



Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

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	DC	LAW AND SOCIAL TRANSFORMATION	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. This course is designed to create awareness in the students who are the future generations of India about the Indian approaches to social and economic problems and to address the remedial measures through Law as an instrument of social control and change.
2. Further, it aims to create awareness in the minds of t students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law.

Course Outcomes: The students should be able to:

1. Understand the Social Changes after the implementation of Law.
2. Demonstrate independent, critical thinking on the history, and social and political character of legal change
3. Reflect upon and analyse the moral and ethical content and impact of law as it impacts on social change.

UNIT- I: Law and Social Change

- Law as an instrument of social change: Roscoe Pound's Social engineering.
- Law as a product of traditions and culture
- Introduction of common law system and institutions in India and the impact of received law on the Indian Social and Legal Order.
- Limits of Law in bringing out social change.
- Impact of Social Movement

UNIT- II: Women, Children and Law

- Status of Women in Indian Society
- Crimes against women.


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Shri Vaishnav Vidyapeeth



Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

- Gender injustice and its various forms.
- Women's Commission.
- Empowerment of women: Constitutional and other legal provisions.
- **Children and the law**
- Status of Children in Indian Society
- Child labour
- Adoption and related problems.
- Children and education
- Constitutional aspects

UNIT- III: Religion, Language and Law

- Religion as an integrating and divisive factor.
- Secularism as a solution to the problem.
- Reform of the law on secular lines: Problems.
- Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law vi. Religion based conflicts
- Language as an integrating and divisive factor: formation of linguistic states.
- Constitutional guarantees to linguistic minorities.
- Language policy and the Constitution: Official language Act 1963; Multi-language system
- Non-discrimination on the ground of language

UNIT-IV: Community, Regionalism and the Law

- **Community and Law-** Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination- Scheduled castes, Tribes and Backward classes, Reservation: Statutory Commission, Statutory provisions.
- **Regionalism and the law-** Regionalism as a divisive factor, concept of India as one unit, Right of Movement, residence and business, impermissibility of state or regional barriers, Equality in matters of employment-the slogan "sons of the soil" and its practice, Admission to educational institutions, preference to residents of a state.

UNIT-V: Modernisation and Law

- Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- Modernisation of social institutions through law: Limits of Law
- Civil law: (ADR) Confrontation vs. consensus; mediation and conciliation; Lok adalats
- Democratic decentralization and local self-government


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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

- Socialist thought on law and justice: An enquiry through constitutional debates on the right to property
- Naxalite/Maoist movement: cause and cure.

References:

1. Galanter, M. (1977). *Law and Society in Modern India*. New Delhi. Oxford University Press.
1. Malik, K.P & Raval, K.C. (2007). *Law and Social Transformation in India*. New Delhi. Allahabad law Agency.
2. Bhat, I.P. (2004). *Law and Social Transformation in India*. Lucknow. Eastern Book Company.
3. Lingat, R. (1998). *The Classical Law of India*. New Delhi. Munshiram Maniharlal Publishers.
4. Baxi, U. (1982). *The Crisis of the Indian Legal System*. New Delhi. Vikas Publishers.
5. Duncan, J & Derret, M. (1999). *The State, Religion and Law in India*. New Delhi. Oxford University Press.
6. Seervai, H.M. (1996). *Constitutional Law of India*, New Delhi. Universal Publishing House.


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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMC101	DC	COMPARATIVE CONSTITUTION LAW AND GOVERNANCE	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. A Constitution is being the supreme Law of the Land; it derives its directives from various aspects.
2. It is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within a side the country.
3. In inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be study to give an understanding of the significance of the dictums of a constitution.

Course Outcomes: The students should be able to:

1. Understand the concept of Constitution and Constitutionalism.
2. Demonstrate the process of the differences that exist in the basic structural patterns in the constitutional perspective in the world.

