SCHEME OF EXAMINATION

and

SYLLABUS

for

MASTER OF LAWS

[One Year]

[LL.M. in Criminal Law]

UNIVERSITY SCHOOL OF LAW AND LEGAL STUDIES
Guru Gobind Singh Indraprastha University
Dawark Sector-16-C, New Delhi-110078
The one year LLM programme shall be introduced from the Academic Year, 2014-15 in the university.

**LL.M (One Year) – Corporate Law**

**Semester I**

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<th>RTDA</th>
<th>C</th>
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<td>Research Methods and Legal Writing</td>
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<td>GEN 103</td>
<td>System of Governance</td>
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<td>GEN 105</td>
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<tr>
<td>CJS 111</td>
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<td>CJS 113</td>
<td>Law and Organized Crime</td>
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**Semester II**

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<th>Paper Code</th>
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<td>CJS 112</td>
<td>Penology: Treatment of Offenders</td>
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**Explanations**

* RTDA – Research and Teaching Development Activities

**NUES**

**Mode of Evaluation and Distribution of Marks**

Each course shall carry total of 100 marks. There shall be semester end written examination for all the courses conducted by Examination Division of the University for 60 Marks. In
each course in each semester there shall be Internal-examinations of 15 marks and 25 marks through written and RTDA evaluation respectively as continuous assessment by the subject teacher concerned.

**Note:**

The total number of Credits of the LL.M. Programme is 55 (Fifty Five).

1. Each student shall be required to appear for examination in all the papers of the course and secure 55 credits for the award of a degree.

2. A student shall be given 06 grace marks in any papers wherever required for the final award of degree.
Objective: This paper will make students understand research methodology and different components of legal research and their application. The paper will attempt to instill rational tools of analysis in the students so that their research contributes to the development of socio-legal dimensions.

Unit – I: Precepts (Lectures 10)

a. Nature, Scope and Objectives of Legal Research and Methodology
b. Methods of Legal Research
c. Collaborative Research
d. Doctrinal and Non-Doctrinal

Unit - II: Research Designs (Lectures 10)

a. Identification and Formulation of Research Problem
b. Hypothesis and Research Design (Characteristics and contents)
c. Database for Legal Research: Legislations, Judicial Decisions, Juristic Writings and Traditional and Online Databases

Unit - III: Research Techniques (Lectures 10)

a. Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and interview.
b. Census and Survey
c. Sampling: Types, Merits and Demerits
d. Observation
e. Interview, Questionnaire

Unit – IV: Data Processing Report Writing (Lectures 10)

a. Data Analysis and Interpretation
b. Report Writing
c. Supervision
d. Guidelines for researchers
e. Research Ethics
Text Books:


References:

Objective: The objective is to enable the students understands and appreciate various forms of systems of Governance. The students should particularly appreciate the role of judicial institutions in promotion of governance, its limitations and challenges.

Unit - I : Introduction (Lectures 10)

a. Meaning and Concept of Governance
b. Systems of Governance
c. Constitutional Governance: Democracy, Rule of Law and Separation of Powers
d. Law and Governance in India

Unit - II: Federalism as a Pattern of Governance (Lectures 10)
b. Comparative Analysis of American, Canadian and Indian Systems
c. Corporative Federalism in India: Legislative, Administrative and Financial Relations between Union and States.

Unit - III: Judicial process and its role in Governance (Lectures 10)
a. Concept and Practice of Judicial Review in India and USA
b. Judicial Accountability, Administrative and Parliamentary Ethics
c. Role of Judiciary in Promoting Governance: Human Rights, Criminal Justice System, Environment, Public Health etc.
d. Research and Development in Governance

Unit-IV: Emerging Trends and Challenges to Governance (Lectures 10)
a. Challenges to Governance: Corruption, Criminalization, Caste, Poverty, Terrorism etc.
b. State Responsibility & PPP
c. Principles of compensatory discrimination, Religious and Linguistic Minorities
d. Role of Media in Governance

Text Books:


References:

Objectives: The students should understand the process of globalization in all its dimensions and perspectives, they should particularly appreciate the globalization in the context of law and justice and the *vice versa* i.e. the law and justice in the context of globalization.

Unit-I: Justice in Globalising World: Existing Scenario (Lectures 10)

a. Globalisation as Process  
b. Existing Scenarios and Issues: Economic, Social, Political  
c. Rethinking the Idea of Just World Order

Unit-II: Mechanism of Justice under International Legal Regime (Lectures 10)

a. United Nations’ Institutional Mechanism  
b. Responsibility of Nation States  
c. Challenges and the Way Forward

Unit-III: Globalisation and National Justice Delivery System (Lectures 10)

a. Avoidance of National Jurisdictions  
b. Intervention of International Human Rights Regime  
c. Third World’s Perspectives to Globalisation

Unit-IV: Emerging Initiatives for Justice (Lectures 10)

a. MNCs and CSRs  
b. Other New Initiatives  
c. Global *Ombudsman*  
d. Protection of Faiths and Culture

Text Books:


References:

Subject: Crime and Administration of Criminal Justice in India

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

Unit -1. Introduction:(Lectures 10)

(a) Crime: Concepts, principles-actusreus, mensrea, strict liability, absolute liability, exclusion of mensrea classification, trends and prevention
(b) Relationship between Crime and society
(c) Schools of Criminology-Neo classical, Biological, Sociological, Psychological theories and concepts related to crime and criminals, Contemporary thoughts of criminology.

