

SWAMI RAMANANDTHEERTH MARATHWADA UNIVERSITY

SYLLUBUS OF LL.M ONE YEAR COURSE

PROCEDURE FOR ADMISSION TO PG (LLM)

Minimum 50% marks in law degree. For SC and ST category there shall be 5% relaxation. Admission on the basis of all India entrance examination at par with other PG courses of this University.

The course will be taught in semester system. The university is offering two optional groups i.e. Corporate and commercial law group and Criminal and security law. The student can opt any one of these groups. The evaluation will be as per the credit system followed by the PG department of this University. The dissertation will be evaluated by an internal examiner and an external examiner appointed by the university.

Each core subject will have three credits each. And each optional sub papers will have two credits each. The course will have two semesters of 18 weeks each. Accordingly each core subject is to be taught in approximately 65 credit hours. Each optional subject is to be taught in approximately 45 credit hours. One semester will have total 12 credits. The total course credits will be 24.

PAPERS FOR FIRST SEMSTER

Paper One – RESEARCH METHODS AND LEGAL WRITING

Paper two – COMPARATIVE PUBLIC LAW

Paper three- PRINCIPLES OF CORPORATE LAW / GENERAL PRINCIPLES OF CRIMINAL LAW

Paper four – INTELLECTUAL PROPERTY LAW / CRIMINAL JUSTICE AND HUMAN RIGHTS

Paper five – CONTRACT LAW / CORPORATE AND WHITE COLLAR CRIMES

SEMSTER TWO

Paper six – LAW AND JUSTICE IN GLOBALISING WORLD

Paper seven – DISSERTATION

Paper eight – CYBER LAW / CRIMINOLOGY AND CRIMINAL JUSTICE ADMINISTRATION

Paper nine – COMPETITION LAW / VICTIMOLOGY

Paper ten – BANKING AND INSURANCE LAW / HUMAN RIGHTS INTERNATIONAL AND NATIONAL SPHERE

Examination –

Each paper shall be for 100 marks; 80 for theory and 20 for internal examination. Theory paper shall contain 7 questions and candidate has to attempt any four out of this. Internal examination shall be for two examinations of 5 marks each, seminar of 5 marks and for overall performance 5 marks. In case a candidate is absent for internal examination he/she is allowed to appear for the same in the subsequent examination.

LL.M. (Core Papers)

Paper one - Research Methods and Legal Writing (3 credits)

Paper two - Comparative Public Law (3 credits)

Paper six - Law and Justice in a Globalising world. (3 credits)

Paper seven - Dissertation (3 credits)

LL.M. (Corporate and Commercial Law)

Paper three - Principles of Corporate Law (2 credits)

Paper four - Intellectual Property Rights (2 credits)

Paper five - Contract Law (2 credits)

Paper eight - Cyber Law (2 credits)

Paper nine - Competition Law (2 credits)

Paper ten - Banking and Insurance Law (2 Credits)

LL.M. (Criminal and Security Law)

Paper three - General Principles of Criminal Law (2 credits)

Paper four - Criminal Justice and Human Rights (2 credits)

Paper five - Corporate and White Collar Crimes (2 credits)

Paper eight - Criminology and Criminal Justice Administration (2 credits)

Paper nine – Victimology (2 credits)

Paper ten - Human Rights International and National Sphere (2 credits)

FIRST SEMSTER

Paper One	Research Methods And Legal Writing	
Paper two	Comparative Public Law	
OPTIONAL PAPERS	FOR CORPORATE AND COMMERCIAL LAW GROUP	FOR CRIMINAL AND SECURITY LAW GROUP
Paper Three	Principles of Corporate Law	General Principles of Criminal Law
Paper Four	Intellectual Property Law	Criminal Justice and Human Rights
Paper Five	Contract Law	Corporate and White Collar Crimes

SEMSTER TWO

Paper Six	Law And Justice In Globalising World	
Paper Seven	Dissertation	
OPTIONAL PAPERS	FOR CORPORATE AND COMMERCIAL LAW GROUP	FOR CRIMINAL AND SECURITY LAW GROUP
Paper Eight	Cyber Law	Criminology and Criminal Justice Administration
Paper Nine	Competition Law	Victimology
Paper Ten	Banking and Insurance Law	Human Rights International and National Sphere

P1-Research Methodology and Writing Skills (3 Credits)

I. Introduction

- a) The science of research and scientific methodology
- b) Interrelation between speculation, fact and theory building-some fallacies of scientific methodology with reference to socio legal research
- c) Inter-disciplinary research and legal research models
- d) Arm chair research *vis-a-vis* empirical research
- e) Legal research-common law and civil law legal systems

