

REGULATION, SCHEME AND  
SYLLABUS OF LL.M. (2 Year)  
CHOICE BASED CREDIT AND  
SEMESTER PROGRAMME

OF  
**SCHOOL OF LEGAL STUDIES**  
**KANNUR UNIVERSITY**



**W.E.F 2011 ADMISSION**

**SCHOOL OF LEGAL STUDIES  
KANNUR UNIVERSITY**

**REGULATION, SCHEME, SYLLABI, AND MODEL QUESTION PAPER  
FOR LL.M. COURSE**

**SCOPE**

These regulations shall apply to LL.M programme, School of legal studies, kannur University.

**2 OBJECTIVES OF THE COURSE**

- 2.1.** The LL.M. programme of the School of Legal Studies, Kannur University is structured in consonance with the UGC guidelines in order to mould student's professional capacity on the specializations offered as well as to produce good teachers in the concerned subject. Through this course, the school is also proposed to give special training to improve the students writing skills especially research articles, case comments and also to provide maximum opportunities to involve in extension programmes. The categorization of the programme is the "Credit and Semester System."
- 2.2** Choice based credit semester system presupposes academic autonomy, cafeteria approach in academic environment, semester system, course credits, alphabetical grading and inter departmental academic collaboration. There shall be department council consisting of all the permanent / guest/ contract teachers of the department. The department council shall be responsible for admission to all the programmes offered by the department including conduct of entrance tests, verification of records, admission and evaluation. The department council will deliberate on courses and specify the distribution of credit semester wise and course wise. For each course it will specify the number of credits for lecturers, tutorials, practicals, seminars etc.
- 2.3** These regulations shall come in to effect from 2011 admission onwards and supersede all other regulations unless otherwise prescribed.
- 2.4** Curriculum committee means the committee constituted by the vice chancellor under these regulations to monitor the running of choice based credit semester system. One of the senior professors shall be the convener of the curriculum committee co-ordinating the various academic activities.
- 2.5** Credit is the measure to assess the value of relative importance of a course, computed on the basis of the time devoted for teaching theory and/ or practical. Credit defines the quantum of contents/ syllabus prescribed for a course and determines the number of hours

of instruction required per week. Thus normally in each of the course, credit will be assigned on the basis of number of lecturers/ tutorials/ and other forms of learning require to complete the course contents in a fifteen/ sixteen week schedule.

**2.6** One credit shall be given to one hour lecturer or three hours practical work per week.

### **3. REGULATION OF ADMISSION:**

#### **3.1. Eligibility:**

A candidate who has passed the LL.B Examination of Kannur University or of any other University recognized as equivalent there to and has secured not less than 50% of the marks in the aggregate shall be eligible to be considered for admission.

#### **3.2. Admission:**

Admission to the programme shall be made on the basis of the performance at the admission test and the interview conducted by the Centre. The maximum marks allotted to the admission test and the interview is 75 and 25 respectively. The ranking of the candidate for the purposes of admission shall be made on the basis of the total marks he/she secures on adding the marks obtained in the admission test and interview. The reservation rule followed in the university will be applicable.

#### **3.3. Fees:**

The fees shall be as prescribed by the University from time to time.

**3.4 Total number of seats:** The total number of seats is 20.

#### **3.5 Registration:**

The Department shall have faculty members as student advisors. Each student at the time of admission will be assigned to an advisor by the Department Council. He/she will advise the student about the academic programme and counsel on the choice of courses depending on the student's academic background and objective. The student will then register for the courses he/she plans to take for the semester before the classes begin.

**3.6**The Department offering any course shall prescribe the maximum number of students than can be admitted taking into consideration the facilities available. The Department Council will be the authority to fix the Optionals that can be offered for a Programme. The minimum students that can be admitted to a course shall be six (6).

**3.7**The student has to complete the prescribed prerequisites for the course before registration. The student within a maximum of 10 working days after the commencement of the classes can change the Optional Course in consultation with the advisor, if he/she feels that he/she has registered for more courses than he/she can handle.

**3.8** in any department, preference shall be given to those students for whom the course is core course if the demand for registration is beyond the maximum

prescribed.

3.9 The University shall make available to all students a bulletin listing all the courses offered in every Semester specifying the credits, list of topics the course intends to cover, the instructor who is giving the course, the time and place of the classes for the courses and examination schedule.

#### **4. COURSE STRUCTURE**

4.1 Three kinds of courses are offered - Core and Elective and open course. Core courses are offered by the Department conducting the programme. Elective / open courses are offered either by the department conducting the programme or by any other department.

4.2 Elective courses are identified by the Department Council of the Department concerned offering the Programme for which the student is admitted. Open course is optional with three credits. One open course can be opted in any of the semesters during the entire programme. The maximum students that can be admitted to open course is limited as forty (40).

4.3 Each course shall have a unique alphanumeric code.

4.4 Every courses offered by the Department is identified by a unique course code.

SLS C - 001 - is the course code in which SLS is the school code (School of Legal Studies)

C stands for Core Course. 001 is the serial number of the Course.

SLS E - 001 E stands for elective. 001 is the serial number of the elective.

SLS O 001- O stands for open course.

4.5 The Minimum duration for completion of a two year LL.M. PG Programme in any subject is four semester. The maximum period for completion is eight (8) semester. Even if a candidate earns the required number of credits in less than 4 semesters, he/she has to necessarily study for four semester of the two year LL.M. PG Programme. No regular student shall register for more than 24 credits and less than 16 credits per semester, subject to the provisions of the programme concerned.

4.5a **Zero semester:** A semester in which a student is permitted to opt out due to unforeseen genuine reasons.

4.6 No regular student shall register for more than 24 credits and less than 16 credits per semester, subject to the provisions of the programme concerned.

4.7 the minimum total require for the successful completion of a four semester programme is 80 in which the minimum credit required for core courses is 60 and minimum for elective courses is 12. Those who secure only the minimum credits for core/ elective subject has to supplement the deficiency required for obtaining the minimum total credits required for the successful completion of the programme from core/ elective / open courses.

4.8 The Department Council shall design the core, elective and open courses including the detailed syllabus for each programme offered by the Department. The Department Council shall have the freedom to introduce new courses and/or to modify/redesign existing courses and replace any existing courses with new courses to facilitate better exposure and training for the students, with the approval of the Curriculum Committee and it should be ratified by the Academic Council at its next meeting.

**4.9 Dissertation, Viva Voce and Teaching and Research Practicals:** Apart from core and elective papers, there shall be a dissertation, viva voce and teaching and research practicals in the final semester of the course. Dissertation, viva voce and teaching and research practicals are compulsory for all students. The topic of dissertation shall be suggested by the student and it shall be finalized by the Department Council after considering the importance of the topic, methodology, availability of materials etc. The topic of dissertation shall be from any of the topic connected with the specialization. The dissertations shall be supervised by the teachers in the department and no teacher shall supervise more than three dissertations in a year. Before submission, the supervising teacher shall approve and sign the dissertation. The student shall submit the dissertation before one month of the completion of the final semester.

## **5. EVALUATION OF THE INTERNAL ASSESSMENTS**

**5.1** Evaluation of the students shall be done by the Faculty member who teaches the Course on the basis of Continuous Evaluation and Semester Examination. The proportion of the distribution of the marks among End Semester Examination and Continuous Evaluation shall be 60:40.

**5.2** Continuous Evaluation includes Assignments, Seminars, Periodic written examinations etc.

**5.2.1** The allocation of marks for each component under Continuous Evaluation shall be in the following proportions:

### **THEORY**

a. Assignment	25%
b. Tests	37%
c. Seminar/Viva voce/Debate/Discussion	25%
d. Class participation	13%

### **PRACTICAL**

b. Tests	75%
c. Record	25%

### **5.2.2 ATTENDANCE**

The minimum attendance required for each Course shall be 75% of the total number of classes conducted for that semester. Those who secure the minimum attendance in a semester alone will be allowed to register for the End Semester Examination.

