be able to understand
(a) Cross border mergers and acquisitions
(b) Laws in India and other jurisdictions to prevent anti-competitive combinations
(c) The effect of cross border combinations.

Chapter 1 – Mergers and acquisitions under Indian Companies Act – corporate restructuring in India under the Companies Act. It includes mergers, acquisitions and amalgamations of two or more companies.
Chapter 2 – Cross border mergers – Mergers between companies registered in different parts of the world. The complications and the after-effect of the combination is the major focus area.
Chapter 3 - Economic losses due to cross border mergers – end of small companies due to cross border mergers.
Chapter 4 – Review of anti-competitive mergers – Combination analysis by Competition Commission of India. The mandatory combination regime in India will be in consideration in comparison with the merger analysis in USA and EU.
Chapter 5 – Sanctions in India and other jurisdictions against the bad mergers.

Books:
SUBJECT: INVESTMENT LAW

LLM IN CORPORATE LAW

Unit-1: Securities: The concept and kinds: Government Securities, Securities issued by banks, Secured issued by corporations, Securities in mutual fund and Collective investment schemes, Depository receipts.


Unit-3: Securities issued by Banks: Bank notes, issue of bank notes, changing functions of banks form direct lending and borrowing to modern system, Bank draft, travelers’ cheques, credit cards, smart cards, nature of deposits, current, saving and fixed deposits, interest warrants.

Unit-4: Corporate Securities: Shares, Debentures, Company deposits, Control over corporate securities, a) Central government, b) National Company Law Tribunal c)SEBI guide lines on capital issues d) RBI; Protection of investor, a) Administrative regulation, b) Disclosure regulation, c) Protection by criminal sanction.: Basic features of the Securities Contracts(Regulation) Act, 1956 – recognition of stock exchange, option in securities- listing of securities, guidelines for listing of shares, debentures etc.

Unit-5: Basic features of the Securities and Exchange Board of India Act, 1992 – establishment of SEBI, sanctions and Powers of SEBI, powers of the Central Government under the Act, guidelines for disclosure and investors protection – SEBI Appellate Tribunal and Appeals.

Unit-6: Collective Investment: Unit Trust of India, Venture capital, Mutual find, Control over issue and management of UTI.

Unit-7: Depositories: Denationalized securities, Recognition of securities, Types of depository receipts: IDR, ADR, GDR and Euro receipts, SEBI guidelines on depositories.


Unit-9: Foreign Exchange management in India: Concept of foreign exchange management and administration of exchange control.

Books Recommended:


3. Anantha Raman, Lectures on Company Law, Wadhwa and Company

4. Majumdar, Company Law, Taxman Publications.
SUBJECT: CONSTITUTIONAL LAW IN INDIA

LLM IN CONSTITUTIONAL LAW


Unit-2: Federalism: Federalism-principles-Comparative study of other Federations. Why India has a federal Government, Indian Federalism-President of India-Council of State Process of Constitutional amendment. Identification of Federal Features, Legislative Relations between the Centre and the States Administrative relations-Centre-States, Financial Relations-Centre-States, Governor’s position from the perspective of Federalism, Centre’s Powers over the States-Art. 356, J & K - Special Status, Critical problems of India Federalism Sarkaria Commission-Greater autonomy vs Central Control one party domination. Emergence of Political Federalism. Growth of Regional parties.

Unit-3: Governor under the constitution: Powers and functions

Unit-4: Independency the Judiciary and Judicial process: Judicial process under the Constitution: Judicial Review - Art. 32, 226, 227, Nature of Judicial Review, Court system in India: Backlogs. Arrears, alternatives. Lok Adalats etc. Judges; Appointments, Conditions of service, etc. Subordinate Judiciary, Jurisdiction of Supreme Court and High Court, Advisory Jurisdiction of the Supreme Court, Public Interest Litigation.

Unit-5 Freedom of Trade and Commerce:

Unit-6: Services under the Constitution: Doctrine of pleasure (Art. 310), Protection against Arbitrary Dismissal, Removal, or Reduction in Rank (Art. 311), Tulsiram Patel case- Exceptions to Art. 311.