II. Research Design

- a) Workable Hypothesis-formulation and evaluation
- b) Major steps in research design

III. Research Techniques

- a) Sampling
- b) Survey and Case Study method
- c) Scaling and Content Analysis

IV. Research Tools and Data Processing

- a) Observation
- b) Interview and schedule
- c) Questionnaire
- d) Socio-metrics and jurimetrics
- e) Data processing (deductions and Inductions) analysis and interpretation of data

V. Legal writing

- a) Report/article writing in legal research
- b) Use of definitions, maxims, concepts, principles, doctrines in legal research
- c) Citation methodology
- d) Book review and case comments

Suggested Reading Materials for Reference

1. Robert Watt- Concise book on Legal Research
2. Ram Ahuja-Research Method
3. Good and Hatt- Research Methodology
4. Pauline Young- Research Methodology
5. Earl Babbie- Research Methodology
6. Anwarul Yaqin-Legal Research Methodology

7. Wilkinson Bhandarkar-Research Methodology
8. Selltis Johoda-Research Methodology
9. Stott D.-Legal Research
10. *Robert Watt and Francis Johns- Concise Legal Research*
11. S.K. Verma & Afzal Wani- Legal Research Methodology

P-2 COMPARATIVE PUBLIC LAW (3 Credits)

- 1) Public law-meaning, as a distinctive category of law- its difference from private law and other categories- comparative law - particularly as applied to public law.
- 2) The concept of a Constitution and its relationship with statehood, territoriality, and citizenship-Constitutions and the building of new constitutional regimes: new constitutional values- Constitutions and the international community.
- 3) Legislatures: parliaments, their 'sovereignty' (confined to British tradition) and electoral accountability. The UK, USA, Australia and France, India.
- 4) Executives: privileges, accountabilities and democracy. The UK, the USA, France, India.
- 5) Courts: protecting public interests through litigation. Locus standi and the nature of the judicial power. Constitutional review on the basis of allocation of power and rights; independence and accountability. Focus on the USA, Australia, the EU, and India.
Protecting constitutional rights - types of rights, and the sources and forms of protection of constitutional rights. Codification and status of rights- kinds of protection-judicial, political, and dialogic- issues of legitimacy relating to judicial interpretation and application of rights. The legitimacy of cross-fertilisation between jurisdictions in the interpretation of rights- protecting rights through the political process in Australia and the UK, and the impact of international law-dialogue between institutions-Canada and the UK.
- 6) Amending constitutions; flexibility and continuity as aspects of constitutionalism. Focus on the UK, Canada, India, Germany, and Australia.

Select Bibliography

- Barendt, An Introduction to Constitutional Law (1998)
- Finer, Comparative Government (1970)
- Loughlin, The Idea of Public Law (2003)
- Marks, The Riddle of All Constitutions: International Law, Democracy and Critique of Ideology (2000)
- Wheare, Modern Constitutions (2nd Ed 1966)
- Jackson and Tushnet, Comparative Constitutional Law (1999)
- de Smith and Brazier, Constitutional and Administrative Law (8th Ed 1998)
- Loveland, Constitutional Law, Administrative Law and Human Rights - A Critical Introduction (3rd Ed 2003)
- Turpin, British Government and the Constitution (4th Ed 1999)
- Bradley and Ewing, Constitutional and Administrative Law (13th Ed 2003)
- Feldman, Civil Liberties and Human Rights in England and Wales (2nd Ed 2002)
- de Smith, Woolf and Jowell, Principles of Judicial Review (1999)
- Hartley, The Foundations of European Community Law (5th Ed 2003)
- Wade and Philips - Constitutional Law
- Dicey - Introduction to Law of the Constitution.
- O Hood Philips - Constitutional Law and Administrative Law.
- K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
- Ivor Jennings - Law and the Constitution.
- K. C. Davis - Discretionary Justice.
- Neville L. Brown and J. F. Garner – French Administrative Law.
- Peter H. Schuck - Foundations of Administrative Law.
- P. P. Craig - Administrative Law.
- Alex Carol - Constitution and Administrative Law.
- Neil Hawke and Neil Papworth - Introduction to Administrative Law.
- Jaffe - Judicial Control of Administrative Law.
- K.D.Gaur – A Textbook on The Indian Penal Code.
- Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns, 1stEdition
- S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)

V R Jayadevan, Judicial Creativity in Constitutional Interpretation, Deep and Deep Publication

P-6 LAW AND JUSTICE IN A GLOBALISED WORLD(3 Credits)