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

(a) Police Investigation: FIR, arrest, bail, confessions of the accused and statements of the witnesses, witness protection, search, seizures.
(b) Prosecutors –role in the criminal proceedings, meaning purpose and need of independent prosecution system.
(c) Attitude of the law towards the police: police dilemma
(d) Criminal justice reform- Malimath Committee Recommendations

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

(a) Public Interest Litigation
(b) Bail Justice System
(c) Prison Justice
(d) Compensation to victims of crime
(e) Legal aid and legal services.
UNIT-IV- Human rights under criminal justice system:(Lectures 10)

(a) Communal and caste violence
(b) Rule of law and due process of law in criminal jurisprudence
(c) Punitive and preventive detention – procedure and safeguards
(d) UDHR, ICCPR, ICESCR – legal significance in Indian context

Text Books:

1. Ratan Lal Law of Criminal Procedure
2. Sarkar, Law of Evidence

References:

3. Tapas Kumar Banerjee Background to Indian Criminal Law [1990]
5. Law of Commission of India, forty-second Report Ch. 3 [1971]
6. Malimath Committee Report 2004
7. Patric Devlin The Criminal Prosecution in England
8. Sanders and Young Criminal Justice [1994]
9. P D Sharam Police and Criminal Justice System in India
Subject: Law and Organized Crime

**Objective:** The objective is to enable the students to understand and appreciate broad classification of organized crime and their respective causes. The students should particularly appreciate the role of judicial institutions and investigating authorities in this regard for preventing & control strategies.

Unit-I: Introduction to Organized Crime (Lectures 10)

a. Definition & scope of organized crime  
b. Types & characteristics of organized crime  
c. Causes of organized crime  
d. Comparison between white-collar crime, corporate crime, and organized crime

Unit-II: Scope of Organized Crime in India (Lectures 10)

a. Drug Addiction, trafficking – national & international legal perspective  
b. Illicit trafficking of women & children, prostitution  
c. Economic crime, money laundering, scams, Hawala & Counterfeiting of Currency  
d. Nexus of Organized crime and politics

Unit-III: Legal Analysis, Investigation & Prosecution of Organized Crime (Lectures 10)

a. Mensrea, modus operandi & criminal conspiracy in organized crime  
b. Role of Police in Investigation of organized crime  
c. Role of Judiciary, Trial and Sentencing in organized crime  
d. Legal issues under IPC and Indian Evidence Act.

Unit-IV: Organized Crime, Threat to National Security & Preventive Action (Lectures 10)

c. Armed Forces (Special Powers) Act (AFSPA) 1958

Text Books:-


References:-


2. N. Prabha Unnithan, 2013, Crime and Justice in India, Sage Publications, Colorado State University, Fort Collins


6. International and Transnational Criminal Law by David Luban, Julie R. O'Sullivan, David P. Stewart


9. R Desai Violation of Democratic Rights in India [1986]
Subject: Penology: Treatment of Offender

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

Unit-I Introduction (Lectures 10)

I. Nature and Scope of Penology.
II. Historical and contemporary approaches to Penology.
III. Correctional philosophy of offenders.

Unit-II Approaches to Punishment (Lectures 10)

I. Theories of Punishment.
   a) Retribution
   b) Utilitarian, Prevention, Deterrence
   c) Reformatory Theory
   d) Hindu and Islamic Approaches to Punishment

II. Policy and Practice of Sentencing in India
   a) Capital Punishment
   b) Other kinds of Punishment
   c) Care of Victims.

Unit-III Treatment of Offenders (Lectures 10)

a) Prison administration and Policy in India.
b) Treatment of Women Prisoners.
c) Parole and Probation.

d) Alternate Sentencing, Open Prison.

**Unit-IV  Juvenile Justice in India**  (Lectures 10)

I. Law on Juvenile Justice.

II. Reformation of Juvenile Offenders.

III. Working of Correctional Homes.

**Text Books :**

2. Dr. Rajendera Kumar Sharma, “Criminology and Penology” (1998)

**References:**

10. Tapas Kumar Banerjee, “Background to Indian Criminal Law” (1990)
15. *KAPLAN*, Howard B “Patterns of juvenile delinquency” (Sage Pub., Beverly Hills, 1984)
Subject: Privileged Class Deviance

Objective: This course enables the student to appreciate the issues of diversity, including but not limited to the gender, race, ethnic, cultural and class issues, in the administration of criminal justice.