Unit-7: Election Commission of India: Powers and functions

Detailed Syllabus for Law Papers in Semester III

Unit-9: Amendment to the Constitution: Constitutional Processes of Adaptation & Alteration: Methods of constitutional Amendment-Written-Unwritten-Rigid-Flexible Constitutions, Provisions which can be amended by ordinary procedure. Special procedure, review of Constitutional Amendments, Limitations upon constitutional amendments Shankari Prasad, Sajjan Singh, Golak Nath vs. Punjab - Why should Fundamental Rights be immune from the process of constitutional Amendment, Basic structure doctrine as a limitation-Kesavananda Bharati. Development of the Basic Structure Doctrine Constituent power of the Supreme Court. Waman Rao, Minerva Mills, etc., Indira Gandhi vs Raj Narain; Judicial consensus on Basic Structure, Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine. Special Bench to Reconsider the Basic Structure Issue. Forty-second Constitutional Amendment. Forty-fourth constitutional Amendment.

Minerva Mills and subsequent developments of the Basic Structure Doctrine. Responsibility of the court; Activism vs. Restraint.

Books Recommended:


Subject: Constitutionality: Pluralism and Federalism

LLM in Constitutional Law

Module I: Introduction to the Constitution and Constitutional Law (4 class hours)

- Historical background to the Making of the Constitution of India
- Constituent Assembly and the Passing of the Constitution
- The Objectives Resolution and the Preamble to the Constitution of India
- Elucidating Key Concepts-
  ✓ ‘Sovereign Socialist Secular’
  ✓ ‘Democratic Republic’
Module II: The Three Wings of Government (6 class hours)

- Executive: Structure of Union and State Governments, Cabinet, Powers and Functions of PM / CM(Article 52-78, 123)
- Judiciary: Structure of the Courts, Jurisdiction, Appointment of Judges, Supreme Court as the Final Interpreter of the Constitution, Powers and Functions(Article 124-147, 214-227)

Module III: Federalism under the Indian Constitution: a Moduleary Model (6 class hours)

- Federalism: Meaning, Scope and Concepts
- Is India a true federation? Rationale behind Moduleary nature.
- Separation of Powers- conceptual analysis, comparison with US model
- Legislative Relations between Union and State(Article 245-256)
- Financial Relations between Union and State(Article 265-28
Principles of Interpretation:
- Territorial Nexus
- Plenary Powers and Non-obstante clause
- Harmonious Construction and Pith and Substance
- Residuary Power
- Repugnancy- Direct Conflict, Occupied Field and Intended Occupation

Module IV: Judiciary and its Independence (Article 124-147, 214-227) (6 class hours)
- Independence of Judiciary: why so crucial?
- Transfer of Judges
- Judicial Review- HC powers of Superintendence u/A. 226., Supervision u/A. 227, Jurisdictions of the SC, Review and Curative Petition, Supreme Court as a Court of Record- Contempt Power
[Cases-State of Karnataka v UOI, State of Rajasthan v UOI, Pritam Singh v State, Rupa Hurra v Ashoke Hurra, Delhi Judicial Service Assn.]

Module V: Executive and its Discretion (6 class hours)(Article 52-78, 123)
- President as the ‘nominal head’ of the Executive
- ‘Aid and advice of the council of ministers’-Discretionary Powers of the President and Governors
  - [Cases: Ram Jawaya Kapoor, UNR Rao, Shamsher Singh]
- Powers of Pardon
  - [Cases: Maru ram, Kehar Singh, Swaran Singh, Epuru Sudhakar]
- Legislative Power of the Executive
  - [Cases: AK Roy, DK Wadhwa]

Module VI: Amendment to the Constitution and Basic Structure Doctrine (6 class hours)
- Understanding A. 368
  - ‘Procedure to Amend’ to ‘Power to Amend’
  - Impact of 24th and 25th Amendments
  - 42nd Amendment and the A.368
- Evolution of Basic Structure Doctrine- Case Analysis
  - Pre-Keshavananda Bharati[Cases: Shankari Prasad, Sajjan Singh, IC Golaknath]
  - Keshavananda Bharati
  - Post-Keshavananda Bharati [Indira Gandhi, Minerva Mills, Waman Rao, Nagaraj, IR Coelho]