I. Introduction

- (a) Meaning and significance of Globalization
- (b) concept of Global Justice
- (c) Global Justice and Right to Development

II. Theoretical Propositions of Global Justice

- (a) Realism
- (b) Particularism
- (c) Nationalism
- (d) Cosmopolitanism

III. Historical and Central Challenges to Global Justice

- (a) Global Poverty- Role of International Mechanism
- (b) Armed Conflict
- (c) Nationalist practices
- (d) Crimes against Humanity
- (e) Environment and Health
- (f) Oppressive Policies- Threat of Terrorism, Global Politics

IV. Role and Reformation of Global Institutions

- (a) States, sovereignty and Transnational Law
- (b) Economic and Trade Institutions-MNC's
- (c) structural reforms of United Nations-Security Council
- (d) International Judicial Institutions

V. Models To Achieve Global Justice

- (a) Social Contract and Social Justice
- (b) Sarvodaya Model of Justice
- (c) Multi Culturalism and Cosmopolitanism
- (d) Significance of Human Rights Education
- (e) Global Justice and Global Rule of Law

Recommended Readings

Springer: Encyclopedia of Global Justice 2012

Brian Barry, (2001) Culture and Equality. Cambridge: Polity,

Duncan Bell (ed.) Ethics and World Politics. Oxford, (2010)

Allen Buchanan. Justice, Legitimacy, and Self-determination: Moral Foundations for International Law. Oxford, (2004)

Simon Caney, Justice Beyond Borders. Oxford:, 2005

Nicole Hassoun. "World Poverty and Individual Freedom." American Philosophical Quarterly. Vol. 45, No. 2: 191-198.(2008.)

Andrew Hurrell. "Global Inequality and International Institutions."in A.T. Maroobian and Brian Huschle,(Eds), Metaphilosophy, Vol.32 Blackwell Publishing: Oxford. 2001.

Martha Nussbaum, Frontiers of Justice. Cambridge, Mass.: Harvard University Press,. 2006

Thomas Pogge, World Poverty and Human Rights. Cambridge: Polity,. 2002

John Rawls, The Law of Peoples. Cambridge, Mass.: Harvard University Press, 1999

Amartya Sen, Development as Freedom. Oxford: 1999

Amartya Sen: Global Justice, http://www.lexisnexis.com/documents/pdf/20080806034945_large.pdf

Amartya Sen, The Idea of Justice Harvard University Press, 2009

Amartya Sen: Development as Freedom, Oxford

Amartya Sen: Human and Public Action Oxford

Global Justice Net work: www.theglobaljusticenetwork.org/journal

R Pierik : Cosmopolitanism Global Justice and International Law Cambridge Proceedings of American Society of International Law, 2005

Thomas Nagel, The Problem of Global Justice,<http://as.nyu.edu/docs/IO/1172/globaljustice.pdf>

Anthony J. Langlois: Is global justice a mirage?European Journal of International Relations March2011 17: 145-157

P-3 Principles of Corporate Law(2 credits)

I. Introduction

- a. Corporate personality
- b. Advantages and Disadvantages of Incorporation
- c. Concept of lifting of Corporate Veil.

d. Convergence of Corporate Legal System in the Present Time – LLP as a type of Corporate vehicle

II. Corporate Finance

a. Company capital- Equity Finance, Debt Finance.

b. Offer Documents

c. Public Issues

d. Under writing of Issues

e. Corporate Loans

f. Venture Capital, Institutional Financing

g. Role of SEBI and stock exchanges

III. Amalgamation, Reconstruction, Mergers and takeovers etc.

a. Meaning of the terms

b. Statutory provisions

c. Powers of the court/tribunal

IV. Corporate Governance

a. Concept, Significance

b. Dimensions

c. Legal framework, Basic Principles and OECD principles of Corporate Governance

d. Impact of globalization

Suggested Readings

1. J.M. Thomson- Palmer's Company Law

2. Gower- Principles of Modern Company Law

3. Ramaiya- Guide to Companies Act

4. Indian Law Institute- Current Problems of Corporate Law

5. Chandratre, Acharya, Israni, Sethuraman- Compendium on SEBI, Capital Issues and Listing

6. Ashwath Damodaran- Corporate Finance

P-4 INTELLECTUAL PROPERTY RIGHTS (2 Credits)

1. Introduction

Origin and Genesis of IPR

Theories of IPR – Locke's, Hegel and Marxian

Ethical, moral and human rights perspectives of IPR

2. Intellectual Property Rights: International Relevance

Internationalization of IP protection – Paris Convention, Berne Convention, TRIPS Agreement – basic principles and minimum standards – limits of one-size-fit for all –flexibilities under TRIPS

3. Intellectual Property: Issues and Challenges

Copyright protection with reference to performer's rights and Artist rights,

Global governance towards Patents

Legal recognition of Trade Marks and Trade secrets- Comparative analysis in India, EU and USA

4. Intellectual Property: Contemporary Trends

Benefit sharing and contractual agreements – International Treaty on Plant Genetic Resources for Food and Agriculture – issues on patent policy and farmers' rights- CBD,Nagoya Protocol and Indian law

UNESCO – protection of folklore/cultural expressions

Developments in WIPO on traditional knowledge and traditional cultural expressions

Suggestive Readings:

W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.

