



# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## LL.M. (Criminal Law)

2021-23

### SEMESTER II

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMC101	DE	RESEARCH METHODS AND LEGAL WRITING	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;  
\*Teacher Assessment shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** After studying this paper the students will know-

1. Concept of research and its methodology.
2. Research methods and various steps involved in a research.
3. Collection of data from various sources and their analysis.
4. Process of legal writing and writing for individual purposes.

**Course Outcomes:** The students should be able to:

1. Understand the methods of legal research, data collection and the steps involved in the research.
2. Demonstrate the process of legal writings for individual and court purposes which are required in the court.

#### Syllabus:

##### UNIT I: Research Methods

- Meaning, scope and importance of Research
- Steps of Research
- Selection of Problem
- Research Proposal
- Features of Legal Research
- Interdisciplinary research

##### UNIT II: Tools & Techniques for Collection of Data in Legal Research

- Primary and Secondary Sources, Literature Review, Observation Method, Questionnaire, Interview, Case study, Sampling, Jurimetrics.
- Doctrinal and Non-Doctrinal Research
- Empirical and Analytical Research



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- Online Legal Research
- Use of Electronic Database
- E-Research Technique
- Case-study
- Formalities of Legal Research
- Data-Collection
- Ethical and Legal Issues: Plagiarism and Copyright Violation.

#### **UNIT III: Hypothesis and Research Design**

Meaning and types of Hypothesis, Use of Deductive and Inductive Methods in Research, Preparation of Research Report and Writing of Research report, Budgeting of Research, Research Design,

#### **UNIT IV: Legal Writing**

Essentials of Good Legal Writing, Structured Legal Writing: Organization of Legal Materials, Framing of Write Up: Research Question, Title, identifying relevant areas of law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion, Sources of Authority, Citation Methodology, Book Review, Review Article, Plagiarism policy, Bibliography/References.

#### **Unit V: Writing Purposes**

Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purposes; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial Writing, Citation, Reference and Footnoting, Editing and Proof reading, Writing of Research Proposal, Dissertation/ Thesis Writing.

#### **References:**

1. Purohit, Mona. (2016). *Legal Research Methodology*. Central Law Publications.
2. Bruce, L.B. (2001). *Qualitative Research Methods for The Social Sciences*. London. Allyn and Bacon.
3. Kothari, C.R. (1985). *Research Methodology: Methods and Techniques*. New Delhi. Wiley Eastern Ltd.
4. Dennis, P. Forcese and Stephen R. (1970). *Stages of Social Research - Contemporary Perspectives*. New Jersey. Prentice Hall Inc., Englewood Cliffs.
5. Goode and Hall. (1985). *Methods in Social Research*. Singapore. Mac Graw Hill Books Co.
6. Harvard Law Review Association, *The Bluebook: Uniform system of Citation*. Harvard Law Review, Harvard (Latest Edition).
7. Janathan, A. (1971). *Thesis and Assignment Writing*. New Delhi. Wiley Eastern Ltd.



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8. Galtung, J. (1970) *Theory and Methods of Social Research*. London. George Allen & Unwin Ltd.
9. Festinger, L. (1953). *Research Methods in Behavioural Sciences*. New York. Holt, Rinehart and Winston.
10. Pauline, V. Y. (1984). *Scientific Social Surveys and Research*. New Delhi. Prentice Hall of India Pvt. Ltd.
11. Verma, S. K. and Vani, A. (1964). *Legal Research and Methodology*, ILI, New Delhi  
Selltiz, Jahoda *et.al.*, *Research Methods in Social Relations*. New York. Holt, Rinehart and Winston.
12. Gupta K. V. (1995). *Decision Making In The Supreme Court of India (A Jurimetrics Study)*  
– *Alternatives in Judicial Research*. New Delhi. Kaveri Books.



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMC102	DC	COMPARATIVE JURISPRUDENCE	4	0	0	4	60	20	20	0	0

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**Course Objectives:** After studying this paper the students will know-

1. Jurisprudence is a window that gives into the making, mechanics and meaning of law.
2. It also throws light on all intricate factors that go on to make up what is known as law.
3. This module intends to take the students to journey into law and legal concepts.

