

Introduction of Course structure

LL.M Criminal Law

Programme Code: ILM

Duration – 1 Year Full Time

Programme Structure

2018-2019

**AMITY LAW SCHOOL
AMITY UNIVERSITY RAJASTHAN**

LL.M –I SEMESTER

Code	Course	Category	L	T	P/FW	Credit Units
ILM 101	Research Method & Legal Writing	CC	1	1	1	3
ILM 102	Comparative Public Law/ System Of Governance	CC	1	1	1	3
ILM 103	Law And Justice In A Globalizing World	CC	1	1	1	3
SPECIALIZED BRANCH (Criminal Law)						
ILM104Cr. L	Criminology and Penology		1	1		2
ILM105Cr. L	Victim Justice and Human rights		1	1		2
Total			5	5	3	13

LL.M –II SEMESTER

Code	Course	Category	L	T	P/FW	Credit Units
ILM 205	DISSERTATION				3	3
ILM 206	TUTELAGE		1			1
Specialized Branch (Criminal Law)						
ILM 201 Cr.L	Comparative Criminal Procedure Law		1	1		2
ILM 202 Cr.L	International Criminal Law		1	1		2
ILM 203 Cr.L	White Collar Crimes		1	1		2
ILM 204 Cr.L	Principles Of Criminal Liability And Felonious Torts		1	1		2
Total			5	4	3	12

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LLM-CRIMINAL BRANCH 2018-2019

RESEARCH METHOD & LEGAL WRITING

Course Code : ILM 101

Credit Units : 3

Course Objectives:-

Law is a social science. Therefore principles and methodologies generally applicable to social science research are applicable in legal research also with a difference. The difference is that decided cases of different courts, legislations and their background often become the main data for analysis. Lawyers or legal researchers often try to deduct social and political facts and situations from them. This may lead to unreliable results. Hence it becomes necessary to equip a legal researcher with techniques of legal as well as social research.

Module I : Understanding About Research Methods

Scientific method of research and its limitation in social science research, Theoretical Study and empirical study (Qualitative and quantitative research), Legal Research: Socio-legal, historical and comparative analysis methods. Case law analysis in legal research: Scientific or objective method (ratio and obiter), reading a case in social, political, economic and historical background

Module II: Methodology Of Research

Literature review, Theoretical context, Hypothesis, Research problem and Research questions, Empirical research methods: Sampling and Survey

Module III: Framing A Research Proposal

Planning a Research Project/proposal, Problem Identification, Objectives of the study, Formulation of Research Design, Research Process, Problems and limitations in framing research proposal.

Module IV: Ethics In Research And Report Writing

Ethical Conundrums: Plagiarism, Types of plagiarism, Consequences of Plagiarism, Fabrication, Informed Consent, Blind Hypothesis, Codes and policies for Research Ethics. Report Writing: Steps in report writing, Components of Research Report, Kinds of research report, Precautions for writing research report

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Texts & References:

1. Legal Research Methodology, Rattan Singh, Lexis Nexis
2. Research Methodology Methods and Techniques, C R Kothari, New Age International Publishers
3. Legal Research Methodology , H N Tiwari, Commercial Books House

COMPARATIVE PUBLIC LAW/SYSTEM OF GOVERNANCE

Course Code : ILM 102

Credit Units : 3

Course Objectives

This course is designed to examine from a comparative perspective –legal structure and concepts that are found in Constitutions across the world.

Module 1:Introduction

Concept of comparative constitutional law and importance of the study of comparative constitutional law. Federalism : Concept, nature and meaning, Quasi- federalism, Co-operative federalism.

Module 2: Governance Structure in Comparative Perspective:

Separation of powers in UK, India and USA. Parliamentary democracy in UK and Britain, Parliamentary privileges in UK and India, parliamentary supremacy in UK, Role of Queen and Indian President in comparative perspective. Powers of the two houses in comparative perspective in India, UK and USA; Role of Judiciary and Judicial review in USA and India.