Syllabus:

UNIT-I CONSTITUTION & CONSTITUTIONALISM

- Constitution: Concept, Nature and Importance of Constitution-Evolution of Constitutional Values-Requisites of Ideal Constitution-Historical Evolution of Constitutional Government
- Constitutionalism: Concept-Evolution-Limitations on Government Power, Constitutional Supremacy-Separation of Power

UNIT-II COMPARATIVE CONSTITUTIONS

- Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making


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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

- Types of Constitutions: Written Constitutions-U.S.A, Canada, Australia and India; Unwritten Constitutions-England

UNIT-III JUDICIAL REVIEW & CIVIL RIGHTS

- Judicial Review in India-Fundamental Rights; Writ Jurisdiction-A Comparative Study with UK and USA
- Civil Liberties/Rights: Structure, Enforcement of Individual Rights, Group Rights, National Security

UNIT-IV FEDERALISM

- Federalism: Concepts of Federalism and Federal Government-Conditions Essential for Federalism; Patterns of Federal Government: U.S.A, Australia, Canada and India
- New Trends in Federalism: Cooperative Federalism-Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism

UNIT-V PARLIAMENTARY PRIVILEGES AND AMENDMENT PROCESS

- Parliamentary privileges-comparative study with different countries
- Parliamentary privileges and anti-defection Law
- Need for Legislation on Parliamentary privileges in India
- Process of amendment
- Types of Amendment
- Judicial scrutiny of Amendments to the constitution.

References:

1. Forsyth, C. Elliott, Jhaveri, M. S. (2010). *Effective Judicial Review: A Cornerstone of Good Governance*. New Delhi. Oxford University Press.
2. Basu, D.D. (2014). *Comparative Constitutional Law*. Nagpur. Wadhwa and Wadhwa, 2nd ed.
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.
6. Chemerinsky, E. (2006). *Constitutional Law, Principles and Policies*. Aspen Treatise Series 3rd ed.
7. Pylee, M.V. (2006). *Constitution of the World*. New Delhi. Universal Law Publication.
8. Singh, M.P. (1989). *Comparative Constitutional Law*. Lucknow. Eastern Book Company.
9. Devins, N and Fisher, L. (2010). *The Democratic Constitution*. London. Oxford University Press.


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LL.M. (Criminal Law)

2021-23

SEMESTER I

10. Ray, S.N. (1974). *Judicial Review and Fundamental Rights*. Kolkata. Eastern Law House.
11. Swamy, S.K. (2009). *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine*. New Delhi. Oxford University Press.
12. Khilnani, S. Raghavan, V. Thiruvengadam, A. (2013). *Comparative Constitutionalism in South Asia*. New Delhi. Oxford University Press.
13. David, V. and Tushnet, M. (2009). *Global Perspectives on Constitutional Law*. New Delhi. Oxford University Press.
14. Basu, D. D. “*Comparative Constitution Law*”, LexisNexis India, Gurgaon.
15. Basu, D. D. “*Introduction to the Constitution of India*”, Lexis-Nexis, New Delhi.
16. Kommers, Donald.(1976). “*The Value of Comparative Constitutional Law*”, 9 J. Marshall J. Prac. & Pro. 685.
17. Elkins, Z Ginsburg, T. Melton, J. (2009). *The Endurance of National Constitutions*. Cambridge.Cambridge University Press.

Articles:

1. Ullah, Aman and Samee, Uzair, (2011). *Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights*, South Asian Studies Vol. 26 (2) 299-309.
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.
5. Agarwal, Chhavi (2010). *Rule of Law: Reflection upon we the People and Beyond*, Madras Law Journal, Vol. 252 (1), 8-16 (2010).
6. B. Rodriguez, Daniel (2011). *Change that matters: Essay on State Constitutional Development*, Penn State Law Review, Vol. 115(4), 1073-1098.
7. Levinson, Daryl and H. Pildes, Richard (2006). *Separation of Parties, Not Powers*, Harvard Law Review, Vol. 119(8), 2311-2386.


