

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**



**WITH EFFECT FROM 2017-18
COURSE STUDY**

**GROUP B
LLM
(Criminal Law)**

SEM I	<p>Core Subject: 1. Indian Constitution Law: the New Challenges -I 2. Law and Social Transformation in India</p>	<p>Elective Subjects: Criminal Group: Group B 3. Principles of Criminal Law 4. Comparative Criminal 5. Penology: Treatment of Offenders</p>
SEM II	<p>1. Indian Constitution Law: the New Challenges–II 2. Jurisprudence</p>	<p>Elective Subjects: Criminal Group: Group B 3. International Humanitarian Law 4. Privileged Class Deviance 5. Juvenile delinquency</p>
SEM III	<p>1. Judicial Process 2. Legal Education and Research Methodology</p>	<p>Elective Subjects: Criminal Group: Group B 3. Drug Addiction, Criminal Justice & Human Rights-Comparative Criminal Procedures 4. Police and Criminal Justice System 5 Forensic Science and Criminal Investigation Drug Addiction, Criminal Justice & Human Rights</p>
SEM IV	<p>1. Dissertation & Viva Voce 2. Class Room Teaching 3. Doctrinal Research 4. Non Doctrinal Research 5. Clinical Research Report</p>	

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CORE SUBJECTS/COURSES

SEMESTER I

Group B	Criminal Law
Group C	Business Law
Group E	Environment & Legal Order
Group G	Constitution & Legal Order
Group J	Human Rights Law

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01CLCR21	Course Title: Indian Constitutional Law: the New Challenges-I	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Federalism <ul style="list-style-type: none"> • Creation of new states • Allocation and share of resources - distribution of grants in aid • The inter-state disputes on resources • Rehabilitation of internally displaced persons. • Centre's responsibility and internal disturbance within States. • Directions of the Centre to the State under Article 356 and 365 • Federal Comity: Relationship of trust and faith between Centre and State. • Special status of certain States. • Tribal Areas, Scheduled Areas 	
2	State: Need for widening the definition in the wake of liberalization. <ul style="list-style-type: none"> • Democratic process • Nexus of politics with criminals and the business. • Election • Election commission: status. • Electoral Reforms • Coalition government, 'stability, durability, corrupt practice' • Grass root democracy. 	
3	Right to equality: privatization and its impact on affirmative action. <ul style="list-style-type: none"> • Doctrine of severability, doctrine of waiver • law and law in force, The Mandal case • national commission for backward classes 	
4	Law regarding Empowerment of women <ul style="list-style-type: none"> • Human trafficking, mercy killing 	

	<ul style="list-style-type: none"> • Human right jurisprudence • Natural justice and due process 	
5	Right to Freedom <ul style="list-style-type: none"> • Freedom of press and challenges of new scientific development • Freedom of speech and right to broadcast and telecast. • Right to information • Right to strikes, hartal and bandh. 	

REFERENCE BOOKS

1. Durga das Basu - Introduction To The Constitution Of India
2. Durgadas Basu - Shorter Constitution Of India
3. V.N. Shukla - Constitution Of India
4. Seervai - Indian Constitution
5. J.N.Pandey - Constitutional Law Of India
6. Dr. K.C. Joshi - The Constitution Law Of India

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR**

FACULTY: LAW LL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01CLCR22	Course Title: Law and Social Transformation in India-I	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	<p>Law and Social change</p> <ul style="list-style-type: none"> • Law as an instrument of social change. • Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India. <p>Women and the law</p> <ul style="list-style-type: none"> • Crimes against women. • Gender injustice and its various forms. • Women's Commission. • Empowerment of women: Constitutional and other legal provisions. <p>Children and the law</p> <ul style="list-style-type: none"> • Child labour. • Sexual exploitation. • Adoption and related problems. • Children and education. 	
2	<p>Language and the law</p> <ul style="list-style-type: none"> • Language as a divisive factor: formation of linguistic states. • Constitutional guarantees to linguistic minorities. • Language policy and the Constitution: Official language; multi-language system. • Non-discrimination on the ground of language. <p>Community and the law</p> <ul style="list-style-type: none"> • Caste as a divisive factor • Non-discrimination on the ground of caste. • Acceptance of caste as a factor to undo past injustices. • Protective discrimination: Scheduled castes, tribes and backward classes. • Reservation; Statutory Commissions., Statutory provisions. 	

