



Shri Vaishnav Vidyapeeth Vishwavidyalaya

Master of Laws (Criminal Law)

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*
LLMCL203	DC	COLLECTIVE VIOLENCE	3	0	0	3	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, Discourse on Political Violence and Terrorism during Colonial Struggle, Attitudes towards Legal Order as Possessed of Legitimate Monopoly over Violence during the Colonial Period.



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UNIT III: Agrarian Violence and Repression

The Nature and Scope of Agrarian Violence in the 18-19 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. U. Baxi, Dissent, Development and Violence in R. Meagher (ed.) Law and Social Change: Indo-American Reflections (1988), N.M. Tripathi Publication.
2. U. Baxi (ed.), Law and Poverty: Critical Essays (1988), N.M. Tripathi Publication.
3. A.R. Desai, (ed.) Peasant Struggles in India (1979), Oxford University Press.
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986), Oxford University Press.
5. A.R. Desai, Violation of democratic Rights in India (1986), Oxford University Press.
6. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983), Oxford University Press.
7. Ranajit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983), Ranajit Press.
8. Ranjit Guha, (ed), Subaltern Studies Vol. 1-6 (1983-1988), Ranajit Press.
9. Ted Honderich, Violence for Equality (1980), Pelican Books.
10. Mark Juergensmeyer, The Logic of Religious Violence: The Case of Punjab, Contributions to Indian Sociology (1988).
11. Rajni Kothari, State Against Democracy: In search of Humane Governance (1987), New Horizons Press.
12. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984).
13. K.S. Shukla, Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986).



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMCL204	DC	PRIVILEGED CLASS DEVIANCE	3	0	0	3	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.
2. Official deviance and police deviance.
3. Unethical practices at the Indian bar.
4. Response of Indian Legal Order to the Deviance of Privileged Classes.

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

Conceptions of White Collar Crimes, Indian Approaches to Socio-Economic Offences, Notions 'of Privileged Class Deviance as providing a Wider Categorization of Understanding Indian Development, Typical forms of such Deviance, Official Deviance (Deviance by Legislators, Judges, Bureaucrats), 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 II: Official Deviance

Conception of Official Deviance - Permissible Limit of Discretionary Powers, The Chambal Valley Dacoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971, The Chagla



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Commission Report on LIC-Mundhra Affair, The Das Commission Report on Pratap Singh Kairon, The Grover Commission Report on Dev Raj Urs, The Maruti Commission Report, The Ibakkar-Natarajan Commission Report on Fairfax.

Unit III: Police Deviance

Structures of Legal Restraint on Police Powers in India, Unconstitutionality of Third-Degree Methods and use of Fatal Force by Police, Encounter Killings, Police Atrocities, The Plea of Superior Orders, Rape and Related forms of Gender-Based Aggression by Police and Para-Military Forces, Reform Suggestions especially by the National Police Commissions.

Unit IV: Professional Deviance

Unethical Practices at the Indian Bar, The Lentin Commission Report, The Press Council on Unprofessional and Unethical Journalism, Medical Malpractice.

Unit V:

Response of Indian Legal Order to the Deviance of Privileged Classes

Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947, The Antulay Case.

References:

1. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey' of Sociology and Social Anthropology 1969-179 (1986).
2. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Cambay & Co., Calcutta.
3. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
4. Upendra Baxi (ed.), Law and Poverty: Essays (1988), N.M. Tripathi Publication.
5. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989), Eastern Book Company.
6. Surendranath Dwevedi and G.S. Bhargava, Political Corruption in India (1967), Popular Book Services, Lalvani Brothers.
7. A.R. Desai (ed.) Violation of democratic Rights in India (1986), Sangam Books Ltd.
8. A.G. Noorani, Minister's Misconduct (1974), Vikas Publishing House.
9. B.B. Pande, The Nature and Dimensions of Privileged Class Deviance in The Other Side of Development 136 (K.S. Shukla ed., 1987).
10. R. Indira, Patterns of Trade Union Leadership in Dhanbad Coal fields (1981), Journal of Indian Law Institute.



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMCL205	DC	COMPARATIVE CRIMINAL PROCEDURE	3	0	0	3	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 student will know:

1. Organization of Courts and Prosecuting Agencies.
2. Pre- trial and trial procedures.
3. Institutional correction of the offenders.
4. Public Interest Litigation.

Course Outcome: The students should be able to:

1. Understand the Administration of Criminal Justice in India.
2. Demonstrate the corrective measure of offenders and Public Interest Litigation in Criminal Law.

Syllabus

Unit I: Organization of Courts and Prosecuting Agencies

Hierarchy of Criminal Courts and their Jurisdiction, Nyaya Panchayats in India, Panchayats in Tribal Areas, Organisation of Prosecuting Agencies for Prosecuting Criminals, Prosecutors and the Police, Withdrawal of Prosecution.

Unit II: Pre-trial Procedures

Arrest and Questioning of the Accused, The Rights of the Accused, The Evidentiary Value of Statements / Articles Seized / Collected by the Police, Right to Counsel, Roles of the Prosecutor and the Judicial Officer in Investigation.