Condonation of the attendance to a minimum of 10 days in a Semester subject to a

maximum of two spells within a programme will be granted by the Vice-Chancellor. Benefit of Condonation of attendance will be granted to the students on health grounds, for participating in University Union activities, meetings of the University Bodies and participation in extracurricular activities on production of genuine supporting documents with the recommendation of the Head of the Department concerned. A student who is not eligible for Condonation shall repeat the Course along with the subsequent batch.

### **5.2.3 ASSIGNMENTS**

Each student shall be required to do minimum 2 assignments for each Course. Assignments after valuation shall be returned to the students.

### **5.2.4 TESTS**

For each Course there shall be at least two class tests during a Semester. CE marks for tests shall be the best of the two tests. Valued answer scripts shall be made available to the students for perusal.

### **5.2.5 SEMINAR PAPER PRESENTATION**

Students shall be required to present a seminar on a selected topic in each Course. The evaluation of the seminar will be done by the concerned teacher/(s) handling the Course based on the presentation of the seminar paper and participation in discussion.

All the records of the Continuous Evaluation shall be kept in the Department and shall be made available for verification by the University. Performance of each student in an assessment shall be intimated to him/her within one month of the assessment.

5.3 performance of each student in an assessment shall be intimated to him/ her within one month of the assessment.

### **5.4 CONDUCT OF EXAMINATION**

The Head of the Department shall submit a confidential panel of examiners for approval. The Vice Chancellor will approve the panel of examiners submitted by the Head of the Department. All teachers of the Department will be the members of the Board of Examiners with Head of the Department as the Chair Person. There shall be a minimum of two external examiners also to ensure transparency in the conduct of the examinations. The panel thus approved by the Vice Chancellor will be entrusted with the setting of question papers, conduct and evaluation and examination. The external examiners will be faculty members appointed from other colleges/departments of this University or from other Universities. The duration of the end semester examination shall be specified in the curriculum.

5.5 Pattern of double valuation will be followed for Choice based Credit Semester

System.

5.6 The Board of Examiners will function as the Pass Board. After the completion of the evaluation of the each semester examination, a meeting of the Board of Examiners will be convened as Pass Board to finalise the result. The minutes of the Pass Board will be approved by the Vice Chancellor.

5.7 The End Semester Examination of the final semester will be conducted by the Controller of the Examinations in the same pattern of Model Question Papers submitted by the Chair Persons of the Department Councils concerned, as per the scheme and syllabus applicable. The tabulation registers of the final semester shall be prepared and maintained by the Examination Branch, with Separate Grade Point Averages of the previous semesters, for the final semester examination.

### **5.8 Evaluation of dissertation;**

The dissertation shall be evaluated by an internal and an external examiner. The examiner shall be appointed by the Head of the Department from time to time. The average shall be taken from the total marks awarded by the internal and external examiner to determine the mark of the dissertation, however if there is a difference of more than 15% of the total marks between the two scores of the examiners, the dissertation shall be sent to a third examiner and the marks awarded by him shall be the final score of the candidate in respect of the dissertation. **The maximum marks for the dissertation is 200.** The minimum percentage for passing the dissertation is 50. The student who has not secured the minimum percentage for the dissertation may resubmit it in the next year.

### **5.9 conduct of the viva voce**

The Viva voce shall be conducted by the Department based on the overall papers the student studied in the concerned course and the dissertation he submitted. The Head of the Department and not more than two external expert shall be included in the viva voce examination to evaluate the candidate. The maximum mark for the viva voce is 100. The minimum percentage for passing the viva voce is 50. The student who has not secured the minimum percentage of marks in the viva voce may attend the same in the next year.

## **6. GRADING**

6.1 An alphabetical grading system shall be adopted for the assessment of a students performance in a course. The grade is based on a six point scale. The following table gives the range marks percentage, grade points and alphabetical grade.

<b>Range of Marks %</b>	<b>Grade Points</b>	<b>Alphabetical Grade</b>
90-100	9	A+
80-89	8	A
70-79	7	B+
60-69	6	B
50-59	5	C
Below 50	0	F

6.2 A minimum of grade point 5(Grade C) is needed for the successful completion of a Course.

6.3 Performance of a student at the end of each Semester is indicated by the Grade Point Average (GPA) and is calculated by taking the weighted average of grade points of the Courses successfully completed. Following formula is used for the calculation. The average will be rounded off to two decimal places.

$$\text{GPA} = \frac{\text{sum of (grade points in a course multiplied by its credit)}}{\text{Sum of Credits of Courses}}$$

6.4 At the end of the Programme, The overall performance of a student is indicated by the Cumulative Grade Point Average (CGPA) and is calculated using the same formula given above.

6.5 Empirical formula for calculating the percentage of marks will be  $\text{CGPA} \times 10+5$

6.6 Based on the CGPA overall letter grade of the student shall be in the following way.

<b>CGPA</b>	<b>Overall Letter Grade</b>
8.5 and above	A+
7.5 and above but less than 8.5	A
6.5 and above but less than 7.5	B+
5.5 and above but less than 6.5	B
4.5 and above but less than 5.5	C

6.7 Conversion of Grades into Classification

<b>Overall Letter Grade</b>	<b>Classification</b>
A+ and A	First Class with Distinction
B+ and B	First Class
C	Second Class

6.8 A student who has failed in a Course can reappear for the End Semester Examination of the same Course along with the next batch without taking



re-admission or choose another Course in the subsequent Semesters of the same Programme to acquire the minimum credits needed for the completion of the Programme.

6.9 Appearance for Continuous Evaluation (CE) and End Semester Evaluation (ESE) are compulsory and no grade shall be awarded to a candidate if he/she is absent for CE/ESE or both.

6.10 A student who fails to complete the programme /semester can repeat the full programme/semester once, if the Department Council permits to do so.

6.11 There shall not be provision for improvement of CE and ESE.

6.12 No student shall be allowed to take more than eight/ twelve consecutive semesters for completing a four semester programme from the date of the enrolment.

## 7. GRADE CARD

7.1 The Controller of Examinations shall issue the consolidated grade statement and certificates on completion of the programme, based on the authenticated documents submitted by the Heads of the Departments concerned. Grade Cards of all semesters other than the final semester will be issued by the Heads of the Departments concerned.

7.2 The grade card shall contain the following

- a) Title of the Courses taken as Core, Elective and Open.
- b) The credits associated with and grades awarded for each course.
- c) The number of credits (Core/Elective/Open) separately earned by a student till that Semester.

7.3 The consolidated grade statement issued on completion of the Programme shall contain the name of the Programme, the title of the Courses taken, the credits associated with each Course, grades awarded , the total credits( Core/Elective/Open) separately earned by the student, the CGPA and the class in which the student is placed. Rank Certificates will be issued on individual requests, based on CGPA.

### Illustration

#### CONSOLIDATED GRADE STATEMENT

Course Code	Course Title	Credits	Grade Point	Letter Grade	Classification of Result
<b>First Semester</b>					
SLS C 001					
SLS C 002					

SLS C 003					
SLS E 001					
SLS E 002					
* SLS O 001 (Optional)					
Grade Point Average					
<b>Second semester</b>					
SLS C 004					
SLS C 005					
SLS C 006					
SLS E 003					
SLS E 004					
* SLS O 001 (Optional)					
Grade Point Average					
<b>Third Semester</b>					
SLS C 007					
SLS C 008					
SLS C 009					
SLS C 010					
SLS E 005					
SLS E 006					
SLS O 001(Optional)					
Grade Point Average					
<b>Fourth Semester</b>					
SLS C 011					
SLS C 012					
SLS C 013					
SLS C 014					
SLS C 015					
SLS C 016					
SLS O 001(Optional)					
Grade Point Average					
Total					
Cumulative Grade Point Average(CGPA)					

\*One Open Course can be opted in any of the Semesters during the entire Programme

## 8 .DEPARTMENT COUNCIL

8.1 All the Permanent/Guest/ Contract teachers of the Department shall be the members of the Department Council.

8.2 The Department Council subject to these Regulations shall monitor every academic programme conducted in the Department.

8.3 Department Council shall prescribe the mode of conduct of courses, conduct of examinations and evaluation of the students. It also listens to the grievances of students.

