



Ref. No./SU/BOS/Law/506

Date: 10/09/2024

To,
The Principal,
Shahaji Law College,
Shahupuri, Kolhapur

Subject: Regarding syllabi of LL.M. – Part - I Criminal Law Under The faculty of Humanites.

Sir/Madam,

With reference to the subject mentioned above I am directed to inform you that the University authorities have accepted and granted approval to the revised syllabi of (Master of Law) LL.M. Part – I Criminal Law under the Faculty of Humanities.

This syllabi shall be implemented from the academic year 2024-25 onwards. A soft copy containing the syllabus is attached herewith and it is also available on university website www.unishivaji.ac.in (Online Syllabus).

You are therefore, requested to bring this to the notice of all students and teachers concerned.

Thanking you,

Yours faithfully


(Dr. S. M. Kubal)
Dy. Registrar

Encl : As above

Copy to, For Information and necessary action.

The Dean, Faculty of Humanities.	Eligibility Section.
The Chairman, Respectice, BOS	P. G. Seminar Section.
Director, Board of Examinations & Evaluation	P. G. Admission Section.
Appointment A & B Section	Affiliation Section (T. 1 & T 2)
Internal Quality Assorance Cell	Computer Center/I. T. Cell.
OE-1. Exam Section	

SHIVAJI UNIVERSITY, KOLHAPUR



Established: 1962

A⁺⁺ Accredited by NAAC (2021) With CGPA 3.52

New Syllabus For

Faculty of Humanities

MASTER OF LAW

Criminal Law

LL.M. Part I Syllabus

Choice Based Credit System (CBCS)

(To be implemented from Academic Year: 2024-25)

Rules and Regulations

- **LL.M. R.1: Implementation of Regulations & guidelines:**

The Regulations and guidelines shall be implemented as mentioned below-

- LL.M. Part – I, Sem. I & II from Academic year 2024-25
- LL.M. Part–II, Sem. III & IV from Academic year 2025-26

- **LL.M. R.2: LL.M. Course and Duration:**

- a) The LL.M. Programme shall be a full-time course both at University Departments and P.G. Centres at Law Colleges affiliated to Shivaji University, Kolhapur. The duration of the course shall be of two years with four Semesters. There shall be a University Examination at the end of each Semester. Each Semester shall have minimum 15week soft teaching, excluding the vacation and examination.
- b) **Intake Capacity:** Intake capacity for the course shall be as per the sanctioned seats approved by Shivaji University, Kolhapur.

- **LL.M. R.3: Medium of Course:**

The medium of course and examinations shall be in English.

- **LL.M. R.4: Admission and Eligibility:**

- a) Admission to Two Years LL.M. program will be on the basis of merit subject to intake capacity.
- b) The student who has obtained LL.B. Degree under Three Year or Five-Year Law Courses under this University or a degree of any other University recognized as equivalent to be LL.B. Degree of this University shall be eligible for admission.
- c) The minimum percentage of marks not below 45 % of the total marks in case of General and OBC category applicants and 40% of the total marks in case of SC / ST Applicants. The reservation policy shall be subject to rules and regulations of Government of Maharashtra from time to time.
- d) The Merit List shall be prepared, based on the highest score obtained by the candidate at the 5 years or 3years LL.B. Programme.
- e) Admissions will be subject to reservation policy and rules prescribed by the Maharashtra State Government and the Shivaji University from time to time.

- **LL.M. R.5: Attendance:**

- a) Minimum 70% of attendance is mandatory for the grant of term. The attendance relaxation shall be as per the University norms.
- b) The student shall attend all the internal assessment, workshops, seminars, training programmes, projects, study tours, legal aid and literacy camps, etc.

- **LL.M. R.6: Fee Structure:**

The Fee structure shall be as per the norms of Shivaji University.

