



Shri Vaishnav Vidyapeeth Vishwavidyalaya

Master of Laws (Criminal Law)

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 ^{†*}
LLMFC101	DC	RESEARCH METHODS AND LEGAL WRITING	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 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

Research Definition, Objective of research, Types of research, Significance of research, Research Design, Various Steps in Research: Research Process, Research Problem: Identification and Formulation, Hypothesis, Use of Library, Use of Modern Technology/Computer Assisted Research.

UNIT II: Tools & Techniques for Collection of Data


Primary and Secondary Sources, Literature Review, Observation Method, Questionnaire, Interview, Case study, Sampling, Jurimetrics.

UNIT III: Analysis and Interpretation of Data

Use of Deductive and Inductive Methods in Research, Preparation of Research Report and Writing of Research report, Budgeting of Research, Ethical and Legal Issues: Plagiarism and Copyright Violation.


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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.

Unit V: Writing Purposes

Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purposes; Writing for Court Purposes: Briefs, Complaints 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. Bruce, L.B. (2001). *Qualitative Research Methods for The Social Sciences*. London. Allyn and Bacon.
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11. Gupta K. V. (1995). *Decision Making In The Supreme Court of India (A Jurimetric 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*
LLMFC102	DC	COMPARATIVE PUBLIC LAW / SYSTEMS OF GOVERNANCE	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. Meaning of constitution, its nature and goal.
2. Concept of constitutionalism and essential features of constitutionalism.
3. Rule of Law and separation of power.
4. Constitutional review.

Course Outcomes: The students should be able to:

1. Understand the concept of Constitution, difference between Constitution and Constitutionalism, Constitutional Review and the essential features of Constitution.
2. Demonstrate the Dicey's Concept of Rule of Law and the role of Separation of Power in Indian Administrative perspective.

Syllabus:

UNIT I: Concept of Constitution

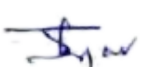
Meaning and Idea of Constitution, Nature and Goals, Living Constitution, Constitution as Supreme Law, Relevance, Problems and Concerns in Using Comparison, Concept of constitutionalism, Distinction between Constitution and Constitutionalism, Essential features of Constitutionalism -Written Constitution.

UNIT II: Separation of power

Separation of Powers, Fundamental Rights, Independence of Judiciary and Judicial Review, Supremacy of Legislature in Law Making, Rule of law; Dicey's Concept of Rule of Law, Modern Concept of Rule of Law, Social and economic rights as part of rule of law, Concept of Separation of Powers, Checks and Balances, Separation of Powers or Separation of Functions.


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UNIT III: Forms of Governments

Federal and Unitary Forms; Features, Advantages and Disadvantages, Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism, Parliamentary and Presidential Forms of Government.

UNIT IV: Constitutional Review

Methods of Constitutional Review; Judicial and Political Review, Concentrated and Diffused Review, Anticipatory and Successive Review, Concept and Origin of Judicial Review, Limitations on Judicial Review

UNIT V: Amendment of Constitution


Various Methods of Amendment, Limitations on Amending Power: Comparative Perspective, Theory of Basic Structure: Origin and Development

References:

1. Forsyth, C. Elliott, M. Jhaveri, S. (2010). *Effective Judicial Review: A Cornerstone of Good Governance*. New Delhi. Oxford University Press.
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3. Strauss, D. (2010). *The Living Constitution*. New Delhi. Oxford University Press.
4. Kashyap, S. (2004). *Framing of Indian Constitution*. New Delhi. Universal Law Publication.
5. Giussani, E. (2008). *Constitutional and Administrative Law*. London. Sweet and Maxwell.
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8. Singh, M.P. (1989). *Comparative Constitutional Law*. Lucknow. Eastern Book Company.
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12. Khilnani, S. Raghavan, V. Thiruvengadam, A. (2013). *Comparative Constitutionalism in South Asia*. New Delhi. Oxford University Press.
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Articles:

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2. Smith, Anne (2011). *Internationalization and Constitutional Borrowing in Drafting Bills of Rights*, International and Comparative Law Quarterly, Vol. 60(4), 867-894.
3. Ackerman, Bruce, (2000). *The New Separation of Powers* Harvard Law Review, Vol. 113 (3), 634-729.
4. Clark, Bryan and Leiter, Amanda (2011). *Regulatory hide and seek: What agencies can (and can't) do to limit judicial review*, Boston College Law Review, Vol. 52(5), 1687-1732.
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7. Levinson, Daryl and H. Pildes, Richard (2006). *Separation of Parties, Not Powers*, Harvard Law Review, Vol. 119(8), 2311-2386.
8. King, David (2011). *Formalizing Local Constitutional Standards of Review and the Implications for Federalism*, Virginia Law Review, Vol. 97 (7), 1685-1726.
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10. Singh, Devi Prasad (2012). *Sovereignty, Judicial Review and Separation of Power*, Supreme Court Cases, Vol. 7(5), 1-13.
11. Staszewski, Glen (2012). *Political Reasons, Deliberative Democracy and Administrative Law*, Iowa Law Review, Vol. 97(3), 849-912.
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18. Chapman, Nathan (2012). *Due Process as Separation of Powers*, Yale Law Journal, Vol. 121(7), 1672-1807.
19. Rosenkranz, Quinn (2010). *Subjects of the Constitution*, Stanford Law Review, Vol. 62 (5), 1209-1292.