## **9. CURRICULAM COMMITTEE**

9.1 There shall be a Curriculum Committee constituted by the Vice Chancellor to monitor and co-ordinate the working of the Choice based Credit Semester System.

9.2 A senior professor nominated by the Vice Chancellor shall be the convener of the Curriculum Committee.

9.3 The Committee shall consist of:

- a) The Pro Vice-Chancellor - Chairman
- b) The Convener of the Curriculum Committee - Vice Chairman
- c) The Registrar - Secretary
- d) The Controller of Examinations
- e) The Head of the Department or his nominee from each Department.

9.4 The term of office of the Committee shall be two years, but the Committee once constituted shall continue in office until a reconstituted committee assumes office.

## **10. GRIEVANCE REDRESSAL MECHANISM**

10.1 Committees will be constituted at the Department and University levels to look into the written complaints regarding Continuous Evaluation (CE). Department Level Committee (DLC) will consist of the Department Council and a student nominee of the Department Students' Union from the concerned Faculty.

10.2 University Level Committee (ULC) will consists of the Pro-Vice Chancellor (Chairman & Convener), the convener of the Curriculum Committee (Vice-Chairman), the Head of the Department concerned and a nominee of the students' Union. Department Level Committee will be presided over by the HOD and University Level Committee by the Pro-Vice Chancellor. Department Level Committee will have initial jurisdiction over complaints against Continuous Evaluation and University Level Committee will hear appeals against Department level decisions. Complaints will have to be submitted to the Department concerned within two weeks of publication of results of Continuous Evaluation (CE) and disposed of within two weeks of receipts of complaint. Appeals to University Level Committee should be made within one month of the decision taken by Department Level Committee and disposed of within two months of the receipt of the complaint.

10.3 Complaints unsolved by the University level Grievance Committee shall be placed before the Vice Chancellor.

## **11. TRANSITORY PROVISION**

Notwithstanding anything contained in these regulations, the Vice Chancellor shall for a period of one year (May be revised) from the date of coming into force of these regulations, have the power to provide by order that these regulations shall be applied to any Programme with such modifications as may be necessary.

## **12 REPEAL**

The regulations now in force in so far as they are applicable to programmes offered in the University Departments and to the extent they are inconsistent with these regulations are hereby repealed. In the case of any inconsistency between the implemented regulations of the Choice based Credit Semester System and its application to any independent programme offered in a University Department, the former shall prevail.

**SCHEME OF PAPERS FOR CRIMINAL LAW AND CRIMINAL JUSTICE****FIRST SEMESTER**

<b>Sl No.</b>	<b>Course Code</b>	<b>Title of the Course</b>	<b>Lecture</b>	<b>Seminar/Tutorial</b>	<b>INTERNAL (Continuing Evaluation)</b>	<b>EXTERNAL (End semester Examination)</b>	<b>TOTAL</b>	<b>Credits</b>
1	SLS C 001	Law and Social Transformation in India	4	1	40	60	100	5
2	SLS C 002	Principles of Criminal Law and Criminal Justice	4	1	40	60	100	5
3	SLS C 003	Criminology	4	1	40	60	100	5
4	SLS E 001	Human Rights Issues in Criminal Justice	4	1	40	60	100	5

**SECOND SEMESTER**

<b>Sl No.</b>	<b>Course Code</b>	<b>Title of the Course</b>	<b>Lecture</b>	<b>Seminar/Tutorial</b>	<b>INTERNAL (Continuing Evaluation)</b>	<b>EXTERNAL (End semester Examination)</b>	<b>TOTAL</b>	<b>Credits</b>
1	SLS C 004	Judicial Process	4	1	40	60	100	5
2	SLSC 005	Criminal Evidence	4	1	40	60	100	5
3	SLSC 006	Juvenile Justice System	4	1	40	60	100	5
4	SLS E 002	Penology and Victimology	4	1	40	60	100	5

### THIRD SEMESTER

SL No.	Course Code	Title of the Course	Lecture	Seminar/Tutorial	INTERNAL (Continuing Evaluation)	EXTERNAL (End semester Examination)	TOTAL	Credits
1	SLS C 007	Legal Education and Legal Research	4	1	40	60	100	5
2	SLS C 008	Forensic Science and Criminal Justice	4	1	40	60	100	5
3	SLSC 009	Law Enforcement and Criminal Investigation	4	1	40	60	100	5
4	SLS C 010	Teaching Practical	2	----	50	---	50	2
5	SLS C 011	Research Practical	2	---	50	---	50	3

### FOURTH SEMESTER

SL No	Course Code	Title of the Course	Lecture	Seminar/Tutorial	INTERNAL (Continuing Evaluation)	EXTERNAL (End semester Examination)	TOTAL	Credits
1	SLSE 003	White Collar and Hi - Tech Crimes	4	1	40	60	100	5
2	SLS C	Dissertation	---	----	---	200	200	14
3		Viva Voce	----	----	---	100	100	1

**Total Marks -1600 (marks may vary for those who opt for open course)**

1. Case Analysis and Comments.
2. Seminar Presentation.

**DETAILED SYLLABI: COURSE DESCRIPTION:  
CRIMINAL LAW AND CRIMINAL JUSTICE**

**SEMESTER 1**

**CORE**

**SLS C - 001: LAW AND SOCIAL TRANSFORMATION IN INDIA**

**1. The Concept of Law**

Concept of Law - Theories of Law - Positivism and Law - Approach of Realists - Sociological theories - natural Law - American realism - Kelsen's pure theory of Law - Economic analysis of law - Rawl's theory - Marxian approach to law - Law and morals.

**2. Law, Justice & Society**

Community and the law - Caste as a decisive factor - Religion as a decisive factor - language as a decisive factor - Non-discrimination on the ground of caste - Protective discrimination: Scheduled castes, Tribes and Backward classes - Reservation - Statutory Commissions, Statutory Provisions.

**3. Law as an Instrument of Social Change**

Impact of colonization and the introduction of common law system and institutions in India - Social Process and Social Change - Legislation as a factor of social change - Welfare legislations - Land reforms - Constitutional debate on the right to property - Social organs of law and legal institutions.

**4. Women, Children & Law**

Crimes against women - Gender injustice and its various forms - Empowerment of Women - Constitutional and other legal provisions - Women's Commission - Child labour - Sexual exploitation - Adoption and related problems.

**5. Modernization and the Law**

Modernization of social institutions through law - Industrial and agrarian reforms - Impact of industrialization on environment - Reforms of court process - Criminal law - Civil Law - Concept of gramanyayalayas - Treat to state regulations - Causes and care.

**Suggested Readings**

W. Friedman, Law is a Changing Society (Universal Law publishing Co. Ltd., 2008), ISBN-978-81-7534-237-8

Upendra Baxi, The crisis of Indian Legal System (Vikas Publications, 1982) ISBN -9780706913699

Marc Galanter Led, Law and society in Modern India (Oxford paperbacks) ISBN -978-0195632057

Robert Hengat, The Classical Law of India (Oxford University Press, 1998), ISBN -0195645359

Upendra Baxi, Law, Equity & Justice: Struggle for New Social Order (EBC Publishing (P) Ltd)

Steven Vago, Law & Society (2011), ISBN - 0205820387

M.P Jain , Outlines of Indian Legal and Constitutional History (2009), ISBN - 978 -91 -8038 - 284 - 2

Robert F Magher (ed.) Law Society Change, India - American Reflections (1988), N M Tripathi

D. R Saxsena Led,. Law, Justice and Social Change, Deep & Deep Publications (1996), ISBN-8171008038

Flavia Agnes, Law and Gender inequality; The Politics of Women's Right in India, Oxford (1999), ISBN - 019564587

Dhacar Dernet, The State, Religion and Law in India (1999) Oxford University Press, ISBN-978-019564587.

Sunil Desha, Law and Menace of Child Labour (2000) Anmol Publications, ISBN -812610693 X

## **SLS C 002: PRINCIPLES OF CRIMINAL LAW AND CRIMINAL JUSTICE**

### **1. Introduction**

Fundamental principles of criminal law - Criminal conduct - Actus Reus - Mens Rea - Mens Rea in Indian Penal Code - Actus Reus and Mens Rea in statutory offences -Motive and Intention - Mens rea and fault - Causation - Proximity - Foresight of consequences - Free will - Recklessness - Negligence - Criminal responsibility -Principle of strict liability in Common law and India - Principle of vicarious liability in common law and India - Corporate liability - Joint liability - Common intention -Common object - Criminal omissions - Knowledge, belief and culpability - Transfer of malice and criminal responsibility.