• **LL.M. R.7: Examination Pattern:**

- a) The Theory and Internal examinations will have 60:40.
- b) A Student has to obtain 40% marks in both examinations of Theory (60Marks) and Internal (40Marks) separately. They must obtain minimum 24 marks in theory (out of 60) and minimum 16 marks in internal assessment (out of 40).
- c) Internal Assessment will be as follows:
 - i) Assignment / Project- 10marks
 - ii) Viva- 10marks
 - iii) Institutional Visits & recording of Observation– 10 marks
 - iv) Internship/Term Paper – 10 marks
- d) There shall be no written examination for Dissertation.
- e) Internal Assessment for Dissertation will be as follows: Total 300 marks
 - i) Dissertation- 200 marks (To be evaluated by Internal and External panel of examiners)
 - ii) Viva-100marks (To be conducted by Internal and External Examiner)
- f) Every student shall submit one soft copy in CD and two hard bound copies of the dissertation to the Department/ College in the standard format, at least Four weeks before the end of the final Semester.
- g) Every paper of 4 Credits shall carry 100 marks out of which 60 marks are for the written examination i.e. University Examination & 40 marks for Internal Assessment which shall be conducted by the P.G. Department/College.
- h) Each Skill Enhancement Compulsory Course (SEC) of 2 Credits shall be of 50 Marks. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on written examination of 50 marks, for 25 objective type questions of two marks each. The student shall have to secure minimum 20 marks in each of the Skill Enhancement Course to pass the respective course.

• **LL.M. R.8: Credit System:**

- a) To be eligible for the award of LL.M. Degree under the Choice Based Credit System (CBCS), a student shall be required to earn a minimum of 64 Credits.
- b) One Credit Theory Course shall be equivalent to **15 contact hours** of learning activities such as lectures, group discussion, seminars, problem solving, tutorials and assessment.
- c) A Four Credit Course shall have 60 contact hours (4 hours per week x 15 weeks) in a semester.
- d) The Credits shall comprise of Core Courses, Optional Courses and Dissertation. The Programme shall have compulsory Core Courses 16 credits, Specialization courses 28 credits and a compulsory dissertation comprising of 12 Credits. (Total 56 Credits)
- e) In addition to this, every student must earn additional 8 credits (2 Credits in every Semester) in Open Electives in CBCS Pattern.
- f) A student is required to obtain a minimum of 56 Credits at which the student is registered; of which 16 would be the minimum number of Core Credits, 28 Specialization course Papers Credits and Dissertation of 12 credits. The remaining 8 Credits may be earned by the student by choosing from Optional Courses either from the parent Institute or any other Institute. (Total 56+8= 64 Credits for LL.M. with CBCS Pattern)
- g) A student shall be eligible for the award of LL.M. Degree on the successful

completion of 64 Credits.

• **LL.M. R.9: The System of Evaluation will be as follows:**

- a) Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted in to a grade and later a grade point average.
- b) Results will be declared for each semester.
- c) After the gain of minimum number of credits towards completion of a PG programme, a student will get a grade sheet with total grades earned and a Cumulative Grade Point Average (CGPA).
- d) Marks/Grade/Grade Status and Grade Points shall be as follows:

Marks	Grade	Grade Status	Grade Point
100 to 75	O	Outstanding	6
74 to 65	A	Very Good	5
64 to 55	B	Good	4
54 to 50	C	Satisfactory	3
49 to 45	D	Average	2
44 to 40	E	Pass	1
39 to 0	F	Fail	0

Final Grade:

CGPA/Grade Point	Grade
05.00-6.00	O
04.50-04.99	A
03.50-04.49	B
02.50-03.49	C
01.50-02.49	D
00.50-01.49	E
00.00-00.49	F

• **List of Core Papers:**

1. Research Methodology, Teaching and Legal Writing
2. Indian Constitutional Law: New Challenges
3. Judicial Process
4. Criminal Law in Action and Research

• **List of Specialization Papers:**

1. Criminology and Criminal Jurisprudence
2. Penal Laws in India
3. Vulnerability and Violence
4. Corporate Crimes and White-Collar Crimes
5. Criminal Justice and Procedural Fairness
6. Criminal Justice and Sentencing Policy
7. International Criminal Law

- **List of Skill Enhancement Courses (Open Elective):**

1. Alternative Disputes Resolution (ADR)
2. Introduction to Human Rights (IHR)
3. Right to Information (RTI)
4. Public Interest Litigation (PIL)

- **LL.M. R.10: Rules of Promotion: -**

- a) The admission of students to the Two-Year LL.M Program shall be on the yearly basis.
- b) A student admitted to the First Year of the course who complies with norms of the credit system and internal assessment with minimum 70% of attendance in the first year shall be automatically promoted to the Second year.
- c) The student has to pass both the heads i.e. theory and internal assessment separately.
- d) The Internal Assessment marks will be carried forward to the next examination of that paper.