Unit III: Trial Procedures

The Accusatory System of Trial and the Inquisitorial System, Role of the Judge, the Prosecutor



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and Defence Attorney in the Trial, Admissibility and Inadmissibility of Evidence, Expert Evidence, Appeal of the Court in Awarding Appropriate Punishment, Plea Bargaining.

Unit IV: Correction and Aftercare services

Institutional Correction of the Offenders, General Comparison - After - care Services in India and France, The role of the court in correctional programmes in India.

Unit V: Preventive Measures in India & Public Interest Litigation

Provisions in the Criminal Procedure Code, Special Enactments, Public Interest Litigation-Directions for Criminal Prosecution.

References:

1. Celia Hampton, Criminal Procedure(1973), Sweet and Maxwell.
2. Wilkins and Cross, Outline of the Law of Evidence (1996), Oxford University Press.
3. James Richardson, Archbold: Pleading, Evidence and Practice in Criminal Cases (2005), Sweet and Maxwell.
4. S.C. Sarkar, Law of Evidence (2018), Lexis Nexis Butterworths Wadhwa.
5. K.N.Chandrasekharan Piilal (ed.), R. V. Kelkar's Outlines of Criminal Procedure (2000), Eastern Book Company.
6. Patrick Devlin, The Criminal Prosecution in England (1958), Yale University Press.
7. Kin Chin, American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China (1985), Fred B. Rothman and Co.
8. John N. Ferdico, Criminal Procedure for the Criminal Justice Professional (1996), West Publishing Company.
9. Sanders and Young, Criminal Justice (1994), Butterworths Law.
10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997), West Law Publication.
11. Criminal Procedure Code,1973, Universal Law Publications.
12. The French Code of Criminal Procedure 2005 with Latest Amendmants. (if any)
13. 14th and 41st Reports of Indian Law Commission.
14. The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US, France, Russia and China.



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMCL206	DC	CRIMINOLOGY	3	0	0	3	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 student will know:

1. Penal law and the penalties that are associated with disregarding criminal laws have been created with various objectives in mind.
2. Court-authorized legal sentences are not created and decided upon simply for the amusement of the court.

Course Outcome: The students should be able to:

1. Students will demonstrate academic proficiency in the core criminal justice areas (Law enforcement, law & Corrections).
2. Students will be able to evaluate ethical issues related to the criminal justice system and criminology.
3. Students will be able to identify issues of diversity and social justice in relation to the workings of the criminal justice and criminology.

Syllabus

UNIT I: Introduction to Criminology

Criminology – Definition, Nature, Scope and Utility, Methods of Criminological Studies, Theories of Criminal Etymology: Lombroso and Neo-Lombrosian, Psycho-analytical, Differential Association, Anomie, Critical Criminology with special reference to Labelling, Interactionism and Conflict Theory.

UNIT II: Schools of Criminology

Schools of Criminology: Classical, Biological, Cartographical, Sociological and Socialist.



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UNIT III: Changing Concept of Criminology

Modern Trends in Criminology: Phenomenology, Postmodernism and Feminism and Crime, Punishments: Concept and Theories, Death Sentence,

UNIT IV: Treatment of Offenders

Treatment of Offenders: Prison, Probation and Parole. Crime and Criminal Law, Elements of Crime: External and Internal Intention, Negligence, Relevance of Motive, Strict Liability.

UNIT V: Victimology and NDPS

Victimology: Meaning, Nature, Scope & Utility, Narcotic Drugs and Psychotropic Substances Act, 1985, Salient Features, National & International perspective.

References:

1. Indian Penal Code, 1860 (2019 with Amendment) Universal Law Publication.
2. T. Ramanujam, Prevention and Detection of Crime (1942), Madras Book Agency.
3. E. H. Sutherland, Principles of Criminology (1968), Times of India Press.
4. Narcotic Drugs and Psychotropic Substances Act, 1985, Universal Law Publications.
5. United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
6. J. Livingston, Crime and Criminology (1996), Prentice Hall Publications.
7. Gilling Daniel, Crime Prevention: Theory, Policy and Politics (1997), UCL. Press Ltd.
8. Frank J. Schnalleger, Criminology Today: An Integrative Introduction (1999), Prentice Hall Publication.
9. Ram Ahuja, Criminology (2000), Rawat Publication.
10. N.V. Paranjape, Criminology and Penology (2001), Central Law Publication.
11. Williams S. Katherine, Criminology (2004), Oxford University Press.
12. Larry J. Siegal, Criminology (2007), Wordsworth Thomson Learning.
13. Maguire Mike, Morgan Rod and Reiner Robert, The Oxford Handbook of Criminology (2007), Oxford University Press.
14. Frank E. Hagan, Introduction to Criminology (2008), Sage Publications Inc.
15. Joycelyn M. Pollock, Justice in Criminal Law (2013), Routledge, Taylor & Francis Group.
16. Crime in India published by National Crime Record Bureau, Ministry of Home Affairs, Delhi.