### **2. Inchoate Offences and Exemption from Liability**

Inchoate offences - Attempt - Abetment - Incitement - Conspiracy - Excuse from criminal responsibility - Ignorance of law not an excuse - Capacity of committing offence - Intoxication - Insanity - Infancy - Mistake - Compulsion - Consent -Necessity - Duress - Coercion - Automatism - Private defence - Provocation.

### **3. Criminal Justice**

Criminal law and justice - Comparative study of the criminal justice in U.S., U.K. and India - Police powers and criminal justice - Arrest - Search and seizure -Detention - Confinement - Interrogation - Interrogation through scientific methods -Legal aid - Medical aid - Forensic



aid - Bail - Collecting evidence - Confession - Fair trial - Appeal - Speedy justice - Informing accusation and presuming innocence - Providing legal assistance - Against self incrimination - Against double jeopardy - Rights of prisoners - Sentencing and punishment.

#### **4. Miscarriages of Justice in the Criminal Justice Process**

Miscarriages of justice - Meaning - Causes - Fault in police investigation - Problems in trial process - Inefficiency of prosecution and defence lawyers - Problems in the appreciation of evidence - Problems in sentencing process - Judicial discretion in sentencing - Government misconduct - Faulty forensic science - Judges lack of knowledge in scientific and technological disciplines.

#### **Suggested Readings**

Luciazedner, Criminal Justice (Clarendon Law Series 2004)

Andrew Sanders, Criminal Justice (4<sup>th</sup> Ed. OUP 2010)

Andhea Hucklesby, Criminal Justice (OUP, 2009)

Janet Dine, The Criminal Law (6\* Ed. OUP 2011)

Russell Heaton, Criminal Law (3<sup>rd</sup> Ed. 2011)

Andrew Ashworth, Criminal Law (6<sup>th</sup> Ed. 2009)

Stephen Shute, Criminal Law Theory (OUP, 2005)

Keir Starner, Criminal Justice, Police Powers and Human Rights (Blackstone Press, 2007)

Jeremy Horder, Excusing Crime(OUP 2004)

Nicola Padfield, Criminal Law (7\* Ed. OUP 2010) Victor Tadros, Criminal Responsibility (OUP, 2005) Michael S. Moore, Act and Crime (OUP, 1993) **SLS C**

#### **SLS C 003: CRIMINOLOGY**

1. Criminology - Scope and importance - Nature of Criminology - Criminology as a science - Principal divisions of Criminology - Sociological and environmental approaches to criminology - Criminal behavior - Radical criminology - Criminology and Realism - Indian concept of Criminology.
2. Causation of Crime - in General - Biological, Geographical, Psychiatric, Sociological, Environmental, Anatomical, Ecological, Social Disorganization etc -Personality as per Hootan's view - Sheldon's view on criminality - Donald Tale's view - Theory of causation.

3. Criminological Theories - Criteria for evaluating theories - Types of criminological theories - Difference and Rational choice theories - Modern difference theory -Routine activities theory - Biological theories - Psychological theories -Psychoanalytic theory- Personality theory - Social learning theory - Social Banding and control theory - Sutherland's differential Association theory - Reiss's and Lye's theories of internal and external conflict - Reckless Containment theory - Labeling theory - Braithwaite's theory - Conflict theory - Marxist and critical theories -Feminist theories - Tittles control balance theory - Developmental and life course theories - Individualistic theories - Evolutionary theories - Merton's strain theory -Moffitt's life theory - Course persistent/adolescence - Sociological theory of crime.
4. The School of Criminology - pre-classical school of criminology - The classical school - Neo-classical school - Positive school - Clinical school of criminology -Sociological school of criminology - Cesare Lombroso Eursico ferai - raffacle Garafa;p - Gabrid tarde - The new criminology.
5. Developmental criminology - critical perspective in crime and criminology - White color crime- sensual offences - Aleoholim, Drug addition and crime - Peace maling criminology - Trend of violent crime s-post -modernist criminology.

### **Suggested Readings**

- Ahmad Siddique, "Criminology -Problems and Perspectives" Eastern Book Co.Pub. .ISBN : 81-7012-599-5
- Robert A. Silverman, ternee P.Thornbersy, Bernard Colien, Barry Krisberg, "Crime and Justice Act the Millenium essays by and the Honer of Marvin E. Wolfgang. ISBN : 7—7932-792=592-0, Kluwer Academic Pub.
- Imogene. L. Moyer, "Criminological Theories- Traditional and Non - Traditional Voices and Themes" Sage Pub. ISBN: 0 - 8039-5851-X
- Michael Benson," "Alexis Fussell Piguero, Crime and the Life Course" ISBN: 978 – 0415 – 99493 - 4/ paper mark (Rout ledge)
- John. P. Hollfmann, "Delinquency Theories: Appraisals and Applications "ISBN:978-0415-7819-9
- Claire. M. Rengetti. "Feminist Criminology" ISBN:978-0415-38142 -0
- Benjamin Goold, ""Servelliance" ISBN:978-0-415-39200-4
- Michael Welch, "Corrections A Critical Approach" ISBN:978-0-415-78209-8
- Ronald N Akers, Christine S sellers, "Criminological Theories - Introduction, Evaluation and Applications" ISBN: 81-7033-838-7, Rowat Publi.
- Prof.. R. Deb, "Criminal Justice", The Law Book Co. Pub, ISBN: 81-87031-10
- J. Robert Lilly, Francis. T Cullen, Richard A Bell, "Criminological Theory - Content and Consequences" Saga Publication, ISBN:0-7619-2077-3
- Suzette Cote, "Criminological Theories - Bridging the part to the Future", Sage Pub. ISBN; 0-7619-2503-1
- Katherine S Williams "Text Book on Criminology ", Universal Law Pub. ISBN : 81-7534-247-8
- Prof. B K . Goswami, "A Critical study of Criminology and Penology", Allahabad Law Agency Publication.
- Prof. N.V Parainjape , " Criminology and Penology". Central Law Publication (2008 edn)
- Sue Tites Reid, " Crime and Criminology", Oxford Publication, " ISBN: 10 -0195370449
- Rob White, Crime and Criminology (4\* Ed., OUP 2008)

Mike Miguire, The Oxford Handbook of Criminology (4<sup>th</sup> Ed., 2007)

## **SLS E 001: HUMAN RIGHTS ISSUES IN CRIMINAL JUSTICE ADMINISTRATION**

### **1. Human Rights and Rule of Law**

Concept of rule of law - Criminal process under rule of law - Judiciary under rule of law - Judicial review of legislative and executive actions - Fair prosecution and investigation - Pre-trial procedure - Trial procedure - Legal aid to victims - Correction and aftercare services - Individual liberty and criminal justice.

### **2. Police Powers and Criminal Justice**

Concept of police - Public relation - Constitutional mandate - Indian regulatory framework - Criminal justice and human rights in emergency - Deaths in police Custody - Torture - Atrocities against women - Atrocities against children - Atrocities against Scheduled Castes & Tribes - Inhuman and cruel treatment - Fake encounters - Political violence and Legal order - Reforms suggested by national police commissions.

### **3. International Instruments**

Role of international organizations - Universal Declaration of Human rights (1948) - International Covenant on Civil and Political rights - International Covenant on Economic Social and Cultural Rights - Conventions and protocols dealing with human rights and criminal Justice - role of International Court of Justice and regional institutions - Protection agencies and mechanisms - International council of human rights.

### **4. Crime without Victims**

Criminalization of addictive behavior - Drug addition - Trafficking - Deployment of marginalized people as carrier of narcotics - Juvenile drug use and legal approach - Misuse and abuse of prosecutor powers - Indian regulatory system - Police adjudication - Initiatives for compliance with regulatory systems - Role of community.