Nard Madison- The Intellectual Property, Aspian Publication.

Carlosm Correa- Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.

David Bainbridge – Intellectual Property Law.

N S Gopalakrishnan&T G Ajitha-Principles of Intellectual Property ,Eastern Book Co

Avtar Singh- Principles of Intellectual Property Law

P.S. Narayana – Intellectual property law in India

P-5 CONTRACTS LAW (2 Credits)

1. Basis of contractual obligation - historical evolution - Theories of contractual liabilities modern developments - contract by public authorities.

2. Standard Form Contracts

Nature, advantages and unilateral character

Principles of protection against the possibility of exploitation

Exemption clauses

Law Commission of India's views

3. Government Contracts

Constitutional Provisions

Performance of Government contracts

Tender procedure in public contracts

Statutory Contracts

4. Electronic Contracts

Formation of E-Contracts

Advantages and disadvantages of E-Contracts

Relevant Laws

Legality of E-Contracts

5. Quasi Contracts

Principle of unjust enrichment

Contract for Necessaries

Provisions of Indian Contracts Act

Quasi Contracts in English Law

6. Contract for carriage of goods - Carriage of goods by Air, Sea, Land and Rail - Contract for international sale- CIF and FOB contracts.

SUGGESTED READINGS

1) A.G. Guest (Ed): Anson's Law of Contract..

2) P.S. Atiyah, Introduction to the Law of Contract.

3) Avtar Singh : Law of Contract.

4) G.C. Cheshire, H. S. Fifoot : Cases on the law of Contract.

5) Chitty : Chitty on Contracts, Vol. I General Principles Vol. 2 Specific Contracts.

6) Pollock and Mulla on the Indian Contract and Specific Relief Acts.

7) Cheshire and Fifoot, The Law of Contract.

- 8) G. M. Treitel : Law of Contract.
- 9) S. Venkataraman and K. Ramanamurthy, T. S. Venkatesa Iyer's Law of Contract.
- 10) David M. Sarron - CIF- and FOB contracts
- 11) Clive M Schmitthoff - International Trade, Law
- 12) Charles D. - Sale of Goods carried by Sea
- 13) Ademuni Odeke - Law of International Trade
- 14) P.S. Atiyah - The Rise and fall of Freedom of Contract

P-8-Cyber Law (2 Credits)

Fundamentals of Cyber Law

- A) Conceptual and theoretical perspective of cyber law.
- B) Computer and Web Technology
- C) Development of Cyber Law – National and International Perspective

Cyber Law: Legal Issues and Challenges in India, USA and EU

- A) Data Protection, Cyber Security,
- B) Legal recognition of Digital Evidence
- C) Recognition of liability in the digital world
- D) Jurisdiction Issues in Transnational Crimes

Cyber Law: International Perspectives

- A) Budapest Convention on Cybercrime
- B) ICANN's core principles and the domain names disputes
- C) Net neutrality and the EU electronic communications regulatory framework
- D) Web Content Accessibility Guidelines (WCAG) 2.0

Cyber Law – Contemporary Trends

- A) Impact of cyber warfare on privacy, identity theft.
- B) International law governing Censorship, online privacy, copyright regulations,
- C) Online Intermediaries in the governance of Internet
- D) Social Networking Sites vis-à-vis Human Rights.

Suggestive Readings:

Yatindra Singh : Cyber Laws.

Ajit Narayanan and Bennum (ed.) : Law, Computer Science and Artificial Intelligence.

Linda Brennan and Victoria Johnson : Social, ethical and policy implication of Information Technology.

Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to Cyber Marts.

Lawrence Lessing : Code and other Laws of cyberspace.

Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.

Kamath, Nandan (Ed) - Law relating to computers, internet, and Ecommerce, A guide to Cyber Laws and the Information technology Act, 2000

Varma S.K. and Raman Mittal (Eds) - Legal Dimensions of Cyber Space

Ian Lloyd - Information Technology Law.

