

Girijananda Choudhury University, Assam

Centre of Legal Studies

LL.M. (1 YEAR)

Semester – I -II

LL.M. SEMESTER I

Course: Law and Justice in a Globalizing World

(Compulsory Paper)

Course Code: MLW24501T

Total Credit:03

L-T-P: 2+1+0

Learning Objectives:

1. To demonstrate the idea of law and justice in the changing dynamics of the international system.
- 2.To explain the students about various theories of justice.
3. To analyse the law, justice in various phase of the evaluation of legal system.
3. To elaborate about the evaluation of law from natural law to modern scenario.

Course Outcomes:

At the end of the course the students will be able to-

1. Identify the relationship amongst law, justice and globalization
2. Examine the effect of global law on the national law
3. Evaluate critically the view of jurist of different school of law.
4. Compare the various theories of law in the evaluation of national and international level.

Detailed Syllabus

UNIT	CONTENT
Unit 1:	Globalization: <p>1.1 Meaning, Nature, Significance, Causes</p> <p>1.2 Impact of globalization on Human Rights, Trade law, Federalism</p> <p>1.3 Dimension of Globalization: Economic, Social, Cultural</p> <p>1.4 Role of UN in Globalization process</p> <p>1.5 Role of Bretton Woods Institution in the globalization process with reference to WTO</p> <p>1.6 Concept of Justice and Law- Distributive Justice and Utilitarian Justice</p>
Unit 2:	Natural Law: <p>2.1. Natural Law School :Ancient theories of Natural Law School to Modern Theories of Natural Law School: Nineteenth Century</p> <p>2.2 Modern Theories of Natural Law School: Nineteenth Century</p> <p>2.3 Twentieth Century – Revival of Natural Law School (Rudolf Stammler, Rawls, Kohler, Fuller)</p> <p>2.4 Natural law and the Constitution of India</p> <p>2.5 Positivist Theories: Bentham— John Austin—Kelsen—Hart</p>
Unit 3:	Positivist Theories Historical School and Sociological School <p>3.1 Historical School: Concept, background, Savigny’s principle-criticism</p> <p>3.2 Sociological School (Emile Durkheim, Eugen Ehrlich, Ihering, Roscoe Pound, Leon Duguit)</p> <p>3.3 Application of Sociological jurisprudence under Indian legal system</p>
Unit 4:	Realist School and Critical Legal Studies Movement: <p>4.1 Realist School- Contribution, drawbacks</p> <p>4.2 Critical Legal Studies Movement - Introduction, implication, grounds, essential targets, parameters of CLSM</p> <p>4.3 Dworkinian Jurisprudence</p> <p>4.4 Feminism and Post Modernism</p>

References:

Dias, Jurisprudence, Lexis Nexis

M.D.A. Freeman, Lloyd's Introduction to Jurisprudence, Sweet & Maxwell, 18th edi 2008

Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006)

Devid B. Goldman, Globalization and the Western Legal Tradition: Recurring Pattern of Law and Authority (Cambridge University Press, 2008)

Andrew Byrnes, Mika Hayashi, Christopher Michaelsen, International Law in the New Age of Globalization, Martinus Nijhoff Publishers, 2013

Bodenheimer Jurisprudence- The Philosophy and Method of Law (1996),Harberd University Press

H.L.A. Hart, The Concept of Law, (1970) Oxford ELBS)

Amartya Sen, Idea of Justice

Roscoe Pound. Introduction to the philosophy of Law (1998)

W. Friedmann, Legal Theory, Universal Law Publishing Co., 5th ed.2013

SN Dhyani , Jurisprudence : Indian Legal Theory, Central Law Agency

SN Dhyani, Fundamentals of Jurisprudence- The Indian Approach, Central Law Agency

Course: Comparative Public Law

(Compulsory Paper)

Course Code: MLW24502T

Total Credit:03

Total Credit:03

Learning Objectives:

1. To assess how far does the constitutionalism of India in being achieve in the India legal system.
2. To analyse comparatively various principles of constitution of different countries.
3. To verify the role of the Judiciary in the evaluation of law.

Course Outcome

At the end of the programme the students will able to

1. Analyse the various principle of law in the Indian perspective.
2. Explain the relation between Constitutional Law, Administrative Law and Constitutionalism.
3. Discuss the activist power of judiciary and its limitations.