Unit –I – Introduction : (Lectures 10)

(a) Meaning of Deviance and deviant behavior and its sociology.
(b) Privileged class Deviance : Concept and Nature
(c) Approaches towards socio economic offences
(d) Understanding privileged class of deviance in context of Indian Development.
(e) Typical forms – official and professional deviance
(f) Politics and Crime

Unit –II- Official Deviance and Professional Deviance (Lectures 10)

(a) Concept of Official Deviance – Permissible limits of discretionary powers
(c) The Chagla Commission Report on LIC – Mundra Affair
(d) The Das Commission Report on Pratap Singh Kairon
(e) The Grover Commission Report on Dev Raj Urs
(f) The Maruti Commission Report

Unit-III- Professional Deviance- (Lectures 10)

(b) Trade Union Deviance
(c) Police Deviance – restraints on the powers of police in Indian legal system, “various forms of custodial violence and its constitutionality, police atrocities, Encounters and plea of superior orders, Rape and related forms of gender based aggression by police and paramilitary forces, police reforms.
(d) Gender based aggression by socially, economically and politically powerful

Unit –IV- Legal and Judicial Response to Privileged Class Deviance (Lectures 10)

(a) Right to information
(b) Prevention of Corruption Act –investigation and trial
(c) Vigilance Commission
(d) Ombudsman, Public Accounts Committee

Text Books:


References:

6. Dwevedi and G S Bhargava Political Corruption in India [ 1967]
7. A R Desai [ed.] Violation of Democratic Rights in India [ 1986]
Objective: The objective of the paper is to acquaint students with interface of Information Communication Technology (ICT) and the traditional concepts of crime.

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

i. Introduction to Information Technology
ii. Nature and functioning of Cyberspace
iii. Various platforms available in ICT:
   a. Social media
   b. Cloud computing
   c. Internet of things
   d. Intermediaries
   e. Virtual games, etc.
iv. Nature and Extent of misuse of ICT
v. Stakeholders of Cyber world
vi. Development of Cyber laws

Unit II- Cyber Crime (Lectures 10)

i. Evolution of Cyber crime
ii. Characterization and Classification of Cyber crimes
   1. Cyber crime against women
   2. Cyber crime against child
   3. Cyber crime against society
   4. Cyber war, Cyber Terrorism
   5. Cyber fraud
iii. The Challenges of Cyber Crime
iv. Legislative and judicial response to Cyber Crime

Unit III - Criminal Justice System and Cyber Crime (Lectures 10)

i. Applicability of Criminal Procedure Code
ii. Challenges in investigation of Cyber Crime
iii. Evidentiary regime and the internet
iv. Admissibility, Burden of proof and Authenticity
v. Forensic computing

Unit IV - International Response to Cybercrime (Lectures 10)

i. International Cyber crimes
ii. Global Problems relating to Cybercrime
iii. International law and Cyber Crime
iv. Regional Cooperation relating to Cyber Crime

Text Books


References

5. Vakul Sharma, *Information Technology – Law & Practice*
Objective: The subject focuses on the institutional developments in international criminal law as well as the definition and application of the crimes of genocide, crimes against humanity, war crimes. The objective is to develop students' analytical skills in relation to the function, scope and operation of the international criminal justice system and its likely future development, as well as to enable students to apply the law to the various situations.

Unit-I: Development of International Criminal Law (Lectures 10)

a. The concept and sources of International Criminal Law
b. Evolution of the Concept of Individual Criminal Responsibility
c. The objectives and policies of International Criminal Law; including issues of amnesty, truth and justice
d. Principle of Liability and Participation in International Criminal Law
e. International Military Tribunals (Nuremberg and Tokyo Tribunals).

Unit-II: Nature and forms of International Crimes (Lectures 10)

a. The crime of aggression, Genocide, War crimes, Terrorism as International crime
b. Mechanism in dealing cases related to International Crime
c. Rights of Accused and Protection of Victims and Witnesses
d. Obligation of State Parties and Non Party States to International Criminal Court
e. Emerging issues under International Criminal Jurisprudence.

Unit-III: Strategies for Prevention, Control and Correctional Actions (Lectures 10)

a. Extradition Act 1962 (Relevant Provisions) and Extradition Treaty
b. International investigative agencies (Interpol etc), Adjudication authorities (including ad hoc and permanent criminal tribunals),
c. Conflicting issues between International humanitarian law and International Crimes (Case Study).
d. Sentencing policy, prosecution in International crime

Unit-IV: Organized Crime in Transnational Jurisdiction (Lectures 10)

a. Features of transnational organized crime
b. Indian’s perspective on transnational organized crime
d. Role of United Nations in preventing International crime

Text Books:-


References:


2. International Criminal Law: Cases and Commentary (Paperback) By (author) Antonio Cassese, By (author) Guido Acquaviva, By Mary De Ming Fan, Alex Whiting

4. An Introduction to Transnational Criminal Law (Paperback) by Neil Boister

5. The International Criminal Court: A Commentary on the Rome Statute (Oxford Commentaries on International Law) By William A. Schabas

6. An Introduction to the International Criminal Court By William A. Schabas

7. International and Transnational Criminal Law by David Luban, Julie R. O'Sullivan, David P. Stewart

8. Transnational Organized Crime- An Overview from Six Continents by Jay Albanese, Philip Reichel


The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior faculty member and an External Examiner with the approval of the Hon’ble Vice Chancellor.