### **5. Judicial Activism and Human Rights**

Enforcement of human rights - role of Supreme Court - Role of High Court - Role of civil and criminal courts - Statutory tribunals - Special courts - Role of India in implementing international norms and standards - Needs for Judicial activism in adversary system.

### **Suggested Readings**

Upendra Baxi, The Right to be human (1986)

J A Andrews, Human Rights in International Law (1986)

R. Deb, Criminal Justice (1998), The Law Bask Company (P) Ltd. ISBN-81 -87031 -10-7

Dr. Subhash Chandra Singh (ed), Social Justice and human Rights in India (2006) ISBN -81-83870-016-3

B P Singh Sehgal (ed) Human rights in India: Problems and Perspective (2004) ISBN-81 0 7100-813-5

P R Rajagopal, Violence and Response: A Critique of the Indian Criminal System (1998)

H S Becker, Outsiders, The Studies in Sociology of Deviance ( 1966)

Upendra Baxi, Human rights in a Posthuman - Critical Essays (2009) ISBN-9780198061762

Richard Ashby Wilson, General Prosecution - Crimes against humanity - Writing History in International Criminal tribes ISBN - 0521138310

Andrew L - T Choo, Abuse of Process and Judicial Stays of Criminal Proceedings (2<sup>nd</sup> Ed., OUP, 2008)

Clive Walker, Miscarriages of Justice: A Review of Justice in Error (OUP, 1999)

Stefan Trechsel, Human Rights in Criminal Proceedings (OUP, 2005)

Mike McConville, The Handbook of the Criminal Justice Process (OUP, 2002)

## **SEMESTER 2**

### **SLS C 004: JUDICIAL PROCESS**

#### **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 - Legal development and creativity through legal reasoning under statutory and codified systems.

#### **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.

#### **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.

#### **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.

#### **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, but 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.

#### **Suggested Readings**

Julius Stone, *The Province and Function of Law*, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.

Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi

Henry J. Abraham, *The Judicial Process* (1998), Oxford.

J.Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985) Butterworths

W.Friedmann, *Legal Theory* (1960), Stevens, London

Bodenheimer, *Jurisprudence - The Philosophy and Method of the Law* (1997), Universal, Delhi

J.Stone, *Legal System and Lawyers' Reasonings* (1999), Universal, Delhi

U.Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow.  
Rajeev Dhavan, *The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques* (1977), Tripathi, Bombay.  
John Rawls, *A Theory of Justice* (2000), Universal, Delhi  
Edward H.Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago  
Henry J. Abraham, *Judicial Process* (7<sup>th</sup> Ed. OUP, 1998)

## **SLS C 005: CRIMINAL EVIDENCE**

### **1. Criminal Evidence - Fundamental Concepts**

Evidence Law - Introduction — A comparative study of the criminal evidence in U.S., U.K., and India - Important concepts underlying evidence law - Types of evidence - Real and testimonial evidence - Admissibility and materiality – Relevance - Legal and logical relevance - Reliability and weight of evidence - Meaning of relevant evidence - Probability and relevancy - Determining probative value - Determining cause and effect - Exclusion of relevant evidence on grounds of prejudice, confusion or waste of time - Proof and evidence - Introducing criminal evidence in court - Forms of evidence - Procedures.

### **2. Exclusionary Rules and its Exceptions**

Exclusionary rules - Best evidence rule - Hearsay rule - Rationale of the rule -Application - Exceptions - Expert evidence - Hearsay application - Common knowledge rule - Ultimate issue rule - Limitations - Confessions - Forensic evidence and the use of expert scientific witnesses in criminal proceedings.

### **3. Production of Evidence and its Evaluation**

Proof and burden of its production - Standards of proof - Beyond reasonable doubt -Theories of probability - Principle of indifference - Application of probability theory Bayes Theorem - Evidence of character - Rule of corroboration - Burden of proof Testimonial privileges.

### **4. Witness Testimony - Principles**

Witnesses and their competency - Credibility of witnesses - Impeachment of witnesses - Examination of witnesses.

### **5. Evaluation of Evidence**

The evaluation of criminal evidence - Rules of admissibility - Status of unlawfully obtained evidence - Privilege against self-incrimination - Evidence obtained by illegal or unfair means.

### **Suggested Readings**

R.Allan Thompson, *An Introduction to Criminal Evidence: Cases and Concepts* (OUP 2008)  
Mike Redmayne, *Expert Evidence and Criminal Justice* (OUP 2001)  
John Woodroffe & Syed Amir Ali, *Law of Evidence* (16<sup>th</sup> Ed. The Law Book Company (Pvt) Ltd. 1996).  
Phipson, *Evidence* (1999 Ed.).  
John L. Worrall and Craig Hemmens, *Criminal Evidence: An Introduction* (OUP USA 2010)  
Paul Roberts and Adrian Zuckerman, *Criminal Evidence* (OUP 2010)  
R. Alan Thompson, Lisa Nored, John Worrall, and Craig Hemmens, *An Introduction to Criminal Evidence: Cases and Concepts* (OUP USA)  
Adrian Keane, James Griffiths, and Paul McKeon, *The Modern Law of Evidence* (2010)

Alex Stein, Foundations of Evidence Law (2005)  
Peter Murphy, Evidence, Proof, and Facts: A Book of Sources (2003)  
Cross & Tapper, Evidence (8<sup>th</sup> ed. Butterworths, London 1995).  
Adrian Keane, The Modern Law of Evidence (OUP, 2010)  
Alex Stein, Foundations of Evidence Law (OUP, 2005)  
Paul Roberts, Criminal Evidence (2<sup>nd</sup> Ed., 2010).

## **SLS C 006: JUVENILE JUSTICE SYSTEM**

### **1. Nature and Scope of Juvenile Justice**

The concept of 'Child' - Delinquent Juvenile - Neglected Juvenile - Causes of Juvenile Delinquency - Anomie - Economic Pressure - Peer group influence - Gang sub culture - Class differentials - The overall situation of children/young persons in India, along with reference to crime statistics (of crimes by and against children).

### **2. International Concern for Juvenile Justice**

International covenant on Civil and Political rights, 1966 - United Nations convention on the Right of the Child, 1989 - United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (The Beijing Rules) - Juvenile Justice System in other Countries - USA, UK, Norway, Turkey, Australia and New Zealand.

### **3. Juvenile Justice System in India**

Historical development of the Juvenile Justice System in India - Legislative approaches during the late colonial era - Indian Jail committee Report - Five year plans - Children's Act, 1960 - Juvenile Act 1986 - Various Laws relating to Child in India - Constitutional aspects - Juvenile Justice (Care and Protection of Children) Act, 2000 - Juvenile Justice Board - Composition, procedure, powers and functions -Treatment of Juvenile in conflict with law - child in need of special care and protection - Observation homes, special homes, schools children's homes and shelter homes - Child Welfare committee - Advisory Boards - Child Protection Unit -Special Juvenile police Unit - Rehabilitation and social integration - adoption, foster care, sponsorship and after care organization.

### **4. Judicial Contribution**

Judicial activism and juvenile justice - judicial decisions - Role of legal profession in juvenile justice system

## **Suggested Readings**

Ved Kumari - The juvenile Justice System in India (OUP, New Delhi 2008)  
ISBN-0195665511

Barry Kris berg - Juvenile Justice (2005) Sage Publications, New Delhi

Prof. N V Paranjape - Criminology and Penology (Central Law Publication, Allahabad 2008)

Asha Bajpai - Child Rights in India (Oxford University Press, New Delhi 2003)  
ISBN-0195649087

The Juvenile Justice (Care and Protection of Children) Act, 2000

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006

The Juvenile Justice (Care and Protection of Children) Rules 2007

Thomas J. Bernard, The Cycle of Juvenile Justice (2<sup>nd</sup> Ed., 2010)

## **SLS E 002: PENOLOGY AND VICTIMOLOGY**

### **1. Penology - Introduction**

Penology- meaning and concept- Essentials of an ideal penal system- theories of punishment- Bentham's theory of Punishment - applications - Deterrent theory -Retributive theory - Preventive theory - Reformatory theory - Efficiency of Punishment - Terms of punishment and Judicial sentencing — Capital punishment -Judicial trends in execution of death sentence - An introduction to English sentencing - Sentencing and the constitution - Fundamentals of sentencing theory.