- **LL.M. R.11: Question Paper Model:**

- a) The Question Paper of LL.M Course of 60 marks shall consist of total ten (10) questions carrying 12 marks each. Q. No. 10 shall be short notes with four options out of which any two of 6 marks each shall be attempted. Out of nine questions, the student shall attempt/answer any four questions.
- b) For the course- (Semester III) **Criminal Law in Action and Research** the student shall choose research topic and should submit research paper of minimum 5000 words consisting of research design, review of literature along with findings, before the examiners committee consisting of Course teacher as internal and University appointed external examiner. The said research topic shall be evaluated for 100 marks (40 marks for Viva + 60 marks for submission)

Model Question Paper Format:

**First year of LL.M, (Semester I) CBCS,
Examination, October, 2024**

Sub: _____

Subject Code: _____

Day & Date: _____

Total Marks: 60

Time: _____

Instructions:

1. Attempt any four questions from Q. No. 1 to 9.
2. Q. No. 10 is compulsory.
3. All Questions carry equal marks.
4. Figures to the right indicate full marks.

Q.1.	_____	(12)
Q.2.	_____	(12)
Q.3.	_____	(12)
Q.4.	_____	(12)
Q.5.	_____	(12)
Q.6.	_____	(12)
Q.7.	_____	(12)
Q.8.	_____	(12)
Q.9.	_____	(12)
Q.10.	Write short notes (Any Two): 2 x 6	(12)
	a) _____	
	b) _____	
	c) _____	
	d) _____	

LL. M. – I: CRIMINAL LAW- COURSES

Semester – I

Sr No	Course/ Subject	Marks
1.	Research Methodology, Teaching and Legal Writing	100
2.	Indian Constitutional Law: New Challenges	100
3.	Criminology and Criminal Jurisprudence	100
4.	Penal Laws in India	100
5.	Alternative Disputes Resolution	50
	Total Marks	450

Semester – II

Sr No	Course/ Subject	Marks
1.	Judicial Process	100
2.	Criminal Justice and Sentencing Policy	100
3.	Vulnerability and Violence	100
4.	Corporate Crimes and White-Collar Crimes	100
5.	Introduction to Human Rights	50
	Total Marks	450

Structure
Two Year LL.M. Programme (CBCS)
LL.M. Criminal Law
LL. M. – I: Criminal Law: Credit Allotment

FIRST YEAR LL.M.: SEMESTER - I						
Sr No	Courses	Subjects	Pattern	Total Marks	Lectures Per week hrs	Total Credits
1	Core Course	Research Methodology, Teaching and Legal Writing	60:40	100	4	4
2	Core Course	Indian Constitutional Law: New Challenges	60:40	100	4	4
3	Specialization	Criminology and Criminal Jurisprudence	60:40	100	4	4
4	Specialization	Penal Laws in India	60:40	100	4	4
5	SEC	Alternative Disputes Resolution	-	50	2	2
		Total	-	450	18	18

FIRST YEAR LL.M.: SEMESTER - II						
Sr No	Courses	Subjects	Pattern	Total Marks	Lectures Per week hrs	Total Credits
1	Core Course	Judicial Process	60:40	100	4	4
2	Specialization	Criminal Justice and Sentencing Policy	60:40	100	4	4
3	Specialization	Vulnerability and Violence	60:40	100	4	4
4	Specialization	Corporate crimes and White-Collar Crimes	60:40	100	4	4
5	SEC	Introduction to Human Rights	-	50	2	2
		Total	-	450	18	18

SYLLABUS
Criminal Law
LL.M. Part – I, Semester – I

Paper I
Research Methodology, Teaching and Legal Writing

Max. Marks: 100

Objectives of the Course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both at LL. B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Unit I Introduction