Detailed Syllabus:

UNIT	CONTENT
Unit 1:	Introduction <ol style="list-style-type: none"> 1.1 Public Law: Meaning, Scope, 1.2 Public Law and Private Law 1.3 Public Law and International Law 1.4 Comparative Public Law
Unit 2	Theory of Constitution: <ol style="list-style-type: none"> 2.1 Constitution: Meaning, Concept, Idea, nature, Objectives 2.2 Living Constitution, Organic Constitution, Constitution as a Fundamental law 2.3 Constitutional Law and Administrative Law 2.4 Constitutionalism: Meaning , its incorporation into a written Constitution, 2.5 Differences between Constitutional Law and Constitutionalism
Unit 3	Principles of Constitution: <ol style="list-style-type: none"> 3.1 Rule of Law: Dicey's concept of Rule of Law, Modern Concept of Rule of Law, Rule of Law under the Constitution of India, UK, USA) 3.2 Seperation of Power: Concept of Seperation of Powe, check

	and balance (India, UK, USA) 3.3 Principles of Natural Justice (India, USA, UK) 3.4 Independence of Judiciary (India, UK, USA) 3.5 Judicial Review- Emerging Approach (India, UK, USA) 3.6 Judicial Activism, Judicial Restraint
Unit 4	Amendment of the Constitution: 4.1 Meaning and Object of amendment, 4.2 Method of amendment (USA, UK, India) 4.3 Restrictions on amendment 4.4 Basic Features of the Constitution

References:

David Starnes, The Living Constitution (OxfordUniversityPress, 2010)

M.V. Pyle, Constitutional Law of the World, Universal Publishers, 2006

HM Seervai, Constitutional Law of India, 4th ed, Eastern Law House

Stuti Deka, Constitutionalism and Constitution of India, Eastern Law Publicatopn

Stuti Deka, Juridical Study on Comparative Constitutional Law, Eastern Law Publication

I. Jennings, Some Characteristics of Indian Constitution, 3rd ed, University of London Press

MP Jain, Indian Constitutional Law, 8th ed, 2008, Lexis nexis

M Rao., Constitutional Law, 2nd ed., 2021, EBC

V.N. Shukla, Constitution of India, 13th ed., 2021, Lexis nexis

D D, Basu Shorter Constitutional Law of India, 16th ed., 2021, Lexis nexis

Subhram Rajkhowa and Stuti Deka, Comparative Public Law, Eastern Law Publication

Course: Fundamental Rights and Directive Principles

(Constitutional & Administrative law specialization)

Course Code: MLW24520T

Total Credit:02

Total Credit:02

L-T-P: 1+1+0=2

Learning Objective:

1. To analyse the evaluation of Fundamental Rights and to make a comparison of the evaluation of FD in different countries
2. To examine and evaluate the restriction on the amenability of FR by the Judiciary.
3. To elaborate the relation among FR, DPSP and Preamble of the Constitution of India.

Course Outcomes

At the end of the programme the students will able to:

1. Analyse the doctrine of judicial review and judicial activism in the context of Fundamental rights.
2. Examine the various writ in the enforcement of Fundamental Rights.
3. Explain the importance of Fundamental Duties and its relationship with FR.
4. Analysis the role of DPSP in the establishment of welfare state in India.

Detailed Syllabus:

UNIT	CONTENT
Unit 1:	UNIT 1: Concept of Fundamental Rights 1.1 Philosophy of the Constitution of India 1.2 Reasons behind the guarantee of Fundamental Rights in the Constitution 1.3 Evolution of Fundamental Rights 1.4 Fundamental Rights in India, USA, UK 1.5 Concept of Fundamental Rights and Relation with Natural Rights 1.6 Enforcement of Fundamental Rights

	1.7 Definition of State- Rights against state 1.8 Definition of Law
UNIT 2:	Forms, Limitations, suspension and Amendment of Fundamental Rights 2.1 Civil and Political Rights of the Constitution of India. 2.2 Fundamental Rights: Suspension , Amendment and Limitations 2.3 Fundamental Rights and Judicial Review, Judicial Activism 2, 4 Writ Jurisdiction in the enforcement of Fundamental Rights
UNIT 3:	Directive Principles of State Policy 3.1 Concept, Nature, Objects of Directive Principles of State Policy 3.2 Development and Importance of Directive Principles of State Policy and their enforceability 3.3 Emerging Regime of New Rights and Remedies under the Garb of Directive Principles 3.4 Use of Directive Principles and International Instruments in Interpreting Fundamental Rights
UNIT 4:	Fundamental Rights, Directive Principles of State Policy and Fundamental Duties: 4.1 Relation between Fundamental Rights and Directive principle of State Policy- Judicial approach 4.2 Amendment to Fundamental Rights and Directive Principles (Shankari Prasad case to I.R.Coelh'sCase) 4.3 Basic Features of the Constitution 4.4 Fundamental Duties 4.5 Relationship among the Preamble, Fundamental Rights and Directive Principles of State Policy of the Constitution of India