### **2. Administration of Justice System**

Police system - legal functions of Police - Rural policing in India - Judiciary's attitude towards police system - International and National perspective of the police -Citizens voluntary force - Modernization of police - INTERPOL - The criminal law courts.

### **3. Prison System**

The Prison Administration - International Penal and Penitentiary commission and prison reforms - Prisons in India - Prison labour - Problems of criminality in prisons - prisons reforms - judicial mandates - general administration of prisons – The Repatriation of Prisoners' Act, 2003 - Open prisons - Open air camps in Rehabilitative Measures - Parole - Characteristics - Object of parole - conditions of parole - Judicial Trend - parole Violation -structural set up of parole - paroles boards and their Functions - Probation of offenders - origin - The Probation of Offender's Act, 1958 - CRPC provisions - Judicial trends - critical appreciation of probation as conventional measure.

### **4. Victimology**

Nature and developments - Victimology and compensatory jurisprudence - Role and typology of victims - Persons needing special attention - Victims characteristics -Police and Judicial attitude - Victim compensation and assistant program - Victim Blaming - victims defenses - Victim and offender - Victim and Criminal Justice System- Relationship - Crime without victims- Victims and the media - victims and the post of crimes - victims and social movements - Theories and Victimology -Lockenbill's Transaction model - Benchamin and Masters threefold model - Lohan and Felson's Routine activities theory - Societal influences - victim rights - Victim of Crime Act of 1982 - Victim of Criminal Act of 1984 - Victims Rights and Restitution Act of 1992.

## **Suggested Readings**

Antony Duff, A Reader on Punishment (OUP, 1994)

## **SEMESTER 3**

### **SLSC007: LEGAL EDUCATION AND LEGAL RESEARCH**

#### **1. Legal Education**

Objectives of Legal Education - Lecture method of teaching - Merits and demerits - The Problem method - Discussion method and its suitability at postgraduate level teaching - The Seminar method of teaching - Examination system and problems in evaluation - external and internal assessment - Student participation in law school programmes - Organization of seminars, publication of journal and assessment of teachers - Clinical legal education - legal aid, legal literacy, legal survey and law reform.

#### **2. Research Methods**

Research methods - Socio legal research - Doctrinal and non-doctrinal - Relevance of empirical research - Induction and deduction - Identification of problem of research - What is a research problem? - Survey of available literature and bibliographical research - Legislative materials including subordinate legislation, notification and policy statements - Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof - 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.

#### **3. Process**

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 - 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 - Classification and tabulation of data - use of cards for data collection - Rules for tabulation - Explanation of tabulated data - Analysis of data.

#### **Suggested Readings**

High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London

S.K. Agrawal (Ed.), Legal Education in India (Tripathi, Bombay, 1973)

N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, Eastern Book Company, Lucknow, 1998)

M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)

Pauline V. Young, Scientific Social Survey and Research, (1962)

William J. Grade and Paul K. Hatt, Methods in Social Research (Mc Graw-Hill Book



Company, London)

H.M.Hyman, *Interviewing in Social Research* (1965)

Payne, *The Art of Asking Questions* (1965)

Erwin C. Surrency, B.Fielf and J. Crea, *A Guide to Legal Research* (1959)

Morris L. Cohan, *Legal Research in Nutshell*, (West Publishing Co., 1996)

Harvard Law Review Association, *Uniform System of Citations*.

ILI Publication, *Legal Research and Methodology*.

N.R.Madhava Menon, *Clinical Legal Education* (EBC, 1998)

## **SLS C 008: FORENSIC SCIENCE AND CRIMINAL JUSTICE**

1. The evolution of expert testimony and scientific evidence -Historical foundations and expectations of 'forensic science' within the courtroom - Development of forensic - The Role of the Forensic Science Laboratory - Crime scene investigators – Whether 'forensic science' can be classified as a 'science' in scientific and legal terms.
2. The admissibility of 'expert' and 'scientific' testimony - Evidentiary rules determining the relevance and admissibility of scientific evidence - Frye test - Criticism of Frye Test - Frye test after the enactment of the Federal Rules of Evidence in United States - Daubert test - *Kumho Tire v. Carmichael* and its application in technological evidences - Application of Daubert ratio in nonscientific cases - Admissibility of Scientific Evidence in Canada - English Position - Helpfulness as a criterion for the Admissibility of Scientific Evidence - Standard of Admissibility in Australia -Standard of admissibility in India - Corroboration - An additional requirement for admitting scientific evidence in India.
3. Forensic miscarriages of justice- Introduction - Scope of miscarriages of justice through forensic process - Situations in which miscarriages of justice occurs in the application of forensic procedures - Miscarriages at the time of crime scene investigation - Miscarriages at the time of evidence analysis - Miscarriages when the evidence come before the court.
4. Causes for miscarriages - Ignorance of scientific background of a forensic analysis - Error committed by the forensic scientist - Error committed by the Prosecution and Defence - Error committed by the judges while appreciating forensic evidence – A critical and comparative analysis of the forensic miscarriages in U.S., U.K., Canada, Australia, and India.
5. Ethical Issues in forensic scientific analysis - Schools of ethical thought – Obstructions against the ethical practice in forensic science - Unethical practice of a forensic expert regarding his qualifications and credentials - Partialities and bias - Examiner's bias in forensic testing - The Problem of "Hired guns" as Forensic Experts - Interference by the police and prosecution - Extraneous influence of the forensic scientist.

### **Suggested Readings**

Bentham, *Rationale of Evidence* (1827).

Carol A.E. Jones, *Expert Witnesses* (Oxford 1994).

Charles T. McCormick, *McCormick on the Law of Evidence* (John W. Strong ed. 4<sup>th</sup> ed. 1992).

Cross & Tapper, *Evidence* (8<sup>th</sup> ed. Butterworths, London 1995).

Edward Philips, *Brief Case, Law of Evidence* (2<sup>nd</sup> ed. Cavendish Publishing Ltd. 2000).

Field, *Expert Evidence* (3<sup>rd</sup> ed. R.G. Sagar for law publishers (India Pvt. Ltd. 1997).

Helen Reece, *Law and Science* (Oxford University Press, 1998).  
 J. Thayer, *A Preliminary Treatise on Evidence at Common Law* (1989 ed.).  
 J. Weinstein & M. Berger, *Weinstein's Evidence* (1991).  
 J. Wigmore, *Evidence* (1943).  
 Jack Weinstein & Margaret Berger, *Weinstein's Evidence* (1995).  
 McCormick, *McCormick on Evidence* (John William Strong ed., 4<sup>th</sup> ed., 1992).  
 John Woodroffe & Syed Amir Ali, *Law of Evidence* (16<sup>th</sup> ed. The Law Book Company (Pvt) Ltd. 1996). Peter W. Huber, *Galileo's Revenge: Junk Science in the Court Room* (New York, 1991). Phipson, *Evidence* (1999 Ed.).  
 T. Hodgkinson, *Expert Evidence: Law and Practice* (London, 1990). V.R. Dinkar, *Justice in Genes: Evidential Facets of Forensic DNA Fingerprinting* (Asia Law House, 2008 Ed.). Clive Walker, *Miscarriages of Justice: A Review of Justice in Error* (OUP, 1999)

## **SLS C 009: LAW ENFORCEMENT AND CRIMINAL INVESTIGATION**

### **1. Criminal Investigation - Introduction**

Meaning and objectives of investigation - Role of investigation - Investigating agencies - Police - Crime Branch - Cyber Cell - CBI - NIA - Duty to Inform - FIR - Procedure to register FIR - Procedure after registering FIR - Crime Scene Investigation - Importance - Prevention of contamination - Preparation of field note - Recording the crime scene - Photography - Video - Crime Scene Sketch - Collecting, Handling and Preserving Evidence - Collecting physical evidence from the Scene - The role of crime scene investigators.