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20. Sharma, Rajvir (2012). *Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India*, Indian Journal of Public Administration, Vol. 58(2), 264-286.
21. Brown, Rebecca (2011). *Assisted Living for the Constitution*, Drake Law Review, Vol. 59 (4), 985-1000.
22. Schapiro, (2011). *Judicial Federalism and the Challenges of State Constitutional Contestation*, Penn State Law Review, Vol. 115(4), 983-1006.
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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMFC103	DC	LAW AND JUSTICE IN A GLOBALIZING WORLD	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. Meaning and forms of globalization.
2. Impact of globalization on sovereignty of states.
3. Impact of globalization on Human Rights and Trade Law.
4. Globalization and social justice.

Course Outcomes: The students should be able to:

1. Understand the concept and meaning of globalization and its impact on Sovereignty of states, Human Rights, Trade Law, Employment etc.
2. Demonstrate the concept of globalization and social justice according the John Rawl's Theory.

Syllabus:

UNIT I: Introduction to Globalization

Globalization: Meaning, Reach and Form, Social, Political, and Economic Dimensions of Globalization, Emergence of Transnational Law in a Globalizing World.

Unit II: Impact of Globalization


Impact of Globalization on Sovereignty of States, Impact of Globalization on Federalism and Democratic Law Making, Impact of globalization on Human Rights and Trade Law.

Unit III: Globalization and Development

Globalization and Free Market, Impact on welfare state, Natural Resources, Environment, Displacement for Development, Problem of Unemployment and Poverty.


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Unit IV: Concept of Justice and Administration

Concept of Justice in a Globalizing World, Globalization and Social Justice/Distributive Justice, Impact of Globalization on Judicial Process and Administration of Justice, Globalization and Universal Values, Concept of Global Justice, Cosmopolitanism.

Unit V: Sustainable Development and Justice

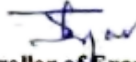
Concept of Environmental justice and its relation to sustainability: historical, geographical and political-economic perspective, Natural resources are related to social justice, Unequal development of Natural Resources in globalised world.

References:

1. Kuper, A. (2006). *Democracy Beyond Borders: Justice and Representations in Global Institution*. Oxford. Oxford University Press.
2. McGrew, A. and Held, D. (2002). *Governing Globalization: Power, Authority and Global Governance*. Cambridge. Polity Press.
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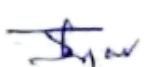
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Articles:

1. Singh, A.P. (2008). *Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions*. Journal of Constitutional and Parliamentary Studies, Vol. 42, 62-78.
2. Sinha, A.K. (2010) *Human Rights in the Era of Globalization*. Madras Law Journal, Vol. 245 (6), 124-136.
3. Hazra, A. (2009). *Indians in Need of Rehabilitation*. Indian Journal of Public Administration, Vol. 8(3), 29-35.
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8. Boutros and Branislav. (2011). *Global Leadership and Global Systematic Issues: South, North and United Nations in a 21st Century World II*. Economic and Political Weekly, Vol. 46, 23-35.
9. Cameron and Gunningham. (2011). *Natural Resources, New Governance and Legal Regulation: When Does Collaboration Work*. New Zealand Universities Law Review, Vol. 24 (3), 309-336.
10. Gohain, H. (2010). *Livelihood Losses and National Gains*. Economic and Political Weekly, Vol. 45 (51), 79-80.
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15. Ku, Julian and Yoo, John (2011). *Globalization and Structure*, William and Mary Law Review, Vol. 53(2), 431-480.
16. Khosla, Madhav (2011). *Inclusive Constitutional Comparison: Reflections on India's Sodomy Decision*, American Journal of Comparative Law, Vol. 59 (4), 909-934.
17. Piewitt, Martina (2010). *Participatory Governance in the WTO: How Inclusive is Global Civil Society* Journal of World Trade, Vol. 44 (2), 467-488.
18. Levien, Michael (2011). *Rationalizing Dispossession: Land Acquisition and Resettlement Bills*, Economic and Political Weekly, Vol. 46 (11), 66-71.
19. Hoffman, Micheal (2010). *Job Losses and Perceptions of Globalization*, Journal of World Trade, Vol. 44 (5), 967-984.
20. Adams, Michelle *Is Integration a Discriminatory Purpose*, Iowa Law Review, Vol. 96 (3) 837-884 (March).
21. Varshney, Nikhil (2011). Devaditya Chakravarti, *Displacement Policies: Issues and People's Responses*, Vitasta Law Review, Vol. 1, 157-176.
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30. Banerjee, Swapna (2011). *Contemporary Globalization and the Politics of Space*, Economic and Political Weekly, Vol. 46, 41-44.
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							THEORY		PRACTICAL		
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LLMCL101	DC	JUVENILE DELINQUENCY (CHILD IN CONFLICT WITH LAW)	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. Basic concept of Juvenile Delinquency.
2. Juvenile Delinquency in Indian perspective.
3. Juvenile Delinquency act and constitutional provisions.
4. Preventive measures for Juvenile Delinquency.