- 1.1 Meaning and importance
- 1.2 Types of research
- 1.3 Doctrinal and non-doctrinal research
- 1.4 Socio-legal research

Unit II Fact- theory Hypothesis

- 2.1 Concepts- Fact, theory and Hypothesis
- 2.2 Fact theory dichotomy
- 2.3 Hypothesis Vs Problem statements
- 2.4 Research problem

Unit III Legal Research- Data collection

- 3.1 Induction and Deduction
- 3.2 Tools of data collection
- 3.3 Research design,
- 3.4 Research reporting

Unit IV Teaching Methods

- 4.1 Clinical Legal Education
- 4.2 Lecture Method of Teaching
- 4.3 The Problem Method
- 4.4 The Seminar and discussion Method of teaching

Unit V Legal Writing

- 5.1 Case law Analysis
- 5.2 Methods of Foot-noting
- 5.3 References and Bibliography
- 5.4 Rules of Plagiarism

Reference Books/ Bibliography

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

Paper II

Indian Constitutional Law: New Challenges

Max. Marks: 100

Objectives of the Course:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores (civilization). Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in Law, who had the basic knowledge of Indian Constitutional Law at LL. B. level should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

Unit I Indian Federalism

- 1.1 Federal Structure and Creation of new states
- 1.2 Fiscal federalism – problems and balancing
- 1.3 Centre's responsibility and internal disturbance within States
- 1.4 Relationship of trust and faith between Centre and State

Unit II Right to equality: Privatization and its impact on affirmative action

- 2.1 Equality before Law and Equal Protection of law
- 2.2 Positive Discrimination
- 2.3 Doctrine of Arbitrariness - Landmark Judgments
- 2.4 Privatization and its impact on affirmative action

Unit III Freedom of press & Media and challenges of new scientific development

- 3.1 Freedom of speech and right to broadcast and telecast
- 3.2 Right to strikes, Hartal and bandh
- 3.3 Reasonability of Restrictions and challenges
- 3.4 Landmark Judgments

Unit IV Separation of powers: stresses and strain

- 4.1 Judicial activism and judicial restraint.
- 4.2 PIL: bane or boon
- 4.3 Judicial independence- appointment of judges
- 4.4 Accountability: executive and judiciary.

Unit V Democratic process

- 5.1 Nexus of politics with criminals and the business.
- 5.2 Right to Fair Election
- 5.3 Electoral Reforms
- 5.4 Coalition government, 'stability, durability, corrupt practice

Reference Books/ Bibliography:

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

1. M.P. Jam, Indian Constitutional Law, Wadhwa and Co. Nagpur, 2004
2. Pandey J.N., Constitutional Law of India, (Central Law Agency, Allahabad, 1997) p. 137 9.
3. Secularism and the Law: National Foundation for Communal Harmony New Delhi August 2002
4. Constitutional Assembly Debate CAD, Vol. VII, 3-12-1948, at pp. 815-16. 3.
5. Constitutional Assembly Debate CAD, Vol. VII, 6-12-1948, at p. 831.

Paper III

Criminal Jurisprudence and Criminology

Max.Marks:100

Objectives of the course:

The course is designed to provide students with an in-depth understanding of the theoretical foundations and philosophical principles of criminal law alongside the study of crime as a social phenomenon. It also focuses on the role of criminal justice system, the effectiveness of crime control strategies and the ethical and social implications of criminal justice policies. The course aims to explore the nature, causes and consequences of criminal behavior, examining various criminological theories and their application to real world scenario.

Unit I Concept of Crime

- 1.1 Concept, Definition, Characteristics of Crimes
- 1.2 Development of Criminal Law and Criminal Justice System
- 1.3 Crime as Social Wrong and Sociology of Crime
- 1.4 Stages of Crimes and different kinds

Unit II Principles of Criminal Jurisprudence

- 2.1 Criminal Liability: Foundation of Tortuous and Criminal Liability
- 2.2 Mental Elements: Intention, Knowledge, Negligence
- 2.3 Conventional and Non-Conventional Crimes
- 2.4 Malimath Committee Report – salient features

Unit III Criminology and Perspective to Crime

- 3.1 Definition, Nature and Scope of Criminology

- 3.2 Schools of Criminology and Theories of Crimes
- 3.3 Perspectives to Crime
- 3.4 Causation of Crime