Module VII: Emergency Provisions (6 class hours)
- Proclamation of Emergency under A. 352
  - Instances and Debates
  - Changes introduced by the 44th Amendment
  - Impact on Fundamental Rights- ADM Jabalpur v. Shiv Kant Shukla
- President’s Rule under A. 356
Detailed Syllabus for Law Papers in Semester III

- Instances and Debates
- Judicial Review
- Impact of Sarkaria Commission Recommendations
  [Cases - State of Rajasthan, SR Bommai, Rameshwar Prasad]
- Financial Emergency under A. 360

Bare Acts:
- The Constitution of India

Suggested Readings:-

2. V.N. Shukla, *Constitution of India*, Eastern Book Company, Lucknow

SUBJECT: ADMINISTRATION OF CRIMINAL JUSTICE

OBJECTIVE OF THE COURSE

The course is designed to be administered to the students of Criminal Law who have completed their basic courses on substantive and procedural aspects. Therefore this course would concentrate on an in depth study and analysis of some of the major areas of concern as far as the Criminal Justice Administration in India is concerned. In the philosophical backdrop of human rights and justice, the course will survey key components of Indian Criminal Justice system providing adequate inputs on the practical realities and challenges in order to equip students to effectively pursue a career in criminal litigation.

At the end of the course the students should be able to:

1. Understand in depth the role of each component in the administration of criminal justice
2. Understand the relevance of human rights in criminal law and criminal procedure
3. Identify and critically analyze the challenges faced by criminal justice administration in India
4. Provide thoughtful insights concerning the holistic issues concerning criminal justice administration in India

TEACHING- LEARNING METHODOLOGY

As per credit hours allotted to the subject there will be 4 classes per week. Teaching Methodology will include Lecture-cum-discussion, Assignments, Projects, and Presentations.

THE EVALUATION SCHEME

- Continuous Assessment. 30 %
- Project 20 %
- End Term 50 %
- TOTAL 100%

COURSE OUTLINE

MODULE I  INTRODUCTION TO CRIMINAL JUSTICE ADMINISTRATION

- Components of Criminal Justice Administration
  - Police
  - Prosecution
  - Criminal Courts
  - Prison and Correctional system
- Constitutional and Human rights
  - Fair trial
  - Right against self-incrimination
  - Double jeopardy
  - Presumption of innocence, standard of proof and burden of proof

Recommended Readings-

Books-

3. M.P Jain, Indian Constitutional Law (5th Edn, 2009), Lexis Nexis

Cases

5. *People’s Union for Civil Rights v. Union of India*, 2003 (10) SCALE 967

Articles

5. K. Sreedhar Rao, *Criminal Justice System: Required Reforms*, 2001 JILI 143 (2) 155

Reports


**MODULE II  PRE-TRIAL CRIMINAL PROCESS**

- Crime prevention and policing
- Reporting of crime
  - Complaint, FIR and NCR
  - Crime reporting in India and Crime statistics
- Custodial torture in India
- Law of arrest
- Rights of arrested persons
Arrest of women
Detention and custody (police custody and judicial custody)
- Law of confession- safeguards
• Bail in India; Anti poor?
  - Bail in bailable offences and non-bailable offences
  - Anticipatory bail
  - Right to bail u/s 436 & 436A
  - Power of higher courts to grant bail in non-bailable offences

Recommended Readings-

Books
3. M.P Jain, Indian Constitutional Law (5th Edn, 2009), Lexis Nexis
5. Surendra Malik and Sudeep Malik, Supreme Court on Bail, Anticipatory Bail and Quashment (2011 Edn. EBC)

Cases
1. State of Rajasthan v Balchand, AIR 1977 SC 2447 (Bail)
2. Moti Ram and Ors. v State of M.P, AIR 1978 SC 1594 (Bail)
3. Maneka Gandhi v Union of India, AIR 1978 SC 571 (Fair trial)
4. HussainaraKhatoon and others v. Home Sec, State of Bihar, AIR 1979 SC 1360 (Fair trial)
6. NandiniSundar v State of Chattisgarh, available at indiankanoon.org/doc/920448/(arming the local communities with police powers)