P-9 Competition Law (2 credits)

I. Introduction

- a. Basic economic and legal principles
- b. Restraint of Trade under Indian Contract Act
- c. Monopolistic Trade Practices
- d. Restrictive Trade Practices

II. Development of law from MRTP to Competition Act 2002

- a. Aims, Objects and Salient features
- b. Comparison between MRTP Act and Competition Act
- c. Anti-Competitive Agreement
- d. Abuse of Dominant Position
- e. Combination
- f. Protection of consumers

III. Competition Commission Of India

- a. Structure and function of CCI
- b. Regulatory role

IV. Competition Appellate Tribunal.

- a. Composition, Functions, Powers and Procedure
- b. Award Compensation
- c. Power to punish for contempt
- d. Execution of orders

Suggested Reading:

K.S. Anantaraman : Lectures on Company Law and MRTP

Dr. R.K. Singh : Restriction Trade Practices and Public Interest
Suzan Rab- Indian Competition Law- An International Perspective
S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report)
Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, 1980 and other related work
A.E. Rodrigues, Ashok Menon- The limits of Competition Policy, the shortcomings of Economics
Taxmann's competition Law and Practice

P-10 Banking and Insurance Law(2 credits)

- 1.Introduction- Different kinds of banks and their functions, Multifunctional banks-Growth and Legal issues. Law relating to. Banking Companies in India- Controls by Govt. and its agencies-the RBI as the Central Bank-suspension and winding up-contract between banker and customer –their rights and duties.
- 2.Relationship of Banker and customer - Legal character-Contract between banker and customer - Banking duty to customers-consumer protection and banking as service. Recent Trends of Banking system in India- /automatic teller machine and use of internet-Travellers cheque- smart cards-credit cards.
- 3.Insurance-Introduction- Nature; of insurance contract-various kinds of insurance, proposal, policy, parties, consideration, need for Utmost good faith, insurable interest, indemnity.
4. General Principles of Law of insurance-The Risk-Commencement, Attachment and duration, settlement of claim and subrogation-Fire insurance- Marine insurance- Term of insurance contract- express and implied conditions in the marine insurance policy-Risk covered by the policy and expected perils- proximate cause of loss avoidance of policy.Effect of war upon policies.
5. Indian Insurance Law - General Insurance Act 1938 and Insurance Regulatory Authority Act, 2000
- 6.Concept of average, in Insurance contract- Settlement of-insurance claims.

Suggested Readings

Bani A - Review of current Banking theory and practice

Pagets - Law of Banking

M.L.Tannan - Tannan's Banking Law and Practice in India 1997)

Two volumes

L.C.Goyle - The-Law of Banking and Bankers.

K.C.Shekar - Banking Theory and Practice in India.

Amallesh Banerjee & S.K.Singh (Eds.) - Banking and Financial Sector Reforms in India, 7 volumes.

Raj Kapila & Uma Kapila (eds.)- Banking and Financial Sector Reforms in India, 7 volumes.

Good Hart - The Central Bank and the Financial System

K.Subramanyan - Banking Reforms in India.

Janaki Raman Committee Report on securities operation of Banks and Financial institutions (1993)

Narasimham Committee report on the Financial System 1991), Second Report (1999)

John Hanson and Christopals, Henby - All risks property Insurance

Peter Mac Donald - Eggers and Patric Poss, Good Faith and Insurance Contracts.

Banerjee - Law of Insurance

Mitra B.C. - Law Relating to Marine insurance.

Birds - Modern Insurance Law;

Edwen. W.Patterson - Cases and Materials on Law; of Insurance

Arnold - The Law of Marine Insurance and Average, Vol. I & II

The (Indian) Marine Insurance Act 1963.

P-3 GENERAL PRINCIPLES OF CRIMINAL LAW(2 credits)

- 1.Introduction-Concept of a Crime-Criminal law in India before IPC-effect of codification
- 2.Elements of Crime- Actus reus- Mens.rea.
3. Welfare offences-Exclusion of mens rea - white collar crimes-strict Responsibility- Joint Responsibility.
4. Inchoate crimes - conspiracy, abetment, Attempt-incitement- Indian and English law.
5. General Defences – Excusable - Justifiable.
6. Substantive Criminal Law – moral foundations and human right aspects- Retroactivity of criminal law, Narrow construction of criminal law, rule against judicial creation of offences and vagueness of criminal statutes,etc.