Unit IV Concept of Victim

- 4.1 Who is Victim?
- 4.2 Specific Victimization in Indian Scenario
- 4.3 Compensatory Jurisprudence in Criminal Law
- 4.4 Crime Victims and Victim Assistance Programs

Unit V Access to Justice as Human Right

- 5.1 Human rights and Criminal Justice
- 5.2 Role of Supreme Court in Criminal Law reforms-
- 5.3 Role of NHRC
- 5.4 Criminal Jurisprudence and new emerging trends

Reference Books/ Bibliography:

1. Ahuja, Ram. (2000). Criminology. Rawat Publication.
2. Barnes, H. E. & Teeters, N. K. (1959). New horizons in criminology. (2nd ed.). New York, NY: Prentice-Hall , Routledge Publishers.
3. Francis, T. Cullen & Pamela Wilcox. (2010). Encyclopedia of Criminological Theory. SAGE Publications University of Cincinnati, USA.
4. Hagan, Frank E.(2008). Introduction Criminology. Sage Publications, Inc.
5. Paranjape, N.V. (2009). Criminology and Penology. Central Law Publications.
6. Reckless, Walter c., John F.Cuber. (2012).The crime Problem Literary.Licensing LLC.
7. Reid, Sue Titus. (2006).Crime and Criminology. Mc. Graw Hill.
8. Sutherland, E.H. Donald, R. Cressey. (1992). Principles of Criminology. (11thed.),General Hall Division of Rowman & Littlefield Publishers, Inc. New york.
9. Tappan, Paul w.(1960). Crime, Justice, and Correction. McGraw-Hill Book Company ,Inc. New york, Toronto, London.
10. Yablasnsky, Lewis. (1990). Criminology- Crime and Criminality. Harper &Row Publishers Inc. New York.
11. Dr. Praveen Patil “A Critical Analysis Law And Policy Relating To Sentencing In India” Shahaji Law College Publication, 2024

**Paper IV
Penal Laws**

Max. Marks: 100

Objectives of the course:

The Bhartiya Nyaya Sanhita 2023 is the substantive law which primarily concerns the crime and its punishments. The Bhartiya Nyaya Sanhita 2023 aims to modernize and streamline India’s criminal justice system by replacing the Indian Penal Code of 1860.The objective of a Penal Law course is to provide students with a comprehensive understanding of the principles and concepts of criminal law, including the elements of criminal liability, classification of crimes, specific offences and available defenses. Additionally, it seeks to develop student’s skills in legal research and case analysis.

Unit I General Penal Law- BNS

- 1.1 Over Criminalization, Non-Criminalization, Under Criminalization
- 1.2 IPC to BNS- Salient feature of BNS

- 1.3 Inclusion and exclusion of offences
- 1.4 Critical Evaluation

Unit II Law Relating to Immoral Trafficking

- 2.1 Introduction to Trafficking in Persons: Meaning, types & Reasons
- 2.2 International Legal Regime to Combat Trafficking
- 2.3 Domestic efforts to Combat Trafficking- Legislative and Judicial approach
- 2.4 Critical Evaluation

Unit III Cyber Laws

- 3.1 E-Commerce, E- Governance and E-Signature
- 3.2 Legislative and Investigative framework
- 3.3 Cyber offences under IT Act
- 3.4 Intellectual Property Issues and Cyber Law

Unit IV Law relating to Narcotic drugs and psychotropic substance in India

- 4.1 History of Drugs law in India
- 4.2 Comparative Study with Law of America and England
- 4.3 Investigation under NDPS- Powers and Chances of Abuse
- 4.4 Government Policy to Combat Drug trafficking

Unit V Law Relating to Food Adulteration and Prohibition

- 5.1 Food Adulteration- Impact and Gravity
- 5.2 Offences and penalties under Prevention of Food Adulteration Act
- 5.3 Prohibition Policy and its need
- 5.4 Offences and penalties under Maharashtra Prohibition Act, 2019

Reference Books/ Bibliography:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest legislative developments. These developments in the areas specified in the course can be gathered from the recent materials such as bare acts, case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers.

