



Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. 2 Year Program (Criminal Law)

Choice-Based Credit System

1st Year, SEMESTER II

LLMC201- RESEARCH METHODS AND LEGAL WRITING

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME			
							END SEM University Exam	Two Term Exam	Teachers Assessment*	PRACTICAL
LLMC201	DC	RESEARCH METHODS AND LEGAL WRITING	4	0	0	4	60	20	20	0

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

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

Course Educational Objectives: The student will be able to:

1. Learn the concept of research and its methodology.
2. Apply the research methods and various steps involved in research.
3. Understand collecting data from various sources and their analysis.
4. Apply the process of legal writing and writing for individual purposes.

Course Outcomes (CO's): The student will be:

1. Understand and demonstrate the methods of Legal Research and research design and instruments used in legal studies.
2. Construct the tools and techniques for data collection through literature review.
3. Distinguish a purpose statement, a research question or hypothesis and research objective.
4. Apply and analyse the various types of research in qualitative and quantitative research.
5. Outline the various kinds and purposes of writing.



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COURSE CONTENT:

UNIT I: Research Methods

1. Meaning, Scope and importance of Research
2. Steps of Research
3. Selection of Problem
4. Research Proposal
5. Features of Legal Research
6. Interdisciplinary research

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

1. Primary and Secondary Sources, Literature Review, Observation Method, Questionnaire, Interview, Case study, Sampling, Jurimetrics.
2. Doctrinal and Non-Doctrinal Research
3. Empirical and Analytical Research
4. Online Legal Research
5. Use of Electronic Database
6. E-Research Technique
7. Case-study
8. Formalities of Legal Research
9. Data-Collection
10. Ethical and Legal Issues: Plagiarism and Copyright Violation.

UNIT III: Hypothesis and Research Design

1. Meaning and types of Hypotheses
2. Use of Deductive and Inductive Methods in Research
3. Preparation of Research Report and Writing of Research report
4. Budgeting of Research
5. Research Design



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UNIT IV: Legal Writing

1. Essentials of Good Legal Writing
2. 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
3. Book Review
4. Review Article
5. Plagiarism policy
6. Bibliography/References.

Unit V: Writing Purposes

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

References:

1. Bruce, L.B. (2001). *Qualitative Research Methods for the Social Sciences*. London: Allyn and Bacon.
2. 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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LLMC201	DC	RESEARCH METHODS AND LEGAL WRITING	4	0	0	4	60	20	20	0

3. *The Bluebook: Uniform system of Citation.* Harvard Law Review Association, Harvard Law Review, Harvard (Latest Edition).
4. Janathan, A. (1971). *Thesis and Assignment Writing.* New Delhi: Wiley Eastern Ltd.
5. Kothari, C.R. (1985). *Research Methodology: Methods and Techniques.* New Delhi: Wiley Eastern Ltd.
6. Pauline, V. Y. (1984). *Scientific Social Surveys and Research.* New Delhi: Prentice Hall of India Pvt. Ltd.
7. Purohit, Mona. (2016). *Legal Research Methodology.* Allahabad: Central Law Publications.
8. Verma, S. K. and Vani, A. (1964). *Legal Research and Methodology.* New Delhi: ILI.

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1st Year, SEMESTER II

LLMC202- COMPARATIVE JURISPRUDENCE

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
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LLMC202	DC	COMPARATIVE JURISPRUDENCE	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 on the following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

Course Educational Objectives: The student will be able to:

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

Course Outcomes: The student will be:

1. Distinguish major schools of jurisprudence and their comparative study.
2. Recognize the various theories of Justice which deals with the emergence of law.
3. Determine the evolution of Patriarchy and feminist jurisprudence.
4. Devise the approaches to universalism and human rights.
5. Examine the evolution of various constitutions and rule of law.

COURSE CONTENT:

UNIT I: Introduction

1. Nature and scope of Comparative Jurisprudence
2. Foreign Law and sources of comparison with case law
3. Comparative study of Civil Law system and Common law system



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UNIT II: Comparative Constitutional Law

1. Study of the Constitution of India, British, U.S.A., Swiss, French, Canada, Japan, China, the Russian Federation and Australia.
2. Study of higher executives, lawmakers and judicial structure.
3. Hierarchy of Courts in Civil and Common Law Countries

UNIT III: Comparative International Law

1. Public International Law
2. Private International Law
3. Global Expansion of Judicial Power

UNIT IV: Comparative Administrative Law

1. Administrative law as a historical institution
2. Difference between administrative judgments and ordinary courts
3. Administrative courts in France, U.K and U.S.A.

UNIT V: Comparative Civil and Criminal Procedure

1. Comparative study in Civil and Common law system.
2. Civil and criminal procedure in India.
3. Investigation, Trial and Litigation.