Articles


MODULE III POST-TRIAL

Sentencing
- Sentence hearing
- Sentencing policy and judicial discretion

Plea-bargaining
- Constitutional validity
- Limitations in India
Probation

Recommended Readings-

Books

Books-


Cases

3. Md. Munna v. Union of India (UOI) and Ors., AIR2005SC3440v(meaning of imprisonment for life)

Articles
1. Pande, B.B “Murder most foul, though not rarest of rare” (1996) 5 SCC Jour 1

Reports
2. 142nd Report of the Law Commission of India
3. 154th Report of the Law Commission of India
4. 177th Reports of the Law Commission of India

MODULE IV JUVENILE JUSTICE
- Historical perspective
- Main features of Juvenile Justice (Care and protection) Act, 2000
- Crucial issues
  Relevant date for the applicability of the Act
  Applicability of the Act to pending cases
  Applicability of the Act in special offence

Books
1. Whi
MODULE V: WHITE COLLAR AND ORGANIZED CRIME

- Nature and definition
- Types of White collar crimes
- Components of white collar crimes
- Characteristics and activities of white collar crimes
- Controlling organized crimes
- NN Vohra Committee report
- Corporate crime

Reading Material:


Case Laws:

-Provident Investment Company v. Income Tax Commissioner, AIR 1954 Bom. 95
- C. S. Bansal v. Delhi Administration, (1963) 2 Cr. LJ 439 (SC)

MODULE VI VICTIMS AND WITNESSES

- Victim compensation
- Hostile witnesses and witness protection programs

Recommended Readings:

Books

Cases
2. Palaniappagiounder v State of Tamil Nadu, AIR 1977 1323 (victim compensation)
7. RavikantPatil v DG Police, 1990 ACJ 1060
8. SAHELI v Commissioner of Police, AIR 1990 SC 513
9. State vs. Siddhartha Vashisht @ Manu Sharma, 2008 INDLAW SC 846(witness protection)
DETAILED SYLLABUS FOR LAW PAPERS IN SEMESTER III

1. R.K Bag, Perspectives in Victimology in Context of Criminal Justice System, 1999 JILI 41(1) 78
2. K.N. Chandrasekharan Pillai, Victims of both Crime and Punishment: Delhi High Court’s Attempt to make Law Humane, 2007 JILI 554

MODULE VII PRISONS AND CORRECTIONAL SYSTEMS

Problems in prisons
Prisoner’s rights
Open prisons
Alternatives to imprisonment

Recommended Readings-

Books


Cases


Articles


MODULE VIII: INDIVIDUAL APPROACHES TO CRIME

PART 1 – BIOLOGICAL DETERMINISM
Detailed Syllabus for Law Papers in Semester III

- Classical Theories of Criminology
- Cesare Beccaria, Jeremy Bentham
- Neo Classical Perspectives
- Rossi, Garraud, Joly
- Biological Trait Theory
- Cesare Lombroso, Rafaelle Garafelo, Enrico Ferri

Recommended Readings:


Articles:


Case Laws:


Module IX - Global Crimes

- Controlling Transnational Crime
- War Crimes
- Terrorism
- International Law and Crime

Recommended Readings:


Articles:

Legalisation or Just Bad Law, 5 UCLA Journal of International Law and Foreign Affairs, 2000, pp. 199-201

MODULE X: CHAIN OF CUSTODY OF EVIDENCE

- Crime Scene
- Chain of Custody of Evidence

Recommended Readings:

Dr. BR Sharma, *Forensic Science in Criminal Investigation and Trials*, Universal Law Publishing Company, India.

MODULE XI: CYBER CRIMES AND BANK FRAUDS

- Internet related crimes
- Credit card frauds and bank frauds
- RBI Guidelines on credit card frauds
- Skimming, site cloning, hacking and other computer crimes

Recommended Readings:

2. Dr. BR Sharma, *Forensic Science in Criminal Investigation and Trials*, Universal Law Publishing Company, India.

Cases:

*Dilip Kumar Tulsi Das Shah v. Union of India*, [WP (C) No. 97] of 2013

GENERAL REFERENCES

Statutes-

1. The Indian Penal Code, 1860
2. The Prisons Act, 1894.
3. The Prisoners Act, 1900.
5. Constitution of India, 1950
7. The Representation of People”s Act, 1951.