References:

HM Seervai, Constitutional Law of India, 4th ed, Eastern Law House

I.Jenning ., Some Characteristics of Indian Constitution, 3rd ed, University of London Press
MP Jain , Indian Constitutional Law, 8th ed, 2008, Lexis nexis
M Rao, Constitutional Law, 2nd ed., 2021, EBC

V.N.Shukla, Constitution of India, 13th ed., 2021, Lexis nexis

DD Basu, Shorter Constitutional Law of India, 16th ed., 2021, Lexis nexi

J. V R Krishna Iyer Fundamental Rights and Directive Principles

Paras Diwan&Peeyushi Diwan, Human Rights and the Law, Deep and Deep Publication

P K Tripathi Some Insight into Fundamental Rights, University of Bombay Publication

S P Sathe Fundamental Rights and Amendment to the Constitution, Bombay University Press

P B Gajendragadkar Law, Liberty and Social Justice,Asia Publishing House

Course: Health Law

(Constitutional & Administrative law specialization)

Course Code: MLW24521T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objectives:

1. To interpret the right to health as a Fundamental Rights.
2. To analyse the various national and international legal framework in the protection of health.
3. To elaborate the right to health of children and women.

Course Outcomes

At the end of the programme the students will able:

1. To analyse the professional liability in respect of health protection.
- 2 To examine the various statutes and policies in the protection of health in India.
3. To evaluate the relationship between health law and forensic law.
4. To elaborate the applicability of international documents on Health in Indian perspective.

UNIT	CONTENT
Unit 1:	Introduction: 1.1. Concept of Health, Background, Relation between Law and Medicine 1.2 Constitutional perspective: Fundamental Rights & Directive Principles of State policy, Judicial Adventurism on the Right to Health, Right to Health during emergency 1.3 Changing Dimension of Health law 1.4 Climate change and health law
Unit 2	Medical Ethics & Forensic Medicine 2.1 Liability for professional negligence-criminal liability, tortious liability, contractual liability 2.2 Medical Waste- Control on handling and disposal of biomedical waste 1.3 Statutes on medical ethics Indian medical Council Act, 1956

	<p>Code of Medical Ethics Regulation, 2002 National Health Act, 2014 1.4 Forensic medicine – the significance of forensic medicine and forensic evidence – Hippocrat’s oath</p>
Unit 3	<p>Legal Framework for the Protection of Women and Children 3.1 Constitution Provisions for the protection of Health of women and children 3.2 Protection of Health of women and children under- The Surrogacy (Regulation) Act, 2021 The Medical Termination of Pregnancy Act, 1971 The Child Labour (Prohibition & Regulation) Act, 1986 Juvenile Justice Care and Protection Act 2000</p>
Unit 4	<p>Health Law in International Scenario: 4.1 Health and UDHR 1948 4.2 WHO – Its role 4.3 Convention on the Elimination of all Forms of Discrimination Against Women, 1979</p>

References:

- Dr. Nandita Adhikari, law and Medicine, Central Law Publishing, 4th Edi. (2015)
- Dr. Lily Srivastava, law and Medicine, Universal Law Publishing Co., 2nd Edi. (2015)
- Brig M.A. George, Hospitals and Law, Universal Law Publishing Co., 1st Edi (2016)
- Ravi Shidle, Law and Medicine, Asia Law House, Hyderabad
- Law and Medicine, Ravi Shinde, Asia Law House, Hyderabad.

Course: Administrative Law Law

(Constitutional & Administrative law specialization)

Course Code: MLW24522T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objectives:

1. To analyse the doctrine of natural justice and its applicability in Indian Law.
2. To examine the importance of delegated legislations and its restrictions.
3. To explain the evaluation, constitution under various laws and importance of administrative tribunal.

Course Outcomes:

At the end of the programme the students will able to:

1. Analyse the relationship between the Constitutional Law and Administrative Law.
2. Examine the relation between rule of law and natural justice with the Fundamental Rights under the Constitution of India.
3. Critical analysis of the various agencies in the protection against administrative discretion and maladministration.