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REFERENCES:

Books:

1. Barron, A. (2005). *Introduction to Jurisprudence & Legal Theory*. Oxford: Oxford University Press.
2. Cotterrell, R. (1994). *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy*. London: Butterworths, 2nd ed.
3. Delgado, R.. (2012). *Critical Race Theory: An Introduction*. New York: University Press, 2nd ed.
4. Dias, (1985). *Jurisprudence*. London: Butterworth's Law, 5th ed.
5. Douzinas, C., & Gearey, A. (2005). *Critical Jurisprudence: The Political Philosophy of Justice*. Oregon: Oxford Port Land.
6. Dr. Tripathi, G.P. (2017). *Comparative Jurisprudence*. Faridabad: Allahabad Law Agency, 2nd ed.
7. Dryzek, J. (2002). *Deliberative Democracy and Beyond: Liberals, Critiques, Contestations*. New York: Oxford University Press.
8. Freeman, M. (2008). *Lloyd's Introduction to Jurisprudence*. London: Sweet & Maxwell, 8th ed.
9. Robinson, Nick. (2009). *Expanding Judiciaries: India and the Rise of the Good Governance Court*. Washington: University Global Studies Law Review, vol 8.



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Electives

Semester II: (Two Courses to be chosen out of the following):

S. No.	Course Code	Course Name
1.	LLMCE201	LAWS RELATING TO WHITE-COLLAR CRIMES AND ORGANIZED CRIME
2.	LLMCE202	COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM
3.	LLMCE203	INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME

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LLMCE201- LAWS RELATING TO WHITE-COLLAR CRIMES AND ORGANIZED CRIME

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
LLMCE201	DE	LAWS RELATING TO WHITE-COLLAR CRIMES AND ORGANIZED CRIME	4	0	0	4	60	20	20	0	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 Educational Objectives: The student will be able to:

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

Course Outcomes: The students will be:

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

COURSE CONTENT:

UNIT I: Introduction

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



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LLMCE201- LAWS RELATING TO WHITE-COLLAR CRIMES AND ORGANIZED CRIME

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LLMCE201	DE	LAWS RELATING TO WHITE-COLLAR CRIMES AND ORGANIZED CRIME	4	0	0	4	60	20	20	0	0

UNIT II: Rationalization of White-Collar Offences

1. Typical forms of such Crime:
 - a) Official Deviance: (Deviance by Legislators, Judges, Bureaucrats),
 - b) Professional Deviance: Journalists, Teachers, Doctors, Lawyers, Engineers, Architects and Publishers,
 - c) Trade Union Deviance (including Teachers, Lawyers/Urban Property Owners),
 - d) Landlord Deviance (class/caste-based deviance),
 - e) Police Deviance,
 - f) Deviance on Electoral Process (Rigging, Booth Capturing, Impersonation, Corrupt Practices),
 - g) Gender-based Aggression by Socially, Economically and Politically Powerful.

UNIT- III: Corporate Crime

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

UNIT- IV: Relevant Legislations in India

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

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

1. Mens rea, modus operandi & criminal conspiracy in organized crime
2. Role of Police in Investigation of organized crime
3. Role of Judiciary, Trial and Sentencing in organized crime
4. Legal issues under IPC and Indian Evidence Act.
5. 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.
6. Issues & law related to Internal Security; The National Security Act, 1980.
7. Armed Forces (Special Powers) Act (AFSPA) 1958

REFERENCES:

1. Frank, Madsen. (2008). *Transnational Organized Crime*. New Delhi: Global Institutions.
2. Gandhirajan, C.K. (2003). *Organized Crime*. Tamil Nadu: APH Publishing Corporation.
3. Luban, David. O'Sullivan, Julie R. Stewart, David P. (2009). *International and Transnational Criminal Law*. U.S.: Aspen Publishers Inc.
4. Nair, P. M. *Combating organized crime*. New Delhi: Konark Publishers.
5. Nair, P.M & Sen, Sankar. (2005). *Trafficking in Women and Children in India*. New Delhi' Orient Blackswan Publication.
6. Pace, Denny F. (1975). *Organized Crime: Concept and Control*, Prentice.UK: Hall Englewood Cliffs.
7. Russell. (2012). *On Crimes*. New Delhi: Universal Law Publishing Company.
8. Ryan, Patrick J. (1997). *Understanding Organized Crime in Global Perspective: A reader*. California: Sage Publications.
9. Unnithan, N. Prabha. (2013). *Crime and Justice in India*. Colorado State University, Fort Collins: Sage Publications.



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1st Year, SEMESTER II

LLMCE202- COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

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*
LLMCE202	DE	COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM	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 Educational Objectives: The student will be able to-

1. Create different approaches to violence in India
2. Understand the different types of violence and State Action
3. Analyse the Gandhian approach to non-violence.
4. Uses of Criminal Law to combat Atrocities

Course Outcomes: The students will be:

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

COURSE CONTENT:

UNIT I: Introduction

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



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LLMCE202	DE	COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM	4	0	0	4	60	20	20	0	0

UNIT II: Approaches to Violence in India

1. Religiously Sanctioned Structural Violence
2. Caste and Gender Based,
3. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic Traditions in India,
4. Gandhiji's Approach to Non-Violence,
5. Discourse on Political Violence and Terrorism during Colonial Struggle,
6. Attitudes towards Legal Order as Possessed of Legitimate Monopoly over Violence during the Colonial Period.