Module 3: Fundamental Rights in Comparative Perspective:

Comparison of fundamental rights in India and USA. Freedom of speech and expression, freedom of press, assembly and association, freedom of religion and protection of minority rights in India, freedom of religion in USA, Freedom of Profession and trade in India and USA.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Texts & References:

1. D.D.Basu, Comparative Constitutional Law, 2nd ed., Wadhwa Nagpur, 2008,
2. Mark Tushnet, The Possibilities of Comparative Constitutional Law (1999) 108 Yale.L.J. 1225.
3. M.P. Jain, Indian Constitutional Law, 5th Ed., Wadhwa, Nagpur, 2003.
4. V.N Shukla's Constitutional Law, (11th Ed.) Eastern Book Company.
5. Reimann, Mathuas and Zimmermann, Reinard, The Oxford Handbook of comparative Law, OUP, Oxford, 2006
6. Michael Burgess, Comparative Federalism, Theory and Practice, Routledge, NewYork, 2006.
7. Vicki C. Jackson and Mark V. Tushnet, Comparative Constitutional Law, Foundation Press.
8. M.V. Pylee – Constitutions of the world I,II. Universal law Publication Co.
9. M.V. Pylee – Selected constitutions of the world II Edition. Universal Law Publication co.

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10. Vishanu Bhagwan Vidiya Bhushan Worlds Constitutions a comparative study IX edition Sterling Publisher PVT. Ltd.
11. K.C. Wheare – Modern Constitution – Oxford University Press(1964)
12. Barendt. E.M. An introduction to Constitutional Law; Oxford University Press
13. Cane, Peter; Administrative Law; Oxford University Press
14. Finer, S.E. Comparative Government; Penguin Books.
15. Loughlin, Martin; The Idea of Public Law; Oxford University Press
16. K.C. Wheare – Federal Government; Oxford University Press IInd Edition (1966)

LAW AND JUSTICE IN A GLOBALIZING WORLD

Paper Code: ILM 103

Credit: 03

Course Objectives:

The main objectives of this course is to acquaint the students with historical background on the Law and Justice in the Globalized world & to understand the importance and interface of justice delivery system with the statutory and regulatory framework. Besides this to facilitate an understanding of the politics behind such legal framework and the emerging public policies concerning this field.

Module: I

Concept of law, Concept of Global Justice, Cosmopolitanism, Global distributive justice, Impact of Globalization in Judicial Process, Administration of Justice(Theories of Punishment).

Module : II

Globalization and Free Market: Natural Resources, Environment, Displacement for Development, Problem of Unemployment

Module : III

Globalization: Meaning, Reach and Form, Social, Political, and Economic Dimensions of Globalization, Impact of globalization on Human Rights and Trade Law, Impact of Globalization on Federalism and Democratic Law Making.

Examination Scheme:

Components	P/S/V	CT	C	A	EE
Weightage (%)	10	10	5	5	70

Suggested Readings

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in Global Institutions (OUP, 2006)
2. Anthony McGrew, David Held (eds.), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002).
3. David B. Goldman, Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
4. David Held, A Globalizing World? Culture, Economics, Politics (2004).

CRIMINOLOGY AND PENOLOGY

Specialization: Criminal Law

Course Code: ILM 104 Cr.L

Credit-02

Course Objective

In recent years, there seems to have been a transformation of criminological views regarding somewhat skeptical question of criminal accountability. A modern critic attacks the traditional criminological view on the ground that their search for characteristic differences between the class of criminals and the class of non- criminals rest upon erroneous assumption. Where as to study the modern trend in penology and sentencing procedures and to emphasize the humanist principle of individualizing punishment to suit the offender and his reconciliation. The penal policy should be aimed at protecting the society by preventing crime. It must be accepted that punishment is institutionalized violence and it can be justified only when it deters from indulging in criminal acts.

Module 1:

Criminology Its Nature and Scope , Inter- relation between criminology and penology and criminal law , Concept of Crime , Criminology and its importance , Penology and its future .

Module 2 :

Causes of sexual offences, The problem of prostitution, Domestic violence against women, and Sexual harassment of women at work places. Capital Punishment , Theories of punishments, Different forms of punishment, Deterrent effect of capital punishment, Justification of capital punishment, Should euthanasia be legalizing, Prison administration - Prison system in India, The Problem of Prison Discipline, Problem of criminality in prison, Bar Against hand cuffing, Prison Reforms, Custodial torture in Prison, Victimology.