UNIT	CONTENT
Unit 1	Introduction: 1.1 Administrative Law: Nature, Scope 1.2 Theory of Droit administration and Conseil d' Etat 1.3 Relationship between Constitutional Law and Administrative Law 1.4 Evolution and significance of administrative Law in various systems of governance from ancient to modern- India, England, USA, France 1.5 Doctrine of Separation of power: Meaning, Development 1.6 Rule of Law: Meaning, nature and importance, establishment,

	<p>exception, rule of law under the Constitution of India</p> <p>1.7 Natural Justice: Concept, definition, Principles, Exception, Application in UK, USA, France, India</p>
Unit 2	<p>Delegated Legislation</p> <p>2.1 Delegated Legislation: Meaning and Nature, Classifications</p> <p>2.2 Origin and Development of delegated legislation – USA, England, India</p> <p>2.3 Causes for the growth of delegated legislation</p> <p>2.4 Control of Delegated Legislation: Legislative Control, Judicial Control, Procedural Control</p>
Unit 3	<p>Administrative Tribunal:</p> <p>3.1 Concept of Administrative adjudication</p> <p>3.2 Reason for the growth of Tribunal</p> <p>3.3 Various Administrative Tribunals for other matters: constitution, power and functions-</p> <p>3.3.1 Central Administrative Tribunal Act, 1985</p> <p>3.3.2 Debt recovery tribunal (Recovery of Debt and bankruptcy Act, 1993)</p> <p>3.3.3 Income Tax Appellate Tribunal (Income Tax Act, 1961)</p> <p>3.3.4.National Green Tribunal (National Green Tribunal Act, 2010)</p> <p>3.3.5 Railway Claims Tribunal (Railway Claims Tribunal Act, 1987)</p>
Unit 4	<p>Administrative Discretion and Maladministration:</p> <p>4.1 Administrative Discretion: Nature, scope, limit and need</p> <p>4.2 Control of Maladministration: Ombudsman, Indian Model- Lokpal and Lokayukt, 4.3 Commission of Inquiry, Vigilance Commission, Inquiries by Legislative Committee, Legislative control and judicial inquiries</p> <p>4.4 Right to Information – Concept of Open Government</p>

References:

Basu Durga Das, Administrative Law, 7th ed, Kamal Law House, Kolkata, (2015)

Jain M.P. & Jain S.P. , Principles of Administrative Law, 5th Ed., wadhwa Nagpur

Jain M.P. & Jain S.P. , Principles of Administrative Law, 6th Enlarged Ed., Vol. I &II, Wadhwa Nagpur

Massey I.P., Administrative Law, 7th ed, EBC

Kesari UPD, Administrative law, 17th ed , Central Law Publication

Wade H.W.R. & Forsyth C.F. , Administrative Law, 10th ed, Oxford

Sathe S.P., Administrative Law, 7th ed, Lexis nexis Butterworths Wadhwa Nagpur

Takker C.K. , Administrative Law, 2nd ed, EBC

Takwani C.K., Lectures on Administrative Law, 4th ed, EBC

Jain M.P., Indian Administrative Law: Cases and Materials: Vol I.1994. Vol. II 1996: Wadhwa and Company Nagpur

S.A. Desmith's Judicial Review on Administrative Action

Course: Company Law
(Corporate and Commercial Law Specialization)
Course Code: MLW 24523T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objectives:

1. To demonstrate the genesis of Corporate institution in India.
2. To examine the advantages and disadvantages of company incorporated, management of a company..
3. To develop the role of the company management board in the prevention of oppression and mismanagement.

Course Outcomes:

At the end of the programme the students will able to:

1. Analyse the procedures for the formation of a company.
2. Examine the mismanagement and oppression of company and preventing the same.
3. Evaluate the new prevailing legalities involved in the Global and Indian Company Law.

Detailed Syllabus:

UNIT	CONTENT
Unit 1	Introduction: 1.1 Genesis of Corporate Institution in India and overview of the Company Act 1956 and 2013 1.2 Concept of Corporation- Corporate personality- Its nature, features, kinds, advantage and disadvantage 1.3 Types of companies: Public company, Private company and one person company 1.4 Formation of Company: Memorandum of Association-