Course Outcomes: The students should be able to:

1. Understand the basic concept of juvenile justice law in Indian and International Perspective.
2. Demonstrate the Judicial Contribution to juvenile delinquency and the implementation of preventive strategies according to various welfare programs organized for child in conflict with law.

Syllabus:

UNIT I: The Basic Concepts & Determining Factors of Juvenile Delinquency


The conception of 'child' in Indian Constitution and Penal Code, Delinquent juvenile, Neglected juvenile, The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children), Different association, Anomie, Economic pressure, Peer group, influence, Gang sub-culture, Class differentials.

UNIT II: Legislative Approaches

Legislative approaches during the late colonial era, Children's Act, Legislative position in various States, The Juvenile Justice Act, Constitutional aspects, Distinction between Neglected and delinquent juveniles, Competent authorities, Processual safeguards for juveniles, Powers given to government, Community participation as envisaged under the Act.


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UNIT III: Indian Context of Juvenile Delinquency

The child population percentage to total sex-ratio, urban/rural/rural-urban, Neglected - below poverty line, physically and mentally disabled, orphans, destitute, vagrants, Laborers, In organised industries like zari, carpet, bidi, glass, In un-organised sector like domestic servant, shops and establishments, rag-pickers, family trade, Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background, Drug addicts, Victims, of violence - sexual abuse, battered, killed by parents, of criminal activities like bootlegging, drug pollution as a response of protective, approach.

UNIT IV: Judicial Contribution

Social action litigation concerning juvenile justice, Salient judicial decisions, Role of legal profession in juvenile justice system.

UNIT V: Implementation & Preventive Strategies

Institutions, bodies, personnel, Recruiting and funding agencies, Recruitment qualifications and salaries or fund, Other responsibilities of each agency/person, Coordination among related agencies, Accountability-annual reports and accessibility of public to juvenile justice Institution, Preventive Strategies, State Welfare programmes health, nutrition, ICWS, grants-in-aid, State Welfare programmes health, nutrition, ICWS, grants-in-aid, Compulsory education Role of community, family, voluntary, bodies, individuals.

References:

1. Krishnamurthy, V. and Rao, B. (1986). *National institute of Social Defence, Model Rules under the Juvenile Justice Act.*
2. Shukla, K.S. (1985) *Adolescent Thieves and Differential Association*, New Delhi: Sage Publication.
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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment *	END SEM University Exam	Teachers Assessment *
LLMCL102	DC	PENOLOGY AND TREATMENT OF OFFENDERS	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. Theories of punishment and Indian approaches to penology.
2. Capital Punishment and their judicial attitude.
3. Different modes of sentencing.
4. Principal types of sentences in the Penal Code and special laws.

Course Outcomes: The students should be able to:

1. Understand the concept of Penology and the different theories of punishment given by various jurist.
2. Demonstrate the different kinds of sentences and imprisonment given to the offenders.

Syllabus:

UNIT I: Introduction

Definition of Penology, Theories of Punishment, Approaches to Sentencing, Alternatives to Imprisonment, The State of Institutional Incarceration in India: Jails and other custodial institutions, The problematic of Capital Punishment, Penology in relation to, privileged class deviance, Penology in relation to marginalized deviance or criminality, The distinctive Indian (historical and contemporary) approaches to penology.

UNIT II: Theories of Punishment

Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural, prevention: Incapacitation, Behavioural prevention: Rehabilitation – Expiation, Classical Hindu and Islamic approaches to punishment.


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Master of Laws (Criminal Law)

UNIT III: The Problem of Capital Punishment

Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law, Law Reform Proposals.

UNIT IV: Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective Labour, Fines, Collective fines, Reparation by the offender/by the court, Principal types of sentences in the Penal Code and special laws, Sentencing in white collar crime, Pre-sentence hearing, Sentencing for habitual offender, Summary punishment, Plea-bargaining.

UNIT V: Imprisonment


The state of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial surveillance - basis - development reforms.

References:

1. Chhabbra, Singh, Kirpal (1970) *The Quantum of Punishment in Criminal Law*, Chandigarh Publication Bureau.
2. Hart, H.L.A. (1968) *Punishment and Responsibility: Essays in the Philosophy of Law*, Oxford: Oxford University.
3. Packer, Herbert L. (1968) *The Limits of Criminal Sanction*, California: Stanford University Press.
4. Ross, Alf (1975) *On Guilt, Responsibility and Punishment*, London: Louisiana Law Review.
5. Siddique, Ahmad (1984) *Criminology and Penology*, Lucknow: Eastern Book Company.
6. Law Commission of India, Forty-Second Report on Indian Penal Code, (1971).


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