### **2. Investigation Process**

Arrest - Meaning - Purpose - with or without warrant - After arrest procedure - Search of arrested person and medical examinations - Legality under Article 20 (3) , 21 - Provision regarding Bail - Procuring production of person and things - Criminal provision relating to search and seizures - Power to Procure attendance of witness - Interrogations - Interviewing of witness and victims - Handling of child witness - Scientific method of Interrogation - truth serum - lie detection - Narco Analysis - Evidentiary value of statement given to police officers - Protection under Article 20 (3), 21 - Confession - Power of Magistrate to record confession - Procedure to be complied - suspect identification - Importance - Techniques - Portrait, Personality, profiling, identification parade, fingerprint , DNA profiling - Legality - Surveillance  
 - Importance - methods - vehicle breaking, interception or conversation - constitutionality - Consequence of delayed investigation importance of case diary - filing of final report.

### **3. Investigations under Special Enactments**

Investigations under special enactments - Prevention of Food Adulteration Act, 1954  
 - The Narcotic Drugs and Psychotropic Substances Act, 1985 - The Prevention of Corruption Act, 1988 - Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

## **Suggested Readings**

J.W Cecil Turner, Outlines of Criminal Law(19<sup>th</sup> Ed., Universal Law Publishing)

Dr. Hans Gross, Criminal Investigation (5<sup>th</sup> Ed., Universal Law Publishing)

Ronald F. Becker, Criminal Investigation(2<sup>nd</sup> Ed. , Jones and Barlett publishers)

B. R. Sharma, Scientific Criminal Investigation( 2006Ed., Universal Publishing Co.)

SLS C 010 TEACHING PRACTICAL -2 CREDITS (50 MARKS)

SLS C 011 RESEARCH PRACTICAL – 2 CREDITS(50 MARKS)

## **SEMESTER 4**

### **SLSE 003: WHITE COLLAR AND HI -TECH CRIMES**

1. Conception of white collar crimes - Nature and Definition - Views of Sutherland -Six Walter reckless - Lord Acton - Contributing factors of white collar crime -Impact of globalization and non economic order - International prospective - Human rights aspects - Recent development - White collar crimes in India - White collar crimes distinguished from traditional crimes.
2. White Collar Crimes in certain professions - Legal Professions - Medical Professions - Engineering - White color crimes in the world of education - white collar Crimes in Business deals - Corporate Sector Crime - Media and Crime - Criminality and spiritualization - white collar Theft palmistry - Astrology and divine powers -Magical tracks - Illegal activities in the name of God - Bank related crimes -Corruption in political sphere - Corruption and behavior - Motion of privileged class and regulatory system - Prevention of corruption Act, 1988- Central vigilance Act, 2003 - Remedial measures for combating white color crimes.
3. Hi-tech crimes origin and development - Nature and definition - Crime in changing society and Indian approaches to semi-economic crimes - Hi-tech crimes and criminal jurisdiction in international extradition cyber terrorism and its network -International perspectives on computer related crimes -Hi - tech crimes and forensic conference (IHCFC) of October 1999- Conflict of laws - role of international agencies.
4. Cyber crimes - Nature and Definition - Un authorized access interaction - Hacking -Interruption - Time theft - Alternatives of computer data Computer related frauds -Software piracy - Computer sabotage viruses - identify theft - Forgery - Password tracking - Information Technologies Act,2000 , Protecting confidential information and criminal.
5. E- commerce and E-crimes - patent protection for computer related inventions -Criminal - sanctions and Procedural matters - E-commerce and Taxation -Intellectual Property rights in cyber space - grey - Supreme Court on copyright, patent and design acts of legislation and enforcement authorities in India.

## **Suggested Readings**

White Collar Crimes, (Current affairs, crime, education , literature, Media , Politics , Religion, Sociology)

Girish Kumar Misra - Brajkumar pandey , Gyan publishing houses, ISHN- 81-212-0590-

White collar Crimes and Criminal Careers

David Wurzburg , Elin warningwith - Elen- F-Chayet    ISBN: 0-521 -7763-1

Criminology and Penology, Prof. N V Paranjappe Control Law publishing 13th Edition

Criminology Problems and Perspectives, Ahamad Siddique    IV Edition Eastern Book Company. " ISBN: 81-7012-599 -5

Computer Law, ChrisRoel and John Angel Indian Edition ISBN: 0915 -67271-2

Cyber Crimes, A premier on intend threat and E- mail abuses, G. Ramkumar,    ISBN: 81 -09-0226-1

E-crimes and Remedies, Vasudeva Commonwealth publishes

Cyber crimes and Law, V D Dudeja Commonwealth publishes

Cyber Law Crimes, IT Act 2000 and computer crimes analysis, Barkha & U Rama Mohan , Asia Law House

Chris Reed, Internet Law (2<sup>nd</sup> Ed., Universal Publishing, 2004)

Stuart P. Green, Lying, Cheating and Stealing: A Moral Theory of White Collar Crime (OUP 2006)

SLS C 012 DISSERTATION 14 CREDITS (200 Marks)

**. MODEL QUESTION PAPER FOR LL.M**

**Only one type of question shall be asked for external evaluation: 1. Essay type questions.**

**Reg. No.:** .....

**Name:** .....

**First Semester LL.M Degree Examination, ..... 20..**

**SLS C 00- 1LAW AND SOCIAL TRANSFORMATION IN INDIA**

Time: 3 Hours

Max.

Marks: 60

***Instructions:*** Answer **any five** questions. Each question carries **12 marks**

1. Write an essay on legal morality and natural law
2. ‘The principle expounded in internal morality of law represent some variety of natural law’; comment.
3. “They (judges) are the depositories of laws; the living oracles who must decide in all cases of doubt and who are bound by an oath to decide according to the law of the land”; comment.
4. “The primary subject of justice, is the basic structure of the society”, evaluate the statement in the light of discrimination on the basis of religion, caste and language.
5. Indian Constitution is an instrument for social change. Critically evaluate.
6. Analyse the gender justice issues and empowerment of women in India in the light of reservation policies.
7. Gramanyalayayas ensure social justice in India, explain.
8. Critically evaluate industrial and agrarian land reforms in India.

**Reg. No.:** .....

**Name:** .....

**First Semester LL.M Degree Examination, ..... 20..**  
**SLS C 002- PRINCIPLES OF CRIMINAL LAW AND CRIMINAL**  
**JUSTICE**

Time: 3 Hours

Max.

Marks: 60

***Instructions: Answer any five questions. Each question carries  
12 marks***

- (1) Explain the different states on mind where mens rea can be noticed?
- (2) Why three (3) offence in the IPC are called inchoate (rimes).Discuss the crime of abatement?
- (3) Examine the role of police as an investigative agency in an adversarial system in enforcing the criminal justice and ensuring the protection of the right of the accused.
- (4) The criminal procedure code confers responsibilities on magistrate and the police to take preventive action to alleviate the commission of criminal offences.Elucidate?
- (5) Compare and contrast the principle of joint liability contained in sec.34,114 and 149 IPC
- (6) The adversarial system of criminal justice system increases the efficiency of the criminal process.Evaluate the statement and bring out the drawback of each system.
- (7) Explain Riecklessness and Neglegence pointing out the difference between them.
- (8) Examine the scope of necessity as a defence.Illustrate your answer with the help of decided cases?

**Reg. No.:** .....

**Name:** .....

**First Semester LL.M Degree Examination, ..... 20..**

**SLS C 00- 3-CRIMINOLOGY**

Time: 3 Hours

Max.

Marks: 60

*Instructions: Answer any five questions. Each question carries  
12 marks*

1. How do sociological and environmental factors affect criminal tendencies in man?
2. A judge who is well versed in criminology could treat the cases individually. Elucidate.
3. Biological theory of criminology seems to be an outdated one in present scenario. Explain.
4. Theory of causation of crime has greater momentum in present scenario. Comment.
5. Give a brief account of different schools of criminology.
6. Write a note on Reckless Containment theory.
7. Alcoholism, drug addiction etc. are known as victimless crimes. Elucidate.
8. Deduce deviant of children using Sutherland's differential Association theory.

**Reg. No.:** .....

**Name:** .....

**First Semester LL.M Degree Examination, ..... 20..**  
**SLS E 001- HUMAN RIGHTS ISSUES IN CRIMINAL JUSTICE**  
**ADMINISTRATION**

Time: 3 Hours

Max.