	<p>Doctrine of ultra vires, , Article of Association: binding force, Alteration, relation with memorandum of association, Prospectus</p>
Unit 2	<p>Corporate Management and Governance</p> <p>2.1 Concept of Corporate Governance-structure of company</p> <p>2.2 Board of Directors- Director, Managing Director- Appointment, qualification, position, powers, duties and liabilities, removal</p> <p>2.3 Promoters-Appointment, qualification, powers, position, duties and liabilities, removal</p> <p>2.4 Company meeting- Importance, kinds and Procedure</p> <p>2.5 Prevention of Oppression , Prevention of Mismanagement, Role & Powers of the Company Law Board, Role & Powers of Central Government, Company Investigation Prevention of Oppression</p> <p>2.6 Corporate Social Responsibility: Need, importance, provision related to CSR under the Companies Act 2013</p>
Unit 3	<p>Dividends, Accounts and Audit</p> <p>3.1 Dividend: Types of Dividend, Interim and Final, Investor Education and Protection Fund,</p> <p>3.2 Accounts, Constitution of National Financial reporting Authority,</p> <p>3.3 Audit- Audit of companies, auditors- duties and liabilities, appointment and removal, Audit Standard, Audited Financial Statement, power of Registrar, Audit Committee</p>
Unit 4	<p>Dividends, Accounts and Audit</p> <p>3.1 Dividend: Types of Dividend, Interim and Final, Investor Education and Protection Fund,</p> <p>3.2 Accounts, Constitution of National Financial reporting Authority,</p> <p>3.3 Audit- Audit of companies, auditors- duties and liabilities, appointment and removal, Audit Standard, Audited Financial Statement, power of Registrar, Audit Committee</p>

References:

Avtar Singh, Principles of Company Law, Eastern Book Company, Lucknow, 17th Edi (2023)

J.M. Thomson, Palmer's Company Law

Dr. N.V. Paranjape Company Law, 4th edi. Central Law agency

Dr. SC Tripathi Modern Company Law, Second Ed, 2016, Allahabad Central Law Publication

Gower's Principles of Company Law 8th Edition 2008, R. Cambray & Co. Pvt. Ltd.

S. K. Verma & Suman Gupta, Corporate Governance and Corporate Law Reform in India. (2005).

Course: Competition Law

(Corporate and Commercial Law Specialization)

Course Code: MLW24524T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objectives:

1. To analyse the development of the policy of free and fair competition in India in the light of latest legal development from MRTP to the Competition Act.
2. To explain law relating to competition in India, EU and US, including the control of monopoly and oligopoly, anti competitive agreement and abuse of dominant position.
3. To examine the principles of competition law, together with the ability to subject it to critical, legal and economic analysis..

Course Outcomes:

At the end of the programme the students will be able to:

1. Apply the law to solve practical problems concerning the control of anti-competitive practices.
2. Analyze how Competition Law facilitates the promotion of free Competition and acts as an instrument in regulating the markets.
3. Critically examine the strategies and mechanisms of Competition law enforcement agencies in India and abroad.

UNIT 1: Introduction:

- 1.1 Definition, Object, Importance,

1.2 Evaluation of Competition Law: An overview of MRTP Act, 1969, Monopolistic Trade Practices, Restrictive Trade Practice, Sachar Committee Report, Raghavan Committee Report

1.3 Competition Act, 2002- Objectives and salient features

1.3 Restraint of Trade under Indian Contract Act

1.4 Fair and Unfair Competition practices

UNIT 2: Anti competitive Agreement And Domain Position

2.1 Anti competitive Agreement: Concept, form treatment in India

2.2 Rule of Perse and Reason

2.3 Horizontal and Vertical Agreement

2.3 Appreciable Adverse Effect on Competition in India

2.4 Prohibition of anti competition agreement

2.5 Domain Position - Meaning, abuse of it

2.6 malicious economic practices

UNIT 3: Combination

3.1 Value of Assets, Turnover, Acquisition, Conglomeration, Joint venture, Merger, Amalgamation, Notification

3.2 Regulation of Combination—Need for Regulation, Procedure of Regulation

UNIT 4: Authorities under Competition Law

4.1 Competition Commission of India- composition, duties, procedures for inquiry, power and function

4.2 Competition Appellate Tribunal

- 4.3 Investigation by Director general – Procedure, Penalties and enforcement
- 4.4 Scope of Improvement in Competition Law
- 4.5 Leniency Programme
- 4.6 Competition Advocacy in India
- 4.7 International Competition Law (Need of International cooperation, trade and competition policy in the WTO, TRIP, Doha Declaration)

References:

- Adi P. Talati & Nahar S. Mahala. Competition Act 2002: Law, Practice and Procedure
- Vinod Dhall (ed) Competition Law Today, Oxford University Press (2007)
- Richard Whish and David Bailey, Competition Law, 8th ed., Oxford University Press (2015)
- Abir Roy & Jayant Kumar, Competition Law in India, Eastern Law Hoiuse (2018)
- D.P. Mittal, Competition Law and Practice, Taxman Publicatins (P) Ltd. (3rd Edition , 2010)
- Abbe E.L. Brown, Intellectual Property, Human Rights and Competition (EdwardElgar Publishing UK 2012)
- T. Ramappa , Competition Law in India- Policy, Issues and Development, Oxford University Press, 3rd edi. 2014
- Avtar Singh, Competition Law, Eastern Book Company, 2012
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Course: Cyber Law