UNIT III: Agrarian Violence and Repression

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

UNIT IV: Violence against the Scheduled Castes

1. Notion of Atrocities, Incidence of Atrocities,
2. Uses of Criminal Law to Combat Atrocities or contain aftermath of Atrocities,
3. Violence against Women.

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

1. Incidence and Courses of communal Violence,
2. Findings of various Commissions of Enquiry,
3. The Role of Police and Para-Military Systems in Dealing with Communal Violence,
4. Operation of Criminal Justice System Tiring, and in relation to Communal Violence,
5. Electoral Violence and Reforms



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6. Violence by Militant and Extremist Groups,
7. Violence by Police and Paramilitary Forces,
8. State Measures – Statutory and Non-statutory, Role of Civil society.

REFERENCES:

1. Ambos, Kai, (1997). *The Role of the Prosecutor of an International Criminal Court from a Comparative Perspective*. Review of International Commission Jurists.
1. Baxi, U. (1988). Dissent, Development and Violence in R. Meagher (ed.) *Law and Social Change: Indo-American Reflections*. Bombay: N.M. Tripathi Publication.
2. Baxi, U. (ed.). *Law and Poverty: Critical Essays*. Bombay: N.M. Tripathi Publication.
3. Desai, A.R. (1986). *Agrarian Struggles in India: After Independence*. London: Oxford University Press.
4. Desai, A.R. (1986). *Violation of democratic Rights in India*. Oxford: Oxford University Press.
5. Desal, A.R. (ed.) *Peasant Struggles in India*. London: Oxford University Press.
6. Dhangare, D.A. *Peasant Movement in India: 1920*. London: Oxford University Press.
7. Guha, Ranjit. (1983). *Element any Aspects of Peasant Insurgency in Colonial India*. Ranajit Press.
8. Kothari, Rajni. (1991). *State against Democracy: In search of Humane Governance*. New York: New Horizons Press.
9. Shukla, K.S., (1969). *Sociology of Deviant Behaviour*. in 3 ICSSR Surveys of Sociology and Social Anthropology.

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LLMCE203- INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY	PRACTICAL	END SEM University Exam	Two Term Exam	Teachers Assessment*
LLMCE203	DE	INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL 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 Educational Objectives: The student will be able to-

1. Analyse how an individual is accountable for international crimes, including both the substantive law providing for such responsibility,
2. Understand the range of mechanisms available for holding individuals accountable, and critical analysis of the law.

Course Outcomes: The student will be-

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

COURSE CONTENT:

UNIT-I: Introduction

1. International Criminal Law
2. Individual Responsibility: Historical Development
 - a) Treaty of Versailles,
 - b) Nuremberg & Tokyo Trials
 - c) Genocide Convention, 1948,
 - d) Geneva Convention, 1949, ILC Draft Code of Crimes against the Peace and Security of Mankind
3. State Sovereignty and International Criminal Law



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LLMCE203- INTERNATIONAL CRIMINAL LAW AND TRANSNATIONAL CRIME

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

UNIT II General Principles of International Criminal Law

1. Crimes and Elements of Crimes
 - a) Genocide: Prosecutor V. Akayesu (ICTR 1998); Prosecutor v. Krstic (ICTY2004)
 - b) Modes of Criminal Responsibility and Defences,
 - c) Prosecutor v Samuel Hinga Norman, Case No. SCSL-2004-14-AR729E, Prosecutor V. Blaskic, (ICTY 2004)

UNIT III: International Criminal Court and Tribunal

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

UNIT IV Trans-National Criminal Issues

1. The Iraqi Special Tribu
2. 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.
3. Special Court for Sierra Leone
4. Extraordinary Court for Cambodia
5. Response of South Asian Countries to the ICC



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

UNIT V Indian and International Perspective

1. Indian Perspectives on the ICC
2. The Future of International Criminal Law

REFERENCES:

1. Ambos, K., (1999) *General Principles of Criminal Law in Rome Statute*. Criminal Law Forum, Vol.10, pp. 1-32.
2. 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.
3. Arsanjani, Mahnoush H. (1999). *The Rome Statute of the International Criminal Court*. American Journal of International Law, vol. 93, n.1.
4. 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.
5. Convention on the Prevention and Punishment of the Crime of Genocide, 1948
6. Cryer, Robert. *International Criminal Law vs State Sovereignty: Another Round*. The European Journal of International Law, Vol. 16 No. 5, 979–1000.
7. Principles of International Co-operation in the Detection, Arrests, Extradition and Punishment of Persons Guilty of War Crimes, and Crimes against Humanity, 1973
8. Schabas, William A. (2001). *An Introduction to the International Criminal Court*. Cambridge University Press: Cambridge.

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