Books-
RAO & RAO, The Law Of Pre-Trial Statements Depositions & Police Diaries, 3rd Edn, Wadhwa

Periodicals
1. Annual Survey of Indian Law, ILI, New Delhi (1965-2009 )
2. Journal of Indian Law Institute

Websites/Blogs
1. bprd.nic.in
2. http://lawandothertools.blogspot.in/

SUBJECT: COMPARATIVE CONSTITUTIONAL LAW & JUDICIAL PROCESS

INTRODUCTION
The uniqueness of any Constitution written or unwritten, is that it is usually a product of independence achieved through hard struggle against existing systems of governance and its values. Therefore, a constitution is a reflection of aspirations, needs and values of the people. This imparts it as status of a fundamental document on which people base their dominant institutions of governance. As states differ in their ideologies, so their constitutions. Constitutions though not immutable but are expected to survive a longer period of time. Generality of a Constitution and creativity of the judiciary makes it survive, besides sagacity of the people.
Comparative Constitutional law and judicial process as a subject is a study of these values and institutions which, major jurisdictions have adopted in contemporary world. This course attempts to achieve its objectives through study of major constitutions of the world with special emphasis on Constitutions of India, UK, USA, and EU and also with reference to the Constitutions of Germany and France.

OBJECTIVES

• To compare the specificity of different constitutions.
• To study, analyze and understand — contemporary and conventional constitutional issues.
• To appreciate the provisions of these different constitutions through specific case studies.
• To understand the constitutional value, concepts, concerns, challenges and institutions as reflected in the various constitutions.

TEACHING METHODOLOGY

As per the norms of the university there will be 4 theory classes per week. Teaching Methodology will include Lecture-cum-case discussion, Assignments/Projects and Presentations.

EVALUATION SCHEME

• Continuous Assessment 30%
• Project + Presentations 20%
• End Term 50%
COURSE OUTLINE

MODULE I: INTRODUCTION

- The concept of the ‘Constitution’
- Different States and special features of their Constitution
- Need for Comparative Constitutional law
- The concepts of —‘Meta- constitution’, Due Process, Judicial review, Rule of law, Separation of Power, Supremacy of Parliament

Readings:

7. V Ramaraj, 'Four Modules of Due Process', 2 Int 7 J. Const. L 492

Cases:

1. Keshvanand Bharti v. UOI, AIR 1973 SC 1461
2. Indira Nehru Gandhi v Raj Narain, 1975 Supp Sec
MODULE II: FUNDAMENTALS OF THE AMERICAN CONSTITUTION

- Political Structure
  - Legislature
  - Executive
  - Judiciary

- Separation of Powers
- Amendment of the Constitution
- Judicial Review
- Commerce Clause, Supremacy Clause, Takings Clause, Equality Clause, First Amendment - Establishment Clause & Free Speech
- Judicial Set up - Powers and jurisdiction of the courts
- State Action - Need of a change in light of globalization
- Contemporary Issues - Abortion, Substantive Due Process, Flag Burning, Right to Die, Rights of unpopular minorities

Readings

2. "Free Speech'Adjudication in US and UK", 54ICLQ
3. 06* Senate Document 2d Session No. 10627, The Constitution of USA Analysis and Interpretation

Cases

1. Marbury v, Madison, 5 US 137 (1803)
16. Roper vs. Simmons, 125 SC 1183 (2005)

MODULE III- FUNDAMENTALS OF THE UNITED KINGDOM CONSTITUTION

- Political Structure
  - Legislature
  - Executive
  - Judiciary

- Westminster form of Governance
- Parliamentary Sovereignty
- Judicial Review
- Recent changes in light of Community Laws
- Human Rights Act, 1998
- Declaration of Incompatibility
  - Separation of Judiciary from the Parliament

Readings:

5. Recent House of Lords Decision on Terrorism Act - Right to Torture is violative of constitutional norms.

Cases

2. R (Quintvalle) vs. Secretary of State of Health [2002] 2 WLR 550

MODULE 4: MAJOR SYSTEMS AND METHODS OF JUDICIAL REVIEW IN THE CONTEMPORARY WORLD

- Political and Judicial Review
  - Centralized and Decentralized Judicial Review
- Incidents and Principles of Judicial Review