(Corporate and Commercial Law Specialization)

Course Code: MLW24525T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objective:

1. To analyse the various types of cyber crime and various provision of various statutes in respect of combating it .
- 2 To explain international instrument in dealing with cyber crime
3. To examine the psychological theories in dealing with cyber crime.

Course Outcomes:

At the end of the programme the students will able to:

1. Analyse the various factors in the expansion of cyber crime.
2. Explain the investigating process in respect of cyber crime.
- 3.Recommend some solutions in respect of the extendedcybercrime under the various national and international law.

UNIT	CONTENT
Unit 1	Cyber Crimes: 1.1 Definition and types, Reasons for Cyber Crimes 1.2 Differentiation between traditional crime and cyber crimes. 1.3 Forms of Cyber Crime: Data Theft, Hacking, Phishing, Credit card & Online Banking Frauds, Pornography & Child Pornography, Cyber Defamation, Defacement, Illegal online selling & Gambling, Denial of Service Attacks, Cyber terrorism, Software Piracy & illegal downloading 1.4 Psychological theories dealing with cyber crimes- Learning and Motivation, Criminal profiling, Economic, Psychological and Sociological impact on individual
Unit 2	Cyber Laws and Regulations in India: 2.1 Information Technology Act, 2000 and amendment in 2008: Evaluation, Necessity, Salient Features of the Act, various

	<p>authorities under the Act- their powers, Offences, Penalties</p> <p>2.2 Information Technology (Security Procedure) Rules, 2004</p> <p>2.3 Information Technology (Certifying Authority) Regulations, 2001</p>
Unit 3	<p>Cyber law: International Perspective:</p> <p>3.1 EDI: Concept and legal issues</p> <p>3.2 UNCITRAL Model Law</p> <p>3.3 Electronic Signature Law's</p> <p>3.4 EU Convention on Cyber Crime</p>
Unit 4	<p>Cyber Investigation:</p> <p>4.1 Investigation of malicious applications</p> <p>4.2 Agencies for investigation in India, their power and constitution as per Indian Laws Procedures ,</p> <p>4.3 Evidence Collection and seizure Procedure of Digital mediums</p> <p>Securing the Scene, Documenting the Scene- Data Acquisition ,</p> <p>Data Analysis, Reporting</p>

References:

Malik Krishna Pal, Information Technology & Cyber Law, Allahabad Law Agency

Chris Reed & John Angel, Computer Law, OUP, New York, (2007).

Jonthan Rosenoer, Cyber Law, Springer, New York, (1997).

Justice Yatindra Singh, Cyber Laws, Universal Law Publishing Co, New Delhi, (2012).

Pavan Duggal, Textbook on Cyber Law, Universal Law Publishing, 2014

Sudhir Naib, The Information Technology Act, 2005: A Handbook, OUP, New York, (2011)

S. R. Bhansali, Information Technology Act, 2000, University Book House Pvt. Ltd., Jaipur (2003).

Course: Criminology and Criminal Justice Administration

(Criminal and Security Law specialization)

Course Code: MLW24526T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objectives:

1. To analyse the different perspectives and theories on crime.
2. To explain about the correctional system and alternatives to imprisonment within the realm of criminal justice administration.
3. To make an idea on the role played by different functionaries in the criminal justice administration to meet the challenges of the modern India.

Course Outcomes:

At the end of the programme the students will be able to:

1. Analyse the operation and role of different functionaries of the criminal justice system in the administration of criminal justice to make it more fair, humane and responsive
2. Explain any given crime problem with the help of different theoretical perspectives and schools of criminology.
3. Examine the alternatives to imprisonment within the realm of criminal justice administration

Detailed Syllabus:

UNIT	CONTENT
Unit 1	Crime and Criminology 1.1 Crime- Definitions, crime trends, Elements of crime, 1.2 General exception, 1.3 Inchoate crime, predatory crime 1.4 Criminology- Nature, scope, Role of criminology in public policy, 1.5 Radical criminology 1.6 Relation between criminology, penology and criminal law 1.7 Criminal Justice System and Forensic Science (Including use of technology in forensic science) 1.8 Criminal Law Reform