Paper V

SEC: Alternative Disputes Resolution

Max. Marks: 100

Objectives of the Course:

The main objectives of the Course are:

1. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Compare and contrast various legal implications of each method.
5. Train participants to be effective Arbitrators, Conciliators and Mediators.

Unit I Introduction to ADR

- 1.1 Key Concepts in Dispute Resolution

- 1.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, LegalAid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behavior
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV Mediation – I

- 4.1 Introduction Overview
- 4.2 Purposes and uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V Mediation – II

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values
- 5.2 policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence
- 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation
- 8.3 The Arbitration and Conciliation a Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information
- 8.5 Admissibility of evidence in other proceedings

8.6. settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Reference Books/ Bibliography:

1. The Indian Arbitration and Conciliation Act of 1996.
2. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
3. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
4. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
5. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury
6. Mediation in Family Dispute, by Marian Roberts.
7. Family Mediation, by Lisa Parkinson
8. People Skills, by Robert Bolton
9. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
10. Mediation: Principles, Process, Practice by Laurence Boulle -Butterworths.
11. Living the 7 Habits by Stephen R. Govey
12. The Code of Civil Procedure, 1908.

SYLLABUS
Criminal Law
LL.M. Part – I, Semester – II

Paper I
Judicial Process

Max. Marks: 100

Objectives of the course:

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

Unit I Nature of Judicial process

- 1.1 Judicial process as an instrument of social ordering
- 1.2 Judicial process and creativity in law - common law model
- 1.3 The tools and techniques of judicial creativity and precedent
- 1.4 Legal development and creativity under statutory systems

Unit II Doctrine of Precedent

- 2.1 General Rules for application of precedent, binding force of precedents
- 2.2 Kinds of Precedents – Its position in India and England
- 2.3 Circumstances which destroy the binding forces of Precedents
- 2.4 Ration Decidendi, Obiter Dicta, Stare Decisis, Prospective Overruling

Unit III Special Dimensions of Judicial Process in Constitutional Adjudications

- 3.1 Notions of Judicial review
- 3.2 Tools and techniques in policy-making and creativity in constitutional adjudication
- 3.3 Varieties of judicial and juristic activism
- 3.4 Problems of accountability and judicial law-making.

Unit IV Judicial Process in India

- 4.1 Judicial process in pursuit of constitutional goals and values
- 4.2 The "independence" of judiciary and the "political" nature of judicial process
- 4.3 Indian debate on the role of judges and on the notion of judicial review
- 4.4 Institutional liability of courts and judicial activism - scope and limits

Unit V The Concepts of Justice

- 5.1 The concept of justice or Dharma in Indian thought
- 5.2 The concept and various theories of justice in the western thought
- 5.3 Law and Justice- Equivalence, Dependency and the independence of justice Theories
- 5.4 Analysis cases- where the judicial process can be seen as influenced by theories of justice

Reference Books/ Bibliography:

1. Julius Stone : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Paper II

Criminal Justice and Sentencing Policy

Max. Marks: 100

Objective of the course

Promoting a particular just society and protecting the rights of the offender and victim are the two main objectives of sentencing policy. The fundamental issue with current criminal legislation is that the criminal justice system is not effectively using punishment to achieve its goals. The sentencing policy is crucial to criminal law. The objective of Sentence policy is to focus on how crimes are defined and punished, as well as how prisons are managed. Fostering critical thinking and educating students to properly contribute to the criminal justice and sentencing policy are the goals of present course- i.e. Criminal Justice and Sentencing Policy.