(Reference will be made to the constitutions of France and Germany)

- Judicial Activism
- Judicial Review of Constituent powers of the State
- Contemporary problems of Judicial review

- Judicial bias
- Judicial overreach and resultant conflict
- Limits of Judicial review

- Concept of Judicial self-restraint
- Binding nature of judicial Review

Readings:


Cases:

1. Marbury vs. Madison, 5 US 137il 803)
2. Dred Scott v Sanford, 60 US 393 (1857)
3. Plessyvs. Ferguson, 5 US 537 (1896)
5. Keshvanand Bharti vs. State of Kerala (1913) 4 SCC 225
6. L. Chandra Kumar vs. Union of India (1997) 3 SCC 225
9. Ashok Kumar vs. Union of India (2003) 6 SCC 1
10. Anisminic Ltd vs. Foreign Compensation Commission, (1969) 2 AC 147
11. Associate Provincial Picture Houses Ltd vs. Wednesbury Corporation (1948) 1 KB 223
14. R (on application of Mahmood) vs. Secretary of State for the Home Department (2001) 1 WLR 840
15. Rose (2) EM(I) vs. State for Health (I) Human Fertilization and Embryology Authority, Lawtel, 26* July 2002

MODULE V - JUDICIAL PROCESS IN CONTEMPORARY WORLD

• Court Structure
• Appointment of Judges
• Removal of Judges
• Accountability of Judges
• Judicial Standards

Readings:

1. Rajeev Dhawan and Alice Jacob, Selection and Appointment of Supreme Court Judge, (1970) ILI
2. M.P. Singh, 'Merit' in the Appointment of Judges, (1999) 8 SCC (J) 1
5. Justice P. Jagmohan Reddy, We have a Republic: Can we keep it? Sri Venkateshwara University, Tirupati

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Cases:

1. S.P. Gupta vs. Union Of India, 1981 Supp SCC 739
2. S C Advocate-on-Record Association v Union of India, (1993) 4 SCC 44
5. Sarojini Ramaswami vs. Union of India, (1992) 4 SCC 506

**MODULE VI: RECENT DEVELOPMENTS IN CONSTITUTIONAL LAW AND CONFLICTS OF INTERESTS**

- Human Rights
- Terrorism and Armed Conflicts
- Constitution in globalised world

**Readings:**

4. Andras Sajo, 'Constitution without the constitution moment: A view from the new member states' 3 *Int J Constitutional Law* 239
5. Ran Hirschl, 'Preserving hegemony? Assessing the political origins of the EU Constitution momentum' 1 *Int J Constitutional Law* 269
6. Armin von Bogdandy, 'The European Constitution and European identity: Text and subtext of the treaty establishing a
8. Miguel Poiares Maduro, 'The importance of being called a constitution: Constitutional authority and the authority of constitutionalism', 3 Int J Constitutional Law 332
10. Otto Pfersmann, 'The new version of the old constitution', 3 Int J Constitutional Law 283
11. Paul Craig, 'European Governance: Executive and administrative powers under the new constitutional settlement', 3 Int J Constitutional Law 407
13. Damian Chalmers, 'Judicial Authority and the constitutional treaty', 3 Int J Constitutional Law 448
15. Franz C. Mayer, 'Competence-reloaded? The vertical division of powers in the EU and the new European constitution', 3 Int J Constitutional Law 493
18. Bobde, 'Scandalising the Court', (2003) 8 SCC (Jour) 32
21. Stone Geoffrey, 'Free speech in World War II: When are you going to indict the seditionists' 3 Int J Constitutional Law 334

Cases:

2. PUCL v. VOI, AIR 2004 SC 456; (2204) 9 SCC 580
6. R. v. Gray, (1900) 2 Q.B. 36,40
8. R. v. Minister of Labour ex p National Trade Defence Assn., (1931) 47 TLR 364
9. Ambard v. AG of Trinidad & Tobago, 1936 AC 322-355 (PC)
13. Article 143 of the Constitution of India, In Re, AIR 1965 SC 745, 791
14. Dr. Subramanian Swamy v. Rama Krishna Hegde, 2000 (10) SCC 331
15. Dr. S. C. Saxena v. Hon’ble the Chief Justice of India, 1996 (5) SC 216

MODULE- VII STATE AND RELIGION IN CONTEMPORARY CONSTITUTIONALISM.