Suggested Readings

1. Glanville Williams - Text Book of Criminal Law
2. Jerome Hall - General Principles of Criminal Law
3. R. C Nigam - Law of Crimes in India Vol.I
4. Kenny - Outlines of criminal law
5. Edwards - Mens Rea in Statutory offences
6. P.R.Glazebrook (Ed.) - Reshaping the criminal law
7. Collin, Howard - Strict Responsibility
8. Law Commission – 42nd Report and the 14th Report Vol.II
9. Smith & Hogen - Criminal Law
- 10.Cross,Johns and Card - Criminal Law
- 11.KNC Pillai, General Principles of Criminal Law,Eastern Book Co.
- 12.KNC Pillai,Shabistan Aquil(Rev.Ed),Indian Law Institute's Essays on Indian Penal Code, Universal Law Publishing Co. (2005)
- 13.Stephen: History of English Law Vol. III (Last chapter on Indian Penal Code);
- 14.W.H.Morley: Administration of Justice in British India;
- 15.Setelvad: Common Law in India (Chapter III, Criminal Law, p. 124-176);
- 16.J.D. Mayne: Indian Penal Code (Ed. II 1901,p.242-249);
- 17.Dharkar: Lord Macaulay legislative minutes (p. 59, 66, 137,140,214,239);

18. Tapas Kumar Banerjee: Background to Indian Criminal Law.

P-4 CRIMINAL JUSTICE ADMINISTRATION AND HUMAN RIGHTS(2 credits)

1. Hierarchy of Courts and other Agencies, Mode of Appointments, Training, Hierarchical setup.
2. Pre-trial procedures and human rights-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, role of the prosecutor and the judicial officer in Investigation.
3. Trial Procedures- the Accusatory system of trial and the inquisitorial system of trial-role of the Judge, the prosecutor and defence attorney in the trial-impact of emerging human right jurisprudence
4. Burden of Proof-Presumption of innocence-self incrimination-admissibility and in admissibility of evidence-expert evidence-human rights aspects
5. Right to review-Review, revision, appeal as constitutional and statutory right-Application of Art.32, Art.226, Art.227, Art.136

Suggested Readings

1. Celia Hampton - Criminal Procedure
2. Wilkins and Cross - Outlines of the law of Evidence
3. Archhold - Pleading, Evidence and Practice
4. Sarkar - Law of Evidence
5. K.N. Chandrasekharan Pillai(Ed.) - R.V. Kelkar's of Criminal Procedure
6. Stefan Trechsel and Sarah Summers, Human Rights in Criminal Proceedings, Oxford
7. Andrew Ashworth-Serious Crime, Human Rights and Criminal Procedure (Hamlyn Lectures)
8. K I Vibhute, Criminal Justice A Human Rights Perspective of the Criminal Justice Process in India, Eastern Books Co.

P-5 Corporate and White Collar Crimes(2 credits)

- 1)The concept of white collar crime-meaning –nature-causes-types
- 2)Corporate criminality -Definition, nature & forms of corporate crime.- Causes of corporate crime- Types of corporate crime- Characteristic of corporate criminals- Registration and incorporation of companies- Laws related to corporate crime- Merits and demerits of the legislation in controlling crime.
- 3)Individual liability in an organisational setting –Promoters-Directors-Other Managerial Members-Vicarious Liabilities of Corporation-Theory of vicarious liability- Concept of Mens- rea- Attribution of Mens-rea to the company- Case laws.
- 4)Corporate Fraud-meaning-types-Serious Fraud Investigation Office, insider trading- meaning- Insider & Insider Trading Defined- "price sensitive information"- "misappropriation theory"- Insider Trading in USA-The European Community Directive on Insider Trading- Insider trading in India- tax evasion
- 5)Perjury- false statements - obstruction of justice-Contempt-corruption-meaning-types- -black marketing- legislative framework in India
- 6) Intellectual property offences-Cyber Crimes- offences affecting health-Food adulteration- offences relating to medicine-intoxicating substances

SUGGESTED READING

Pankaj Singh, Insider Trading In India
http://works.bepress.com/cgi/viewcontent.cgi?article=1001&context=pankaj_singh

Bharadwaj-White Collar Crimes and Corporate Crimes

Lawrence M Salinger-Encyclopoedia of White Collar and Corporate Crimes,Sage Publication

Benson, M. L. & Simpson, S. S. *White-Collar Crime: An Opportunity Perspective*.New York, NY: Routledge. (2009).

Clinard, M. & Yeager, P. *Corporate Crime*. New York, NY: Macmillan Publishing. (1980).

Geis, G. *White-Collar and Corporate Crime*. Upper Saddle River, NJ: Prentice Hall. (2007).