Unit I Conceptualizing sentencing policy in India: Problems and perspectives

- 1.1 The Matrix of Punishment in India
- 1.2 Sentencing Powers and Procedural Limitations Under BNSS
- 1.3 Individualization of Punishment: The Anchor of Indian Sentencing Policy
- 1.4 Safeguards in Sentencing Policy- Challenges in Sentencing Policy In India

Unit II Sentencing discretion in India: arbitrary sentencing and modalities to arrest arbitrariness- a comparative study

- 2.1 Theorizing Sentencing 'Disparity', 'Discrimination', and 'Inconsistency'
- 2.2 Sources of Inconsistency and Disparity in the Indian Sentencing System
- 2.3 Modalities to Arrest Arbitrariness in Sentencing
- 2.4 Attempted Reforms in India

Unit III A critical analysis of death penalties and life imprisonment

- 3.1 Death Penalty: Introduction, Survival and Re-introduction
- 3.2 'Rarest of Rare' Doctrine: A Rolling Snowball Of Bleeding Disparity
- 3.3 Judicial Codification of Life Imprisonment-Towards Determinate Sentencing- 4 phase approach
- 3.4 Difficulties in Working Out Life Sentences

Unit IV Clemency, Concessionary and short sentencing

- 4.1 Sources of Clemency, Concessionary and Short Sentencing
- 4.2 Remission and Commutation under substantive and Procedural Codes
- 4.3 Practices of different States in Allowing Remission - Consistency and Inconsistencies
- 4.4 The Model Jail Manual 2016 – Requirements and Implications

Unit V Compensation in criminal cases- legislative trends

- 5.1 Three patterns of compensation
- 5.2 Legislative Trends in the Development of Compensation in Criminal Cases
- 5.3 Judicial Expositions
- 5.4 Alternatives to Sentencing I – Pre-Trial Process and Alternatives to Sentencing II– During - Trial Process

Reference Books/ Bibliography:

1. Dr. Praveen Patil “A Critical Analysis Law And Policy Relating To Sentencing In India” Shahaji Law College Publication, 2024
2. Addicted to Rehab: Race, Gender, and Drugs in the Era of Mass Incarceration by Allison McKim Rutgers University Press, 2017
3. Criminology & Penology Victimology by Dr. N. V. Paranjape Central Law Publications
4. Tappan, Paul w.(1960). Crime, Justice, and Correction. McGraw-Hill Book Company ,Inc. New york, Toronto, London.
5. Yablasnsky, Lewis. (1990) .Criminology- Crime and Criminality. Harper &Row Publishers Inc. New York.
6. Wing Cheong, Barry Wright and Stanley Yeo (eds.), Codification, Macaulay and the Indian Penal Code: Legacies and Modern Challenges of Criminal Law Reforms, imprint Ashgate, 2011
7. Ahmad Siddique's Criminology, Penology and Victimology by Sanjay Vashishtha
8. B.M. Gandhi's Indian Penal Law by Kumar Askand Pandey
9. Garland, David. "The Punitive Society: Penology, Criminology and the History of the Present." *Edinburgh Law Review* 1, no. 2 (January 1997):
10. Normandeau, André. "The International Library of Criminology, Criminal Justice and Penology." *Canadian Journal of Criminology* 39, no. 1 (January 1997): 85–86.
11. R V Kelkar's Criminal Procedure by K.N. Chandrasekharan Pillai

Paper III
Vulnerability and Violence

Max. Marks: 100

Objective of the course:

The course explores theoretical frameworks and empirical research on the causes, types and impacts of violence on vulnerable populations. It also focuses on prevention and intervention strategies, policy responses and the role of various institutions in addressing and mitigating violence. It aims to understand how factors such as gender, race, socio-economic status increases susceptibility to violence.

Unit I Introductory reflection

- 1.1 Concept of Vulnerability
- 1.2 Concept of Violence: Symbolic, Institutionalized and Structural Violence
- 1.3 Notion of Force, Coercion, Incitement and Collective Violence
- 1.4 Ahimsa: Myth or truth

Unit II Violence against Women

- 2.1 Rape and Law
- 2.2 Sexual Harassment and Law
- 2.3 Domestic Violence and Law
- 2.4 Cyber offences against Women

Unit III Violence and Children

- 3.1 Juvenile Justice in India
- 3.2 Law relating to illegal Abortion
- 3.3 Digital rape and Child
- 3.4 Important provisions under POCSO Act

Unit IV Violence: Cast and Community Based

- 4.1 Notion of Communal violence and Atrocity in India
- 4.2 Incidence of Caste based violence: Commissions of enquiry reports
- 4.3 SC & ST Act provisions including Protection of Civil Rights Act
- 4.4 Role of Police and Media in dealing with caste-based violence

Unit V Collective Violence and Preventive detention laws

- 5.1 Riots -Minority rights suppression and their victimization
- 5.2 Terrorism and Criminal Justice system
- 5.3 Maharashtra Control of organized Crimes Act, 1999 and Zopadpatti Dada Act
- 5.4 Naxalism and Criminal Justice system

Reference Books/ Bibliography:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest legislative developments. These developments in the areas specified in the course can be gathered from the recent materials such as bare acts, case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers.