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LL.M. (Criminal Law)

2021-23

SEMESTER I

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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMCE101	DE	GENERAL PRINCIPLES OF CRIME	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. The objectives of Criminal law are the protection of persons and property, the deterrence of criminal behavior, the punishment of criminal activity and rehabilitation of the criminal.

Course Outcomes: The students should be able to:

1. Do analytical, critical and comparative study of the Criminal laws, principles, doctrine, rules and regulation related to their specialized subject.
2. Study the Criminal law with a different perspective of different Crimes in Globalized world and its implication in India and the world at large.

Syllabus:

UNIT-I Criminal Jurisprudence and Elements of Crimes

- Jurisprudence in Criminal Laws
- Principles of Criminal Law
- Concept of Crimes, Elements, Transferred Malice, Liability, Stages of Crimes,
- Influence of various schools in framing the Indian penal code 1860 – Historical background
- Elements or Conditions of Criminal Liability
- *Actus reus* or the Harm Principle
- Elements of Crime: External and Internal Intention, Recklessness, Negligence, Relevance of Motive, Strict Liability.
- *Mens rea* or the Guilty mind or Blame worthiness principle
- Concurrence or the Concurrence Principle


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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

UNIT II: Complicit Criminality and Incomplete or Inchoate Crimes

- Abetment
- Conspiracy
- Group or Joint Liability U/S's 34 or 149 IPC
- Attempts under the Indian Penal Code

UNIT-III: General Exceptions & Statutory Offences

- General Exception,
- Joint and Constructive Crime
- Statutory offences against the state and concerning armed forces
- Offences against Body- Culpable Homicide and Murder

UNIT-IV: Offences against Women

- Crimes against Women- Provisions of IPC and Contemporary enactments
 - ✓ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 - ✓ Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995
 - ✓ The Immoral Traffic (Prevention) Act, 1956
 - ✓ Dowry Prohibitions Act 1961

UNIT V: Offences against Vulnerable Groups

- Crimes against Children- Provisions of IPC and Protection of Children from Sexual Offences Act (POCSO) 2012
- Crimes against Socially-Economically disadvantaged people, Minorities (SC/ST).
- Crimes against Sexual Minorities and Laws- Trans-genders, Gay, Lesbian etc.
- Crimes against Persons with special needs i.e. Disables, Mentally ill and laws related thereto.

References:

1. Gaur, K.D. (1999). Criminal Law: Cases and Materials, Butterworths: India.
2. Dhirajlal, Ratanlal. (1994). Indian Penal Code, (reprint).
3. Gaur, K.D. (1998). A Text Book on the Indian Penal Code, Universal: Delhi.
4. Pillai, Achuthan, P.S. (1995). Criminal Law, Eastern: Lucknow.
5. Hidaythulla, M., et.al. Ratanlal and Dhirajlal, (1994). The Indian Penal Code, Wadhwa & Co.: Nagpur.
6. Gandhi, B.M. (1996). Indian Penal Code, Eastern Book Company: Nagpur.


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LL.M. (Criminal Law)

2021-23

SEMESTER I

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*
LLMCE102	DE	JUVENILE JUSTICE: LAW AND POLICY	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. To understand the basic concepts of WTO
2. To understand the agreements governing Global Trade
3. To acquaint the student understand the dispute settlement procedure in this area.

Course Outcomes: The students should be able to:

1. Explain about the basic functioning of WTO, GATT and GATS.
2. Understand Dispute Settlement Mechanism procedures
3. Understanding sale of goods and international commercial contracts
4. Acquaint with various contemporary developments in the field of Global Trade

Syllabus:

UNIT I: Introduction


Definitions, History of juvenile justice, Juvenile justice system vs. Criminal justice system, Juvenile Justice (Care and Protection) Act 2015, State specific legal provisions (Tamil Nadu Juvenile Justice (Care and Protection) Rules, 2017), Conceptual clarity on Legal frameworks (POCSO, ITPA, Child Labour Act, Information Technology Act, Child Marriage Act), Familiarization of various other laws relating to children in India, Best interest of the child, Identifying appropriate practitioners/stakeholders (includes special educators, translators, interpreters, psychologists and psychiatrists)