**Course Outcomes:** The students should be able to:

1. Explain the differences between the major historical schools of jurisprudence concerning the nature of law
2. Identify the major and minor premises of legal arguments and analyze legal debates using appropriate rhetorical vocabulary.

#### Syllabus:

##### UNIT-I

- Introduction to Comparative Jurisprudence
- Schools of Jurisprudence – Natural School, Analytical School, Historical School, Sociological School, Realist School

##### UNIT II

- Theories of Justice- Utilitarianism: Theories of good, Classical Liberalism
- Liberal Egalitarianism: Rawls
- A Jurisprudence of difference: Caste, Class and Race

##### UNIT III

- Feminist Jurisprudence-Introduction
- Patriarchy and Feminist Jurisprudence
  - Understanding Patriarchy



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### SEMESTER II

- Issues and contradictions in feminism
- Sameness and difference debate
- Liberal feminism
- Radical feminism
- Socialist/Marxist feminist approaches

#### UNIT-IV

- Approaches to Human Rights: Universalism and Cultural Relativism
- Basic Needs and Legal Response

#### UNIT V

- Governance and Economy
- Jurisprudential Foundations of Liberal democracy
- The Judiciary, Law and the Comparative Constitutional Adjudication & Courts.
- The Judicial Engagement with Comparative Constitutional Law Perspective. Docket Control and Institutional Success of Constitutional Courts
- The Supremacy of the Constitutions, Rule of Law & Due Process, Comparative Form of Judicial Review and the Rise of Weak-Form of Judicial Review,

#### References:

1. Stone, Julius. (1965). *Human Law and Human Justice*, Stanford University Press, California
2. Frankena, W. K. 'The Concept of Social Justice', in R. B. Brandt (ed.) *Social Justice*, Englewood Cliffs, NJ.
3. Rawls, J. *A Theory of Justice*, Belknap Press (Harvard University Press), New York.
4. N. R. Madhava Menon (ed.). *Social Justice and Social Process*, Indian Academy of Social Science, Allahabad.
5. Gupta, Datta, S. *Justice and Political Order in India*, K. P. Bagchi, Calcutta
6. Barron, Anne (2005). *Introduction to Jurisprudence & Legal Theory* (Oxford University Press
7. Douzinas, Costas and Gearey, Adam (2005). *Critical Jurisprudence: The Political Philosophy of Justice* (Oxford Port Land Oregon).
8. Dias, *Jurisprudence* (5th Edition London-Butterworth).
9. Newey, Glen (2001). *After Politics: The Rejection of Politics in Contemporary Liberal Philosophy*, Palgrave Macmillan.
10. Dryzek, John. (2002). *Deliberative Democracy and Beyond: Liberals, Critiques, Contestations*, Oxford University Press, New York



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### SEMESTER II

11. Iyer, Krishna. (2004). *Rhetoric versus Reality: Essays on Human Rights, Justice, Democratic Values*, Hope India Publications.
12. Freeman, Michael (2008). *Llyod's Introduction to Jurisprudence* (8th Edition).
13. Delgado, Richard. (2010). *Critical Race Theory: An Introduction* (2nd Edition).
14. Posner, Richard. (2011). *Economic Analysis of Law* (8th Edition).
15. Cotterrell, Roger. (1994). *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy* (2nd Edition, Butterworth).
16. Liu, Goodwin (2008). "Rethinking Constitutional Welfare Rights", Vol. 61 Stanford Law Review 209-271.
17. Robinson, Nick. (2009). "Expanding Judiciaries: India and the Rise of the Good Governance Court", Vol. 8 No.1 Washington University Global Studies Law Review 1-69.



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMCE201	DE	LAWS RELATING TO WHITE COLLAR CRIMES AND ORGANIZED CRIMES	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;  
**\*Teacher Assessment** shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** After studying this paper the students will know:

1. Concept of white-collar crime and Organised Crime.
2. Unethical practices in different acts.
3. Response of Indian Legal Order towards the Organised Crime.