3	<p>Regionalism and the law</p> <ul style="list-style-type: none"> • Regionalism as a divisive factor. • Concept of India as one unit. • Right of movement, residence and business; impermissibility of state or regional barriers. • Equality in matters of employment: the slogan "Sons of the soil" and its practice. • Admission to educational institutions: preference to residents of a state. <p>Religion and the law</p> <ul style="list-style-type: none"> • Religion as a divisive factor. • Secularism as a solution to the problem. • Reform of the law on secular lines: Problems. • Freedom of religion and non-discrimination on the basis of religion. • Religious minorities and the law 	
4	<p>Modernisation and the law</p> <ul style="list-style-type: none"> • Modernisation as a value: Constitutional perspectives reflected in the fundamental duties. • Modernisation of social institutions through law. • Reform of family law • Agrarian reform - Industrialisation of agriculture. • Industrial reform: Free enterprise v. State regulation - Industrialisation environmental protection. • Reform of court processes. • Criminal law: Plea bargaining; compounding and payment of compensation to victims. • Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats. • Prison reforms. • Democratic decentralisation and local self-government. 	
5.	<p>Alternative approaches to law</p> <ul style="list-style-type: none"> • The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan---Surrender of dacoits; concept of grama nyayalayas. • Socialist thought on law and justice: An enquiry through constitutional debates on the right to property. • Indian Marxist critique of law and justice. • Naxalite movement: causes and cure 	

REFERENCE BOOKS

1. Marc Galanter - Law and Society in Modern India (1997), Oxford
2. Robert Lingat- The Classical Law of India (1998), Oxford
3. U. Baxi -The Crisis of the Indian Legal System (1982). Vikas, New, Delhi
4. Manushi- A Journal About Women and Society

5. Duncan Derret - The State, Religion and Law in India (1999). Oxford University Press, New Delhi
6. H.M.Seervai -Constitutional Law of India (1996)
7. D.D. Basu-Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi
8. Law and Menace of Child Labour (2000) Armol Publications,Delhi.- Sunil Deshta and Kiran Deshta
9. Malik and Raval - Law and social transformation
10. Tripathi -Indian Law Institute, Law and Social Change : Indo-American Reflections,

**ELECTIVE SUBJECTS
(SEMESTER I)
SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
FACULTY : LAW LL.M. (CBCS)**

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELCR21	Course Title : Principles of Criminal Law	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Historical Development <ul style="list-style-type: none"> • Extent and Operation of the Code • Definition of Crime • Distinction between Crime and Tort • Criminal Law & Morality 	
2	Fundamental Elements of Crime <ul style="list-style-type: none"> • Human Being • Mensrea • Mensrea and statutory crimes • Mensrea and Indian Law • Words denoting Mens Rea in IPC • Fraudulently • Dishonestly • Difference between Fraudulently and Dishonestly • Voluntarily • Actusreus (Act or Omission) • Injury • Good faith 	
3	Stages in Commission of a Crime <ul style="list-style-type: none"> • Intention or Contemplation • Preparation • Attempt • Essentials of the Attempt • Impossible Attempt • Illustrative cases • Attempt and preparation distinguished • Sections 511 and 307, IPC • Accomplishment 	
4	Constructive joint Criminality <ul style="list-style-type: none"> • Common Intention • Common Object • Conviction of less than five persons 	

	<ul style="list-style-type: none"> • Charge under Section 149 and conviction under Section 34 • Distinction between Sections 34 and 149 	
5.	<p>Abetment and Criminal Conspiracy</p> <p>ABETMENT</p> <p><u>ENGLISH LAW</u></p> <ul style="list-style-type: none"> • A principal in the first degree • A principal in the second degree • Accessory before the fact • Accessory after the fact Indian Law <p><u>INDIAN LAW</u></p> <ul style="list-style-type: none"> • Abetment by instigation • Abetment by conspiracy • Abetment by intentional aiding <ol style="list-style-type: none"> 1. Abetment in General 2. Punishment for Abetment 3. Sections 34 and 114 <p>Criminal Conspiracy</p> <p><u>Ingredients of criminal conspiracy</u></p> <ul style="list-style-type: none"> • Two or more persons • Agreement • Illegal act or legal act by illegal means <ol style="list-style-type: none"> 1. Single general conspiracy and separate conspiracies Punishment 2. Sections 34, 109 and 120-A 3. Proof of Conspiracy 4. Abetment and Conspiracy 	