1. Concept of Secularism
2. Religion and State in USA Constitution.
3. Religion and State in British Constitution
4. Religion and State in Indian Constitution
5. Religion and State in South Asian States.

Readings:


Project Topics

1. Interrelationship of Fundamental Rights
2. Legitimacy of the Constitution

3. Legitimacy and Obedience

4. Paradoxes of Constitutional borrowing

5. Interpretation techniques used for International Human Rights Documents

6. Contemporary and Constitutional Issues

7. Meta Constitution

8. The European Constitution and European Identity

9. Multicultural Citizenship and Constitutional norms

10. Doctrine of standing - Comparative perspectives

11. Due Process and Procedure Established by Law

12. Constitutional Amendments – Legitimacy

13. Judicial Activism

14. State and Religion

15. Secularism.
SUBJECT: NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW.
LLM IN CONSTITUTIONAL LAW

National Security, Public Order and Rule of Law
UNIT I
Civil Liberties, Pre-Independence law.
UNIT II
a) Article 22 of the Constitution, Preventive Detention and Safeguards
UNIT III
a) Exceptional Legislations: COFEPOSA and other legislation to curb economic offenders,
TADA-The Draconian Law, Comments of NHRC, Special courts and Tribunals, Due
process and special legislation,
UNIT IV
a) Civil Liberties and Emergency: Article 19, Meaning of 'Security of State', Meaning of
'Public Order', Suspension of Article 19 Rights on Declaration of Emergency, President's
Right to suspend right to move any court, Article 21-Special importance-
its non-suspendability, Suspendability-44th Amendment.
b) Access to Courts and Emergency: Article 359-ups and downs of judicial review,

Suggested Readings

2. H.M.Seervai, The Emergency, Future Safeguards and the
3. International Commission of Jurists, Status of Emergency and
   Human Rights , 1984

SUBJECT: HUMAN RIGHTS UNDER INDIAN CONSTITUTION
LLM IN CONSTITUTIONAL LAW

Module 1 Human rights law in India

- Protection of human rights in India
- Supreme Court cases on human rights violation
- Origin of human rights law from Indian Constitution
Module 2 Human rights law, NHRC and SHRC

- Composition of NHRC and its functions
- Composition of SHRC and its functions

Module - III: Interpretation of Constitution

- Law inconsistent with Fundamental Rights (Article- 13)
- Meaning and Basis of Judicial Review
- Conceptual analysis and comparison with US model
- Application and Rules of Interpretation of Article 13
  - Voidness arising out of Lack of Legislative Competence
  - Doctrine of Severability – Doctrine of Eclipse – Doctrine of waiver
- Is Constitutional amendment a ‘law’ under Article-13

Module- IV: Right to Equality (Article 14-18) and Right to Freedom (19-22)

☐ Introduction
☐ Conceptual Analysis of Equality before Law and Equal Protection of Law
☐ Article 14 permits classification but prohibits class legislation
☐ Test of Reasonable Classification
  - [Cases- Ramkrishna Dalmia v Justice Tendulkar, E.P. Royappa v. State of Tamil Nadu, Maneka Gandhi v UOI, R.D. Shetty v. Airport Authority]
☐ Article 14 and Legitimate expectation
☐ Non-Discrimination on the Grounds of Religion, Race, Caste, Sex or Place of Birth (Article- 15)
  [State of U.P v Pradeep Tandon, Dr. Priti Shrivastav v. State of M.P]
☐ Equality of Opporut Moduley in Public Employment (Article- 16) [Case: State of Kerala v N.M. Thomas]
  - The Mandal Case – Position after Mandal case – Creamy Layer Concept
  [Indira Sawhney v Union of India, Post Graduate Institute of Med. Ed. & Res. V. Faculty Association, E.V. Chinnaiah v state of A.P, Ashok Kumar Thakur v. UOI, M. Nagraj v UOI]
  - Reservation in Promotions (77th Amendment, 81st Amendment, 85th Amendment)
☐ Abolition of Untouchability (Article- 17) [case- PUDR v UOI]
Abolition of Titles (Article- 18)