Marks: 60

***Instructions:*** Answer **any five** questions. Each question carries  
**12 marks**

1. Evaluate criminal process under rule of law.
2. Analyse fair prosecution and investigation
3. How Roscoe Pound's theory of balancing of interest can be applied to individual liberty and criminal justice?
4. What are the safeguards to prevent death in police custody?
5. Critically evaluate role of international instruments on criminal justice.
6. What are victimless crimes? Explain.
7. Community has a greater role in building crime free society. Elucidate.
8. Critically appreciate role of Supreme Court in enforcement of human rights.



**Reg. No.:** .....

**Name:** .....

**Second Semester LL.M Degree Examination, ..... 20..**

**SLS C 004- JUDICIAL PROCESS**

Time: 3 Hours

Max.

Marks: 60

*Instructions: Answer any five questions. Each question carries 12 marks*

1. Discuss in detail the various categories of illusory references.
2. “Judicial activism is best when it is exercised with restraints”. Discuss with reference to recent trends in Judicial assertiveness.
3. Give a comparative approach in England and France as to the development of doctrine of Precedent.
4. The approaches relating to the study of Law and Justice are different-comment.
5. Judicial review in India does not comprise only review of legislative actions but Judicial decisions and administrative actions-discuss.
6. Explain over ruling and prospective over ruling.
7. All propositions of law are not -Ratio decidendi but Obiter dictum-elucidate
8. Explain Locus standi with reference to PIL

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Second Semester LL.M Degree Examination, ..... 20..

SLS C 005- CRIMINAL EVIDENCE

Time: 3 Hours

Max.

Marks: 60

*Instructions: Answer any five questions. Each question carries 12 marks*

1. This is essentially an obligation to produce enough evidence what does “enough” mean? The test is has the party brought enough evidence of a particular issue for that issue to be considered by the jury ?
2. critically evaluate probability and relevancy -determining probative value of evidence
3. what is a competency evaluation?
4. What is corpus delict? What is the evidentiary value under criminal law?
5. Are there exceptions to exclusionary rule under criminal law?
6. Critically testified the application of probability theory.
7. Evaluation of evidence is a crucial step in analysis- Comment
8. How does the court assess
  - a) credibility of witnesses
  - b) Rule of corroboration

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**First Semester LL.M Degree Examination, ..... 20..**

**SLS C 006- JUVENILE JUSTICE SYSTEM**

Time: 3 Hours

Max.

Marks: 60

*Instructions: Answer any five questions. Each question carries  
12 marks*

1. Explain delinquent and neglected child in the light of Juvenile Justice Act.
2. What protection is guaranteed under ICCPR AND UN Convention on Right of Child 1989 for children?
3. Compare and contrast juvenile justice system of India with that of USA, UK and Norway.
4. Write an essay on historical development of juvenile justice system in India.
5. Critically evaluate Indian Jail Committee report .
6. Write on composition, procedure , powers and functions of Juvenile Justice Board.
7. Critically evaluate role of child welfare committee.
8. Write an essay on adoption, foster care, sponsorship and after care organisation.

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**Second Semester LL.M Degree Examination, ..... 20..**

**SLS E002 - PENOLOGY AND VICTIMOLOGY**

Time: 3 Hours

Max.

Marks: 60

***Instructions:*** Answer **any five** questions. Each question carries **12 marks**

1. How Bentham's theory of punishment can be modified in present scenario?
2. Explain individualization of punishment in the context of capital punishment.
3. How can prison behavior be used as a correctional method?
4. Comment upon object and conditions of parole.
5. Define victimhood and write on different types of victims.
6. Write a note on judicial response to victim compensation.
7. Critically evaluate Victim Bill, 2008.
8. Critically evaluate legal functions of police.

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**Third Semester LL.M Degree Examination, ..... 20..**

**SLS C 007- LEGAL EDUCATION AND LEGAL RESEARCH**

Time: 3 Hours

Max.

Marks: 60

*Instructions: Answer any five questions. Each question carries  
12 marks*

1. Explain various methods of imparting legal education, the lecture methods has its own limitations and cannot be followed exclusively, Discuss.
2. “Clinical legal education is called as ‘Learning by Doing’. It introduces students to the real world of Law”. Explain this statement with reference to trial advocacy, client counseling and ADR methods.
3. Describe relation between Theory and Fact as an important component of scientific Methodology of Research. Substantiate your answer with example of legal research.
4. Draw a clear distinction between Doctrinal and Non-Doctrinal Research pointing out advantages and limitations of each.
5. Write short notes:
  - a. Seminars, Symposia and Workshops as learning methods
  - b. Objection of Legal education and Bar councils
  - c. Formulation of Research problem
6. Examine second generation reforms in imparting legal education and current status of legal education in India.
7. Give a comparative account of different types of teaching methods and point out their significance in Law Teaching.
8. Explain characteristics of Scientific Methodology and briefly state systematic procedure of conducting Socio-Legal Research.

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**Third Semester LL.M Degree Examination, ..... 20..**  
**SLS C 008- FORENSIC SCIENCE AND CRIMINAL JUSTICE**

Time: 3 Hours

Max.

Marks: 60

***Instructions: Answer any five questions. Each question carries  
12 marks***

1. Enumerate the differences between true and feigned insanity?
2. “An element of subjectivity persists in document analysis”- Discuss the flows and the means  
To overcome them.
3. A middle aged lady was found dead in her bed. A bottle of barbiturates was also found by her nearby. Describe the autopsy findings suggestive of death due to barbiturates. Describe the extract procedure and tests to confirm the presents of barbiturates.
4. What are the physiological symptoms of opium? Mention the alkaloids of opium and give the laboratory test of opium.
5. A burnt dead body of a woman was found in the kitchen of a house. A bottle containing  
Turpentine and a match box were found lying near the dead body. The body was sent for Postmortem examination. What are the physical evidence found in such case and mention their forensic importance. How will you determine that it is a suicidal, homicidal/evidential Burn?
6. Discuss the procedure to sort – out children exchanged in a maternity ward.
7. Write notes on any two of the following:
  - (a) Methyl alcohol
  - (b) Flash point
  - (c) Heroin
8. What are latent finger prints? How are they formed? Mention different methods of  
Development of latent finger prints.

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**Third Semester LL.M Degree Examination, ..... 20..**  
**SLS C 009- LAW ENFORCEMENT AND CRIMINAL JUSTICE**  
**INVESTIGATION**

Time: 3 Hours

Max.

Marks: 60

***Instructions:** Answer **any five** questions. Each question carries  
**12 marks***

1. In what way is the evidentiary value of an FIR greater than that of any statement recorded by the police in the course of investigation?
2. Critically examine the validity of Narco Analysis Test in the light of constitutional protection guaranteed to an accused under Art 20(3) of the Constitution.
3. What are the safeguards formulated by the Judiciary to prevent police atrocities?
4. Describe the investigation under the Prevention of Corruption Act, 1988.
5. Investigators must use innovative techniques in order to solve today's more sophisticated Criminal acts- Comment?
6. Criminal Justice System must work important Legislation to protect individual rights and the adversarial System where Prosecution and defence set out evidence in court to determine guilt or innocence?
7. "Advances in technology can have greatly enhanced the tools available to police when investigating crime and gathering evidence"- Evaluate.
8. Outline the process by which crimes are reported and investigated.

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**Fourth Semester LL.M Degree Examination, ..... 20..**

**SLS E 003WHITE COLLAR CRIMES**

Time: 3 Hours

Max.

Marks: 60

***Instructions:*** Answer **any five** questions. Each question carries  
**12 marks**

1. Critically evaluate views of Sutherland on white collar crimes.
2. Distinguish between white collar crimes and traditional crimes.
3. Write a note on white collar crimes in legal profession.
4. Analyse white collar crimes in business deals.
5. Critically evaluate astrology, palmistry and related crimes.
6. Critically evaluate Prevention of Corruption Act, 1988.
7. Deduce evolution of hi-tech crimes.
8. Critically evaluate international perspectives on computer related crimes.