REFERENCE BOOKS:

1. Bentham - Principles of Penal Law
2. Blackstone's - Commentaries
3. Burdick - The Law of Crime, Vol. I
4. Friedmann - Law in the Changing Society
5. Gandhi, B.M. - Indian Penal Code (1996)
6. Gaur, H.S.- Penal Law of India, 9th Edn.
7. Gaur, K.D.- Criminal Law : Cases & Materials (1975)
8. Hall, Jerome - General Principles of Criminal Law (1960), 2nd Edn.
9. Halsbury's - Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI
10. Huda, Shamshul - Principles of Law of Crime in British India (1902) (Reprint, 1993-
Eastem Book Co., Lucknow)
11. Kane, P.V. - History of Dharamshashtra, Vol. III
12. Kenny's - Outlines of Criminal Law, 19th Edn.
13. Mayne, J.D. - Criminal Law of India, 4th Edn.
14. Nelson - Indian Penal Code

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FACULTY: LAW LL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELCR22	Course Title: Comparative Criminal	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Organisation of Courts and Prosecuting Agencies <ul style="list-style-type: none">• Hierarchy of criminal courts and their jurisdiction• NyayaPanchayats in India• Panchayats in tribal areas• Organisation of prosecuting agencies for prosecuting criminals• Prosecutors and the police• Withdrawal of prosecution.	
2	Pre-trial Procedures <ul style="list-style-type: none">• Arrest and questioning of the accused• The rights of the accused• The evidentiary value of statements / articles seized / collected by the police• Right to counsel• Roles of the prosecutor and the judicial officer in investigation.	
3	Trial Procedures <ul style="list-style-type: none">• The accusatory system of trial and the inquisitorial system• Role of the judge, the prosecutor and defence attorney in the trial• Admissibility and inadmissibility of evidence• Expert evidence• Appeal of the court in awarding appropriate punishment.• Plea bargaining	
4	Correction and Aftercare services <ul style="list-style-type: none">• Institutional correction of the offenders• General comparison - After - care services in India and France• The role of the court in correctional programmes in India.	

5.	Preventive Measures in India <ul style="list-style-type: none">• Provisions in the Criminal Procedure Code• Special enactments Public Interest Litigation <ul style="list-style-type: none">• Directions for criminal prosecution	
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Reference books:

1. Celia Hampton:-Criminal Procedure
2. Wilkins and Cross -Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N.ChandrasekharanPillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
6. Patric Devlin, The Criminal Prosecution in England
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)

ELECTIVE SUBJECT

SEMESTER : I (w.e.f. July, 2017)		
Course Code : PL01ELCR23	Course Title: Penology: Treatment of Offenders	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Introductory <ul style="list-style-type: none"> • Definition of Penology Theories of Punishment <ul style="list-style-type: none"> • Retribution • Utilitarian prevention: Deterrence • Utilitarian: Intimidation • Behavioural prevention: Incapacitation • Behavioural prevention: Rehabilitation - Expiation • Classical Hindu and Islamic approaches to punishment. 	
2	The Problematic of Capital Punishment <ul style="list-style-type: none"> • Constitutionality of Capital Punishment • Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law. • Law Reform Proposals 	
3	Approaches to Sentencing <ul style="list-style-type: none"> • Alternatives to Imprisonment • Probation • Corrective labour • Fines • Collective fines • Reparation by the offender/by the court 	
4	Sentencing <ul style="list-style-type: none"> • Principal types of sentences in the Penal Code and special laws • Sentencing in white collar crime • Pre-sentence hearing • Sentencing for habitual offender • Summary punishment • Plea-bargaining 	
5.	Imprisonment <ul style="list-style-type: none"> • The state of India's jails today • The disciplinary regime of Indian prison • Classification of prisoners • Rights of prisoner and duties of custodial staff. • Deviance by custodial staff • Open prisons • Judicial surveillance - basis - development reform 	

SUGGESTED READINGS BOOKS

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