Right to Freedom (19-22)
- Introduction
- The Six Freedom
  a. Freedom of Speech and Expression [cases- National Anthem case, Bennett Coleman vs UOI, UOI v Navin Jindal, UOI v ADR]
  b. Freedom of Assembly
  c. Freedom to form Association [Cases- Dharam Dutt v UOI, O.K.A Nair v UOI, Delhi Police Non-Gazetted Karmachari Sangh v. UOI]
  d. Freedom of Movement [Cases- CPI(Marxist) v Bharat Kumar]
  e. Freedom of Residence

- Conceptual clarity of Reasonable Restriction.
- Instance of Reasonable Restrictions.
- Instances of Unreasonable Restrictions.
- Protection in Respect of Conviction for offences (Article 20)
  ✓ Ex-post Facto law
  ✓ Double Jeopardy
  ✓ Protection against Self-Incrimination


  ✓ Judicial Activism with Article 21
  ✓ Right to Education (Article- 21A) (Cases- Mohini Jain and Unni Krishnan case v State of A.P)

Module-V: Right against Exploitation (Article 23-24) and Right to Freedom of Religion (Article 25-28)
- Prohibition of ‘Traffic in Human Beings’ and Forced Labour
- Prohibition of employement of Children in Factories
Right to Freedom of Religion (Article 25-28)

- India is a Secular State
  - Secularism meaning and respect for different Religion
  - What is Religion
- Restriction on Freedom of Religion
- Freedom to manage religious affairs
- Right to establish and maintain Institution for Religious and Charitable purpose
- Right to manage ‘matter of Religion’

[Cases- S. R. Bommai v UOI, M. Ismail Faruqui v UOI, Bijoe Emmanuel v State of Kerala, Bramachari Sidheswarshai v State of W.B, Aruna Roy v UOI]

Module VI: Cultural and Educational Rights (Article- 29-30)

- Distinction between Article 29(2) and Article 15(1)
- Relationship between Article 29(1) and 30(1)
- Unaided minority educational institutions
- Unni Krishnan and St. Stephen’s Decision partly overruled

[Cases- Unni Krishnan v. state of A.P, St. Stephen college v University of Delhi, Frank Anthony Public School Employees Association v UOI, T.M.A PAI foundation v state of Karnataka, P.A. Inamdar v State of Maharashtra]

Module VII: Right to Constitutional Remedies (Article 32-35)

- Introduction – Who can apply – A Dynamic approach:- Origin of Public Interest Litigation – Abuse of PIL- Guideline by Supreme Court – Judicial Activism vis-a-vis Judicial Restrain

[Rupa Ashok Hura v. Ashok Hura, A.B.S.K Sang (Rly) v. UOI, PUDR v. UOI, Bandhua Mukti Morcha case, Sheela Barse v. UOI, Shiram Food and Fertilizer case, etc]

Module VIII: Directive Principle of State Policy (Article 36-51)

- Introduction
- Objective of DPSP
- Modes of DPSP
  - Social and Economic Charter [cases-M.C. Mehta case I,II]
  - Social Security Charter [Unni Krishnan Case, Centre of Legal Research v State of Kerala]
  - Comm Moduley Welfare Charter [Sarala Mudgal v UOI, Danial Latif v UOI,
- Relation between DPSP and FR
- DPSP given status of FR
Module IX: Fundamental Duties (Article 51A)

- Needs for Fundamental Duties
- Sources of Fundamental Duties
- Fundamental Duties - An aid to Interpretation of constitutional Provisions [Cases- AIIMS student union v. AIIMS, Aruna Roy v UOI]

Bare Acts:
- The Constitution of India

Suggested Readings:

1. M.P.Jain, Indian Constitutional Law, Wadhwa & Co, Nagpur
2. V.N.Shukla, Constitution of India, Eastern Book Company, Lucknow
3. Granville Austin, Indian Constitution-Cornerstone of a Nation, OUP, New Delhi
4. H.M.Seervai, Constitutional Law of India (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, Indian Constitutional Law, S.Gogia & Co., Hyderabad