Michel Cromer- Investigating Corporate Fraud

Jack Bologna-Corporate Fraud: The Basics of Prevention and Detection, Butterworth

Julia Penny- Corporate Fraud: Prevention and Detection

Richard A. Booth, The Missing Link between Insider Trading and Securities Fraud, <http://www.cato.org/sites/cato.org/files/serials/files/regulation/2007/12/v30n4-4.pdf>

The Drugs and Cosmetics Act, 1940.

The Drugs Control Act

The Essential Commodities Act

The Food Adulteration Act, 1954.

The Food Safety and Standards Act, 2006

The Indian Penal Code

The Information Technology Act, 2000

The Insecticides Act, 1968

The Narcotic Drugs and Psychotropic Substances Act, 1985

The Prevention of Corruption Act, 1947

The Prevention of Corruption Act, 1988

The Standards of Weights and Measures Act, 1976

P-8 Criminology and Criminal Justice Administration(2 credits)

I) Crime: Concept, Elements, Causes, Prevention and Control, Types of Crime, Traditional Crimes - Crimes against property and person; Modern Crimes: Organized Crimes, Socio Economic Crimes, Corruption. Atrocities against women, SCs & STs, Terrorism, Cyber Crimes, Environmental Crimes, Crime and Politics.

II) Criminology Meaning Definition and Scope-Relationship with Other Sciences, Legal, Social and Psychological Aspects of Crime, Development of Criminological Thought- Schools of Criminology - Criminological Thought in Ancient India

III) Psychological motivations for Crime; Distinction between normal and abnormal behaviour, Neurosis and Psychosis. Constitutional Theories. Body Types, Hereditary Traits Endocrine glands, Trait theories. Theories of personality - Concept and importance. Defense Mechanisms as a means of

coping mechanisms, Breakdown of personality, Types of Personality Disorders. Behavioural Theories: Drives, Motives, Attitudes, Frustrations. Motivation, Emotions and Social learning.

IV) Crime and Youth; Juvenile Delinquency: Predelinquency Stages: Truancy and Vagrancy. Crime and Juvenile Delinquency in the developed and developing countries, Crime and Development. U.N. Standard Minimum Rules for Juvenile Justice (Beijing Rules); Juvenile Justice Act-measures for prevention, reformation and rehabilitation- Juvenile Aftercare Services-Rights of the Child

V) Penology - Meaning, Definition and Scope, Development of Penological Thought - Schools of Penology, Punishment-Concept and Definition; Theories of Punishment- Types of Punishment - objectives and trends of Punishment; Death Penalty : Rationale and Current Debate on it Sentencing Procedures: Mandatory Sentence, Indeterminate and Determinate Sentence. Standardization of Sentence

Imprisonment : Simple and rigorous; Objectives and Trends Prison system in India - Administration and Problems. Prison Reform in India; Training and Development of Prison Staff-UN Standard Minimum Rules for the Treatment of Prisoners. Correctional Programmes in Jails; Aftercare Services - Probation and Parole, Probation under Different Laws.

VI) Main features of Criminal Justice System in India; problems and latest interventions. Components of Criminal Justice System : Police, Prosecution, Judiciary and Correctional administration-their interlinkages and coordination. The Organizational setup of Police; Administration of Police; Police Training - its necessity, Problems of Police and Policing; Police – Public relationship- Female Police; Perspectives on Police in Democratic Society.

Suggested Readings

W.C. Reekers - Crime problem

Caldwell - Criminology

Barnes & Teeters - New Horizons in Criminology

Sethna - Society and the Criminal

Chris Hale, et.al - Criminology

Ahmad Siddique – Criminology

Water Moherly - Ethics of punishment
Shah - Probation Services in India
Galliber and M Cartney - Criminology-
Bhattacharya - Prisons
Cross - The English Sentencing System
B.S.Chopra - Quantum of Punishment
Stewart - A modern View of Criminal Law
Fitz Gerald - Criminal Law and Punishment
Sutherland and Cressy – Criminology
Vernon Fox - Introduction to Criminology

P9-VICTIMOLOGY (2 credits)

Unit I Victims: Concept and Importance.

Meaning nature and types of victims of crime. Historical development of victimology. Scope and objectives of victimology-National and International thinking: UN Amnesty International, NHRC etc.

Unit II Patterns of Criminal Victimizations.

Role of victims in Criminal Occurrence -Victim – Offender relationship-Victim typologies. Victim of abuse of power. Women and crime victimization. Children and crime victimization.

Unit III Impact of Victimization - Physical and Financial.

Physical and financial impact of victimization. Victimization: Impact on family. Psychological stress and trauma. Criminal, victimization, sense of security and socio economic development.

Unit IV Criminal Justice System & Victim.