**Course Outcomes:** The students should be able to:

1. Understand the concept of White-Collar crime and role of Prosecution agencies.
2. Demonstrate the Laws relative to Prevention of Corruption.

### Syllabus:

#### Unit I: Introduction

- White Collar Crime: Definitional issues, Sutherland's Definition of White Collar Crimes,
- Indian Approaches to Socio-Economic Offences,
- Relationship with other types of crimes, Blue Collar Crime, Corporate Crime, Organized trans-national Crime, Occupational Crime
- Explanation of White Collar Criminality
  - a. Social Learning Theory
  - b. Sutherland's Differential Association theory
  - c. Differential Reinforcement theory
  - d. Neutralization Theory

#### UNIT II: Rationalization of White Collar Offences

- Typical forms of such Crime:
  - ✓ Official Deviance: (Deviance by Legislators, Judges, Bureaucrats),



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### SEMESTER II

- ✓ Professional Deviance: Journalists, Teachers, Doctors, Lawyers, Engineers, Architects and Publishers,
- ✓ Trade Union Deviance (including Teachers, Lawyers/Urban Property Owners),
- ✓ Landlord Deviance (class/caste based deviance),
- ✓ Police Deviance,
- ✓ Deviance on Electoral Process (Rigging, Booth Capturing, Impersonation, Corrupt Practices),
- ✓ Gender-based Aggression by Socially, Economically and Politically Powerful.

#### UNIT- III: Corporate Crime

- Development of the Corporate crime,
- Impact of Industrial Revolution and advancement of technologies and scientific developments on corporate crimes.
- Nature, Extent and consequences of corporate corruption, Prominent patterns and incidences
- Corporate Tax Evasion
- Analysis of corporate criminal liability in India, USA and UK

#### UNIT- IV: Relevant Legislations in India

- Provisions in the Companies Act, 2013 to prevent corporate frauds.
- The Prevention of Corruption Act, 1988
- The Prevention of Money Laundering (Amendment) Act, 2012
- Food Safety and Standards Act, 2006 and Food Safety and Standard Rules, 2011

#### UNIT-V: Legal Analysis, Investigation & Prosecution of Organized Crime

- Mens rea, modus operandi & criminal conspiracy in organized crime
- Role of Police in Investigation of organized crime
- Role of Judiciary, Trial and Sentencing in organized crime
- Legal issues under IPC and Indian Evidence Act.
- Close linkage between organized crime and terrorism – special reference to Maharashtra Control of Organized Crime Act, 1999 & Gujarat Control of Terrorism and Organized Crime Bill 2015.
- Issues & law related to Internal Security; The National Security Act, 1980.
- Armed Forces (Special Powers) Act (AFSPA) 1958

#### References:

1. Gandhirajan, C.K. (2003). *“Organized Crime”*, APH Publishing Corporation, Tamil Nadu.





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### SEMESTER II

2. Ryan, Patrick J. (1997). *“Understanding Organized Crime in Global Perspective: A reader”*, Sage Publications, California.
3. Russell. (2012). *“On Crime”*, Universal Law Publishing Company, New Delhi
4. Albanese, Jay. Reich, Philip, *“Transnational Organized Crime- An Overview from Six Continents”*.
5. Nair, P. M. *“Combating organized crime”*, Konark Publishers, New Delhi.
6. Unnithan, N. Prabha. (2013). *“Crime and Justice in India”*, Sage Publications ,Colorado State University, Fort Collins
7. Pace, Denny F. (1975). *“Organized Crime: Concept and Control, Prentice”*, Hall Englewood Cliffs.
8. Nair, P.M & Sen, Sankar. (2005). *“Trafficking in Women and Children in India”*, Orient Blackswan Publication.
9. Frank, Madsen. (2008). *“Transnational Organized Crime”*, Global Institutions, New Delhi.
10. *“International and Transnational Criminal Law”* by David Luban , Julie R. O'Sullivan, David P. Stewart
11. *“Transnational Organized Crime: A Commentary on the United Nations Convention and its Protocols”* (Oxford Commentaries on International Law) Hardcover – May 17, 2007 by David McClean, Oxford University Press (May 17, 2007)