UNIT II: Rights of the Child

Basic rights, Child rights as human rights, United Nations Convention on the Rights of the Child (UNCRC), Legal protection for children, Fundamental rights as defined by the Constitution of India, National Commission for protection of child rights, State Commission for the protection of child rights


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Controller of Examination
Shri Vaishnav Vidyapeeth


Joint Registrar
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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

UNIT III: Institutions in India for Children in Conflict with Law Juvenile Justice Board

(JJB): Composition of the Board, Powers, functions and responsibility, Procedure in relation to children in conflict with law, Special focus on Section 15 (Preliminary assessment in heinous offences) - Powers of children's court, Observation homes, Special home, Borstal school, Special juvenile police unit, Managing the unrest of children in child care institutions, Managing deviant behaviour in juvenile justice institutions

UNIT IV: Institutions in India for Children in Need of Care and Protection

Child Welfare Committee (CWC): Composition of the Committee, Powers, functions and responsibility, Procedure in relation to children in need of care and protection, Open shelter, Place of safety, Foster care, Children's/Shelter homes, Institutions' roles (public/private), Adoption and sponsorship of children

UNIT V: Juvenile Justice Process

Pre-trial, trial and sentencing, Probation, Juvenile deterrence practices, Rehabilitation and social re-integration, After care programs, Nature and role of diversion programmes, Disposition process; Social Investigation and Reporting and its impact on rehabilitation, Individual Care Plan (ICP) – Legal and ethical role, Communication skills and attitudes (move away from apathy to empathy) of Practitioners (Special Juvenile Police Unit) in pre-trial and during trial for timely disposition of cases and forensic investigations/interviewing, Role of families/guardians (support persons) in the trial and post-trial process, Repatriation, Child-friendly atmosphere to be initiated and implemented in courts (JJB and CWC) and police stations, Best practices (Local and International)-Do's and Don'ts

References:

1. Bueren, G. V. (1998). The International Law on the Rights of the Child. The Hague: Martinus Nijhoff.
2. Champion, D. J. (2001). The Juvenile Justice System: Delinquency, Processing and the Law. New Jersey: Prentice Hall.
3. Cox, S. M. (2017). Juvenile Justice: A Guide to Theory, Policy and Practice. Los Angeles: SAGE.
4. Freeman, M. D. (2014). The Future of Children's Rights. Leiden, The Netherlands: Brill Nijhoff.
5. Juvenile Justice (Care and Protection of Children) Act, 2015 (Ind.).
6. Kumari, V. (2012). The Juvenile Justice System in India: From Welfare to Rights. New Delhi: Oxford University Press.


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Shri Vaishnav Vidyapeeth


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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

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8. Merlo, A. V., Benekos, P. J., & Champion, D. J. (2016). The Juvenile Justice System: Delinquency, Processing and the Law. Boston: Pearson.
9. Whitehead, J. T., & Lab, S. P. (2013). Juvenile Justice: An Introduction. Waltham, MA: Lexis Nexis Matthew Bender.
10. Coicaud, J.M. and Doyle, M.W. *et al.* (2003). *The Globalization of Human Rights*. Tokyo. United Nations University Press.
11. Baylis, J and Smith, S. *et al.* (2008). *The Globalization of World Politics: An Introduction to International Relations*. Oxford. Oxford University Press.
12. Ladeur, K.H. (2004). *Public Governance in the Age of Globalization*. New York. Routledge Publications.
13. Valentini, L. (2011). *Justice in a Globalizing World: A Normative Framework*. Oxford. Oxford University Press.
14. Abouharb, M. and Cingranelli, D. (2007). *Human Rights and Structural Adjustment*. Cambridge. Cambridge University Press.
15. Greiff, P.D. and Cronin, C. (2002). *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization*. Cambridge. Massachusetts Institute of Technology Press.
16. Corbett, P.E. (1971). *The Growth of World Law*. New Jersey. Princeton University Press.
17. Higgins, R. (1963). *Development of International Law through the Political Organs of the United Nations*. Oxford. Oxford University Press.
18. Coney, S. (2005). *Justice Beyond Borders: A Global Political Theory*. Oxford. Oxford University Press.
19. Baxi, U. (2002). *The Future of Human Rights*. Oxford. Oxford University Press.
20. Menski, W. (2006). *Comparative Law in Global Context: The Legal Systems of Asia and Africa*. Cambridge. Cambridge University Press.
21. Shan, W. and Simons, P. *et al.* (2008). *Redefining Sovereignty in International Economic Law*. Oxford. Hart Publishing.
22. Twining, W. (2009). *General Jurisprudence: Understanding Law from a Global Perspective*. Cambridge. Cambridge University Press.
23. Report on World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004).