Unit 2	Schools of Criminology 2.1 The Classical School of Criminology : The Preclassical, classical and Neoclassical school. Cesare Beccaria and Jeremy Bentham 2.2 The Positivist School of Criminology: Cesare Lombroso, Enrico Ferri and Raffaele Garofalo , Sheldon and Hooton. 2.3 Social Structure theories: (a) social disorganization theory ; (b) Strain Theory (Emily Durkheim and Robert Merton); (c) cultural deviance theory 2.4 Social Process and Learning Theories of Crime: (a) Differential Association Theory of Sutherland; (b) Social control Theory (c) Social reaction theory: Crime and labelling 2.5 Psychological Theories of Criminality: Psychoanalysis and Criminality: Sigmund Freud 2.6 Conflict Theory: (a) Willem Bonger, Ralf Dahrendorf, George Vold, (b) Marxist Criminology 2.7 Integrated Theoretical Models and New Perspectives of Crime
Unit 3	Prison system in Criminal Justice: 3.1 Evaluation of prison system in India 3.2 Indian Jail Reform Committee 3.3 Rights of Prisoners 3.4 Solitary confinement 3.5 Challenges to prisoner's right 3.6 Open Prison- Advantages 3.7 Rehabilitation of prisoners 3.8 The Repatriation of Prisoner's Act, 2003
Unit 4	Parole and Probation: 4.1 Parole- Definition, British Parole system, Parole in India History of parole, Role of Parole Board 4.2 Probation: Definition, object, History of Probation in India Eligibility of probation, Conditions of Probation 4.3 Parole and Probation Revocation

Reference:

H. E., Barnes, & Negley K. Teeters, New horizons of criminology (3rd ed.)(1966), Englewood Cliffs, NJ: Prentice-Hall,.

J. E. Conklin, Criminology. New York,(2001), Macmillan Publishing Company.

Crime in India. (2002). National Crime Records Bureau. New Delhi: Ministry of Home Affairs.

C. D. Edelston, & R.I. Wicks, An introduction to criminal justice. (1977). New York: Gregg Division, McGraw-Hill.

Harry E Allen, Friday, C Paul, Roebuck,. Julian, & Edward Sagarin, Crime and punishment: An introduction to criminology, (1981) Free Press: New York.

Don C Gibbons, Society, crime and criminal careers, (1973), An introduction to criminology. New York: Prentice Hall.

B.Maguire, & P. F Radosh, Introduction to criminology, (1999) Boston: Wadsworth Publishing Company.

N. V. Paranjepe, Criminology and penology, (2002), Allahabad: Central Law Publications.

AhmenSiddique, Criminology: Problems and perspectives (2nd ed.), (1993), Lucknow: Eastern Book House.

E. H., Sutherland, &D. R. Cressey, D. R. (1974). Principles of criminology. Philadelphia: Lippincott, (1974).

Course: International Criminal Law
(Criminal and Security Law Specialization)

Course Code: MLW24527T

Total Credit:02

L-T-P: 1+1+0=2

Learning Objectives:

- 1.To analyse elaborately about the concept, function and importance of International Criminal Law.
2. To examine the law relating to the law of extradition.
3. To discuss about the constitution of International Court and various international crime.

Course Outcomes:

At the end of the programme the students will able to:

1. Analyse the various objects, policies of International criminal law.
2. Critically analyse the existing law in combating the criminal crime and also suggest recommendations.
3. Recommend some measures for combating the international crime from India.

Detailed Syllabus:

UNIT	CONTENT
Unit 1	Introduction 1.1 International Criminal Law: Concept and Sources of International Criminal law. 1.2 Evaluation of the Concept of Individual Criminal responsibility under international law 1,3 The objectives and policies of International Criminal Law; including issues of amnesty, truth and justice 1.4 Principle of Liability and Participation in International Criminal Law 1.5 International Military Tribunals (Nuremberg and Tokyo Tribunals). 1.6 Enforcement of International Criminal Law: Nuremberg to Hague