Paper IV

Corporate Crimes and White-Collar Crimes

Max. Marks: 100

Objective of the Course:

This course provides comprehensive understanding of illegal activities conducted by various professionals, focusing on the nature, causes and consequences of these crimes. It also explores key concepts and categories of corporate crimes and White-collar crimes. It examines the regulatory and legal frameworks governing corporate conduct as well as the challenges of detection, enforcement and prosecution.

Unit I Concept: Corporate Crimes and White-Collar Crimes

- 1.1 Definition and Meaning
- 1.2 Nature and Scope of White-Collar Crimes
- 1.3 Traditional crimes Vs White Collar Crimes
- 1.4 Theorizing White Collar Crimes

Unit II Professional Deviance and Indian Legal Order

- 2.1 Unethical Practice- Indian Bar and Bench
- 2.2 Medical Malpractice and Lentin Commission Report
- 2.3 Unethical and Unprofessional Journalism
- 2.4 Administrative Deviance

Unit III Laws relating to Corruption

- 3.1 Corruption as evil and International Regime to curb it
- 3.2 Laws dealing corruption in India
- 3.3 Prevention of Corruption Act, 1988 - Salient features

3.4 Critical evaluation of the PCA

Unit IV Money Laundering, Financial Frauds and Ponzi Schemes

- 4.1 Money Laundering and Legislative efforts
- 4.2 Financial Frauds- Concept and Gravity
- 4.3 Banning of Unregulated Deposit Schemes Act, 2019
- 4.4 Salient features of MPID, 2000

Unit V Responses for public safety and appropriate investigation

- 5.1 Serious Frauds Investigation office
- 5.2 Lokpal and Lokayukt
- 5.3 Commission of Enquiry
- 5.4 Role of CBI

Reference Books/ Bibliography:

1. Sally S. Simpson, Corporate Crime, Law and Social Control, Cambridge University Press, 2002
- 2.
3. Brian K Payne, White Collar Crime, Sage Publications, 2012
4. Thakur ShailendraNath, White Collar Crimes X-Posed, Manas Publications, 2010
5. Wing Cheong, Barry Wright and Stanley Yeo (eds.), Codification, Macaulay and the Indian Penal Code: Legacies and Modern Challenges of Criminal Law Reforms, imprint Ashgate, 2011
6. Twenty Ninth Report on Proposal to include Certain Social and Economic Offences in the Indian Penal Code, Report of the Law Commission of India 1966
7. C. Mehanathan, Law on Prevention of Money Laundering in India (2014)
8. Statutes-
 - Prevention of Corruption Act 1988
 - Indian Companies Act 2013
 - Securities and Exchange Board of India Act 1992
 - The Prevention of Money-Laundering Act, 2002

Paper V

Introduction to Human Rights

Max. Marks: 100

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. Obligations for creating an environment in which man could live with dignity were necessary. The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights are an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement

- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III,rafting process.
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights convenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection
- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights inIndia.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (asembodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

Reference Books/ Bibliography:

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. F.Kazmi, Human Rights (1987)
4. L.Levin, Human Rights (1982)
5. Madhavtirtha, Human Rights (1953)

6. W.P. Gromley, Human Rights and Environment (1976)
7. H. Beddard, Human Rights and Europe (1980)
8. Nagendra Singh, Human Rights and International Co-operation (1969)
9. S.C. Kashyap, Human Rights and Parliament (1978)
10. S.C. Khare, Human Rights and United Nations (1977)
11. Moskowitz, Human Rights and World Order (1958)
12. J.A. Andrews, Human Rights in International Law (1986)
13. Menon (ed.), Human Rights in International Law (1985)
14. A.B. Robertson (ed), Human Rights in National and International Law (1970)