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMCE202	DE	<b>COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM</b>	4	0	0	4	60	20	20	0	0

**Legends:** L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;  
\***Teacher Assessment** shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** After studying this paper the students will know-

1. Different approaches to Violence in India
2. Different types of violence and State Action
3. Gandhian approach to non-violence.
4. Uses of Criminal Law to combat Atrocities

**Course Outcomes:** The students should be able to:

1. Answer the concepts of collective Violence and approaches.
2. Demonstrate the concept of violence against vulnerable class and legal safeguards thereof.

### Syllabus:

#### UNIT I: Introduction

- Notions of Force, Coercion, Violence
- Distinctions: Symbolic Violence, Institutionalized Violence, Structural Violence
- Legal Order as a Coercive Normative Order, Force-Monopoly of Modern Law
- Constitutional and Criminal Speech: Speech as Incitement to Violence
- Collective Political Violence and Legal Order
- Notion of Legal and Extra-Legal Repression.

#### UNIT II: Approaches to Violence in India

- Religiously Sanctioned Structural Violence
- Caste and Gender Based,
- Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic Traditions in India,
- Gandhiji's Approach to Non-Violence,



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### SEMESTER II

- Discourse on Political Violence and Terrorism during Colonial Struggle,
- Attitudes towards Legal Order as Possessed of Legitimate Monopoly over Violence during the Colonial Period.

#### UNIT III: Agrarian Violence and Repression

- The Nature and Scope of Agrarian Violence in the 18- Centuries India,
- Colonial Legal Order as a Causative Factor of Collective Political (Agrarian) Violence,
- The Telangana Struggle and the Legal Order,
- The Report of the Indian Human Rights Commission on Arwal Massacre.

#### UNIT IV: Violence against the Scheduled Castes

- Notion of Atrocities, Incidence of Atrocities,
- Uses of Criminal Law to Combat Atrocities or contain Aftermath of Atrocities,
- Violence against Women.

#### UNIT V: Communal Violence, Collective Political Violence and State Action

- Incidence and Courses of communal Violence,
- Findings of various Commissions of Enquiry,
- The Role of Police and Para-Military Systems in Dealing with Communal Violence,
- Operation of Criminal Justice System Tiring, and in relation to Communal Violence,
- Electoral Violence and Reforms,
- Violence by Militant and Extremist Groups,
- Violence by Police and Paramilitary Forces,
- State Measures – Statutory and Non-statutory, Role of Civil society.

#### References:

1. Baxi, U. (1988). Dissent, Development and Violence in R. Meagher (ed.) *“Law and Social Change: Indo-American Reflections”*, N.M. Tripathi Publication.
2. Baxi. U. (ed.), *“Law and Poverty: Critical Essays”*, N.M. Tripathi Publication.
3. Desai, A.R. (ed.) *“Peasant Struggles in India”*, Oxford University Press.
4. Desai, A.R. (1986). *“Agrarian Struggles in India: After Independence”*, Oxford University Press.
5. Desai, A.R. (1986). *“Violation of democratic Rights in India”*, Oxford University Press.
6. Dhangare, D.A. *“Peasant Movement in India: 1920”*, Oxford University Press.
7. Guha, Ranjit. (1983). *“Element any Aspects of Peasant Insurgency in Colonial India”*, Ranajit Press.
8. Guha, Ranjit (ed), *Subaltern Studies Vol.1*, Ranajit Press.



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9. Honderich, Ted (1980). *“Violence for Equality”*, Pelican Books.
10. Juergensmeyer, Mark. (1988). *“The Logic of Religious Violence: The Case of Punjab, Contributions to Indian Sociology”*.
11. Kothari, Rajni. *“State Against Democracy: In search of Humane Governance”*, New Horizons Press.
12. Shah, G. (1984). *“Ethnic Minorities and Nation Building: Indian Experience”*.
13. Ambos, Kai, (1997). *“The Role of the Prosecutor of an International Criminal Court from a Comparative Perspective”*, Review International Commission Jurists.
14. Askin, Kelly. (1999). *“Crimes within the Jurisdiction of the International Criminal Court”* Criminal Law Forum, vol.10, n.1, pp. 33-59.
15. Shukla, K.S., (1969). *“Sociology of Deviant Behaviour”* in 3 ICSSR Surveys of Sociology and Social Anthropology.