CJS and victim relationship: Collaborator or evidence. Victim & Police: Lodging of FIR & recording of statement. Deposition & cross-examination in courts. NGO intervention: Victim-Witness Association, Victim Association

Unit V Compensation to True Victim.

Concept, meaning & importance for society & criminal justice system. Restitution, ex-gratia payment & insurance. Compensation by public authorities as social obligation. Compensation schemes as in New Zealand and in other countries. Victim Compensation in India: Provisions under Cr. P.C, SC ST Atrocities (prevention) Act, etc.

Suggested Readings

- Singh Makkar, S.P. Global perspectives in Victimology, ABC Publications, Jalandhar, 1993,
- Rajan, V.N., Victimology in India : An Introductory Study, Allied Publishers, New Delhi, 1981,
- Chokalingam, K, Readings in Victimology : Towards a Victim Perspective in Criminology, Ravi Raj Publications, Madras, 1985
- Devasia, V.V, Criminology, Victimology and Corrections. Ashish Publishing House, New Delhi, 1992
- Ellias Robert, "Paradigms and Paradoxes of Victimology", <http://www.aic.gov.au/publications/proceedings/27/elias.pdf>
- Natti Ronel, K. Jaishankar and Moshe Bensimon (Ed) *Trends and Issues in Victimology*, Cambridge Scholars Publishing, 2008
- Jan J.M. van Dijk, "Introducing Victimology", <http://arno.uvt.nl/show.cgi?fid=77963>
- Christie, N. (1986) The ideal victim, in E. Fattah (ed.) *From Crime Policy to Victim Policy*. Basingstoke: Macmillan.
- Mawby, R.I. and Walklate, S. *Critical Victimology*. London: Sage. (1994)
- Newburn, T. *The Long-term Needs of Victims: A Review of the Literature*, Home Office Research and Planning Unit Paper no. 80. London: Home Office. (1993)
- Rock, P. On becoming a victim, in C. Hoyle and R. Young (Eds) *New Visions of Crime Victims*. Oxford: Hart. (2002)
- Walklate, S. Justice for all in the 21st century: the political context of the policy focus on victims, in E. Capes *Reconciling Rights in Criminal Justice: Analysing the Tension between Victims and Defendants*. London: Legal Action. (2004)
- Zedner, L. Victims, in M. Maguire, R. Morgan and R. Reiner (Eds) *The Oxford Handbook of Criminology*, 3rd Edn. Oxford: Oxford University Press. (2002)

P-10 Human Rights International And National Sphere(2 credits)

I. Introduction

- (a) Scope and Significance of Human Rights
- (b) Globalisation Vis-à-vis Human Rights
- (c) Human rights with special reference to Right to Development

II. Human rights in the International Scenario

- (a) Impact of the Human Rights Instruments on Domestic Law
- (b) Rights of disadvantaged and Vulnerable Groups- Critical Analysis
- (c) Cultural Relativism and Human Rights

III. Human Rights in the National Sphere

- (a) Human Rights in the Indian Sphere- An Over View
- (b) Constitution and the analysis of Preamble
- (c) Social Action Litigation and the Role of Indian Judiciary

IV. Enforcement Mechanism : International and National Sphere

- (a) Critical Examination of the Human rights Council and Human rights Commission
- (b) Treaty Mechanism with respect to Covenants ICESCR and ICCPR; Convention on the Elimination of Discrimination against Women and Child Rights Convention.
- (c) Critical Analysis of the NHRC and the National Women's Commission and National Child Rights Commission.

Suggested Readings:

Jeffery F. etc (Eds) Globalization International Law and Human Rights, Oxford;2012

Ian Brownlie: Basic Documents on International Law, Oxford, 2012

Lone Lindholt etc. Human Rights in Development 2003 Martinus Nijhoff pp 1-110

Rhona K.M. Smith International Human Rights, Oxford (5th Edn) 2012 chapters 1,2,5,10,22 and 23.

TSN Sastry: India and Human Rights: Reflections Concept publishers 2005 Chapters 1-7,8,9,14,15, & 17

V.T. Patel and TSN Sastry: Studies in Human Rights, PR Publications,2000; chapters 1-5,8,13,18,19,21,and 26.

YSR Murty: Human Rights Hand Book Lexis Nexus Butterworth's 2007

Hossain Md. Shanawez: Human Security in Asia: by Universal Human Right or Cultural

Relativism?<http://humansecurityconf.polsci.chula.ac.th/Documents/Presentations/Shanawez.pdf>

Aruna Ray: National Human Rights Commission of India: Formation, Functioning and Future Atlantic, 1997