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Shri Vaishnav Vidyapeeth Vishwavidyalaya
LL.M. (Criminal Law)
2021-23
SEMESTER I

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*
LLMCE103	DE	MEDICAL JURISPRUDENCE AND FORENSIC SCIENCE	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. The system of formation and discharge of contracts in India and the role of courts in enforcing them.
2. The concept of voluntarily created civil obligations.

Course Outcomes: The students should be able to:

1. Understand the synthesis of case laws, identification of issues, applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Indian Contract Act, 1872.

Syllabus:

UNIT- I Medical Jurisprudence

- Medical Evidence and Medical Witness,
- Legal and Ethical Aspects of Medical Practice, Medical Negligence,

UNIT II Medico-Legal Aspects of Death

- Medico- Legal Aspects of Death, Brainstem Death and Transplantation of Human Organs Act, Examination of a living person for Medico-Legal Purposes,
- Death from Asphyxia and other types : (a) Hanging (b) strangulation (c) Suffocation (d) Drowning (e)Starvation
- Human anatomy and Physiology
- Medico Legal aspects of Post-Mortem Report,


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Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Criminal Law)

2021-23

SEMESTER I

UNIT III Medico-Legal Aspects of Wounds, Sexual Offences

- Virginity, Pregnancy, Legitimacy Sexual offences, examination of victim and accused.
- Sodomy-Examination of the active and passive agent.
- Miscarriage and Infanticide Child born alive and still born causes of infanticide, Law in relation to medical men, and Duties of physician, professional negligence and responsibility.
- Medico-Legal Aspects of Wounds, Sexual Offences, Infanticide, Abortion, Medical Termination of Pregnancy.
- Identity as to age, race, religion, sex, fingerprints etc.

UNIT IV Classification of Injuries

- Injuries, Classification, forms and medico legal aspects.
- Burns, Lightening, electricity and mechanical violence, Suicidal, Homicidal and Accidental injuries.

UNIT V Case Studies

Case Studies of Important Indian and Foreign Cases in Medico-legal cases, Criminal law, Medical Negligence and Consumer Protection

References:

2. Modi, N.J. (1988). "*Modi's Medical Jurisprudence*", Law Pub. Co., Lahore
3. Taylor : Principles and practice of Medical Jurisprudence, Vol 1 & II
4. Sharma, B. R. "*Forensic Science in Criminal Investigation and Trials*", Universal Law Publishers.
5. Lyons : Medical Jurisprudence for India Jhala, R.M. and Raju, V.B. : Medical Jurisprudence.
6. Singhal, L.J. : Forensic Medicines
7. Dougals, J.A. Ken : Forensic Medicines
8. Teigumouth E, Shore : Crime and its Detection, Vols, I and II Gradwel: Legal Medicine
9. Millik, C.C. : Hand Book of Medical Jurisprudence.
10. Prakh, C.K. : A Simplified Text Book of Medical Jurisprudence and Toxicology


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