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LLMCE203	DE	INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME	4	0	0	4	60	20	20	0	0

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\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** After studying this paper the students will know-

1. How an individual accountability for international crimes, including both the substantive law providing for such responsibility, the range of mechanisms available for holding individuals accountable, and critical analysis of the law.

**Course Outcomes:** After the completion of the course the students should be able to:

1. Understand the concept of individual criminal responsibility for international crimes
2. Understand the structure and theoretical assumptions of core international crimes and critical approaches to international criminal law
3. Understand the historical development of international criminal law

### Syllabus:

#### UNIT-I: Introduction

- International Criminal Law
- Individual Responsibility: Historical Development
  - ✓ Treaty of Versailles,
  - ✓ Nuremberg & Tokyo Trials
  - ✓ Genocide Convention, 1948,
  - ✓ Geneva Convention, 1949, ILC Draft Code of Crimes against the Peace and Security of Mankind
- State Sovereignty and International Criminal Law

#### UNIT II General Principles of International Criminal Law

- Crimes and Elements of Crimes
  - ✓ Genocide: Prosecutor V. Akayesu (ICTR 1998); Prosecutor v. Krstic ( ICTY2004)
  - ✓ Modes of Criminal Responsibility and Defences,



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- ✓ Prosecutor v Samuel Hinga Norman, Case No. SCSL-2004-14-AR729E,  
Prosecutor V. Blaskic, (ICTY 2004)

#### UNIT III: International Criminal Court and Tribunal

- International Criminal Court
- ICC Jurisdiction over the Nationals of Non-States parties
- International Criminal Tribunal for Yugoslavia (ICTY)
- International Criminal Tribunal for Rwanda (ICTR)

#### UNIT IV Trans-National Criminal Issues

- The Iraqi Special Tribu
- Universal Jurisdiction, Immunities Ex parte Pinochet (UK House of Lords); Belgium's 1993 Universal Jurisdiction law; ICJ Arrest warrant of 2000 (Congo v .Belgium); Congo v. France; Decisions of the International Court of Justice Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) of 26 February 2007.
- Special Court for Sierra Leone
- Extraordinary Court for Cambodia
- Response of South Asian Countries to the ICC

#### UNIT V Indian and International Perspective

- Indian Perspectives on the ICC
- The Future of International Criminal Law

#### References:

1. Convention on the Prevention and Punishment of the Crime of Genocide, 1948
2. Principles of International Co-operation in the Detection, Arrests, Extradition and Punishment of Persons Guilty of War Crimes, and Crimes against Humanity, 1973
3. Rome Statute of the International Criminal Court, 1998
4. Cassese, Antonio, (2008). *International Criminal Law*, ed.2<sup>nd</sup> Oxford University Press, London.
5. Schabas, William A., (2001). *An Introduction to the International Criminal Court*, Cambridge University Press, Cambridge
6. Ambos, K., (1999) *General Principles of Criminal Law in Rome Statue* Criminal Law Forum, Vol.10, pp. 1-32.
7. Arnold, R, (2003). *The Mens Rea of Genocide under the Statute of the International Criminal Court* Criminal Law Forum, vol.14, n.2, pp. 127-151.



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8. Arsanjani, Mahnoush H. (1999), "*The Rome Statute of the International Criminal Court*" American Journal of International Law, vol. 93, n.1.
9. Bassiouni, M.C., (1997). "*From Versailles to Rwanda in Seventy Five Years: The Need to Establish a Permanent International Criminal Tribunal*", Harvard Human Rights Journal, vol.10, pp. 11-62.
10. Cryer, Robert, "*International Criminal Law vs State Sovereignty: Another Round*" The European Journal of International Law, Vol. 16 No. 5, 979–1000.