Unit 2	International Criminal Court and Extradition 2.1 International criminal court: Establishment, Structure, Administration of the court 2.2 Extradition- Laws related to extradition 2.3 Extradition Process- Double Criminality, Specialty, Re Extradition, Political Offence Exception, Capital Punishment, Fiscal Offences and Offences Under Military Law, Double Jeopardy, Surrender of Nationals, The Rule of Non-Inquiry 2.4 Extradition and International Human Rights Instruments- a. ICCPR b. Convention against Torture, Cruel, Inhuman, Degrading Treatment and Punishment 2.5 Extradition Act 1962 (Relevant Provisions) and Treaty 2.6 Abduction-- a. The male captus, bene detentus rule b. The Doctrine of Abuse of Process
Unit 3	international crimes 3.1 War crimes, 3.2 Crimes against humanity, 3.3 Crime of aggression 3.4 Genocide, Crime of aggression 3.5 International crimes criminalized by the ICC Statute - torture transnational organized crime and terrorism. 3.6 Mechanism in dealing cases related to International Crime 3.7 Obligation of State Parties and Non Party States to International Criminal Court 3.8 Emerging issues under International Criminal Jurisprudence
Unit 4	Criminal Liability and Defences 4.1 Criminal Liability: Command responsibility, perpetration, co perpetration, aiding and abetting, incitement, attempt, planning and conspiracy. 4.2 Defence: Self- defence, necessity, duress, Insanity, mistake of fact, mistake of law, Order— compliance, sovereign immunity, granted by international law and custom.

References:

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Course: Victimology
(Criminal and Security Law Specialization)

Course Code: MLW24528T

Total Credit:02

L-T-P: 2+0+0=2

Learning Objectives:

1. To explain the theories and impact of victimology.
2. To develop the law relating to victim assistance in the national and international aspects.
3. To discuss the compensatory relief to the victim especially relief to the women, children and LGBT.

Course Outcomes:

At the end of the programme the students will able to:

1. Develop the idea of victimology.
2. Recommendspecial provisionsfor the protection of the rights of the victim especially the women, children in the International and national perspective.
3. Formulate some reformation measures on the legal framework relating to the legal provisions for the protection of victim.

Delailed Syllabus:

UNIT	CONTENT
Unit 1	Victimology 1.1 Victimology: Meaning, Concept, Nature, Historical background 1.2 Theories of Victimology/ Victimization: with special reference to Victim Precipitation Theory, Deviant Place Theory, Lifestyle Theory, Routine Activities Theory 1.3 Impact of Victimology- physical, financial, psychology 1.4 Restorative Justice for crime victim
Unit 2	Victims Assistance and Compensation 2.1 National & International Organization and Initiatives for Victims of Crime: Indian Society of Victimology, World Society

	<p>of Victimology, The South Asian Society of Criminology and Victimology (SASCV), UN Declaration on Victims of Crime, 1985, The Commonwealth Human Rights Initiative</p> <p>2.2 Victim Assistance & Service: Types; Victims Assistance & Services of Criminal Justice System.</p> <p>2.3 Role of NHRC, Various Commissions ,NGOs and Social organization in victim assistance.</p> <p>2.4 CJS and victim relationship: Collaborator or evidence - Victim & Police</p>
Unit 3	<p>Compensatory Relief to Victim</p> <p>3.1 Compensatory provision under Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023</p> <p>3.2 Compensation under the Probation of Offenders Act, 1958</p> <p>3.3 Compensation under the Motor Vehicle Act, 1988</p> <p>3.4 Judicial trends</p>
Unit 4	<p>Contemporary Issues in Victimology</p> <p>4.1 Dimensions of victim vulnerability, Risk and Fear of crime – Vulnerable groups – Victimization – Children – Elderly people – LGBTQI – SC / ST – Refugees</p> <p>4.2 Victims of Hate Crimes – Human Trafficking – Terrorism – Victims of custodial crimes</p> <p>4.3 Intimate Partner Violence & Stalking – Types & Effects of Sexual Assault – Victimization at School & the Workplace – Cyber Victimology, POSCO</p>

References:

K.K.Dutta, Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.

Dr.Mrinmaya Chaudhari, Languishing for Justice, A Critical Survey of the Criminal Justice System, DATTSONS, J. Nehru Marg, Sadar, Nagpur.

P.L. Malik, Criminal Court Hand Book, 18th Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01. Manjula Batra, Protection of Human Rights in Criminal Justice Administration, Deep and Deep Publication, New Delhi.

Parvesh K Atri, Readings in Criminal and Criminology, 1st edition 1998, Anmol Publication Pvt. Limited, New Delhi -2

Siddiqui, Criminology, Problems and Perspectives, 4th edition 1997, Eastern Book Company, Lucknow -01

Clive Coleman and Clive Norris , Introducing Criminology, Edition 2000, Lawman (India) Pvt Limited, Lajpat Nagar, New Delhi-24

Bharat B Das, Victims in the Criminal Justice System, 1stEdition 1997, APH Publication Corporation, New Delhi 2.