Module 3:

Administration of Criminal Justice- Right to fair trial, Right to speedy trial , Norms under CrPC: Adversary trial system, Presumption of innocence , Presumption of innocence , Independent, impartial and competent judges , Public hearing in an open court , Knowledge of the accusation, Trial in the presence of the accused , Prohibition on double jeopardy (*ne bis in idem*)

Examination Scheme

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Recommended Readings:

1. Saxena R.N. The Immoral Traffic (Prevention) Act, 1956, 5 Th Editions 1996, the Law Book Pvt. Ltd, Allahabad-01
2. Dr. Mehanathan M C, Law of Control on NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES in India, Edition 2002, Capital Law House, Delhi-32
3. Ramchandran S. Commentaries on The prevention of Food Adulteration Act 1954, 6 th Edition 1997, S. Gogia and Company, Hyderabad
4. etPer Barrie, Compensation for Personal Injuries, Edition 2000, Oxford University Press, New Delhi.

VICTIM JUSTICE AND HUMAN RIGHTS
SPECIALIZED BRANCH (Criminal Law)

Course Code: ILM 105 Cr.L

Course credit: 02

Course Objective

In view of magnitude of the problem the existing machinery for control of crime, namely the police and courts have come under severe criticism. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime. Nevertheless these continue to be the backbone of the system in India. The course dwells on these themes with a view to provide justice to the victims and develop among students a greater understanding of victims' justice and human rights. Compensation to the victims is undoubtedly an important component of Victim justice system.

Module 1: Introduction to Victimology:

1. Victim logy: Concept & Objectives of Victim logy, Definition of victim, Classification of victims, Theories: Function of victim's lifestyle, Dangerous times theory, Dangerous places theory, High risk occupations, and Routine Activity theory.
2. Criminal Law and the Victim: Role and Typology of Victims – nature of crime and category of victims: gender crimes, child abuse, bonded labour, Victim participation in crime.
3. Rights and Protection to victims under Criminal Law: Protection of Civil Rights Act 1995, Dowry Prohibitions Act 1961, Prevention of Atrocities Act 1989, Domestic violence

Module 2 Administration of Victim Justice:

1. Victim interface with police: Custodial violence, police assistance in lodging FIR, Hospital test/treatment.
2. Victim Assistance: Concept of victim assistance, Restitution, Victim Compensation - Scheme Compensation under various laws- Sec. 357 of Cr.P.C
3. Justice to victims: State liability to pay compensation, Mali math Committee Report on victims, Law Commission of India 227th Report on Acid Attacks.
4. Community Responses: Victim Services, Victim Advocacy.

Module 3: Protection of Rights of Victims

1. Constitution Rights of Victims
 - (a) Protection of Article 21 rights, including freedom from torture
 - (b) Protection of Article 20 rights
 - (c) Right to fair trial
 - (d) Right to speedy trial
2. Other Human Rights of victims
 - (a) Duties of Police

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- (b) Right to be informed
- (c) Right to apply for compensation
- (d) Enforcement of victims Rights
- (e) **Right to be treated with dignity, Respect and sensitivity.**

Examination Scheme

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Recommended Readings:

1. N. V. Pranjape, Criminology and Penology, Central Law Publications, Allahabad
2. AF Ali Adan, "Right of the Defendant: A Speedy Trial in the Criminal Proceedings", Criminal Law J. 108, (Apr.) 2002, J-87
3. Ahmed Siddiqui, Criminology: Problems and Perspectives, Eastern Book Co. Lucknow
4. BL Arora, Law of Speedy Trial in India, Universal Law Publishing, Delhi, 2007.
5. Katherine S. Williams, Text book on Criminology
6. Neeraj Tiwari, "Fair trial vis-à-vis criminal justice administration: A critical study of Indian criminal justice system," Journal of Law and Conflict Resolution, vol. 2(4), 2010, pp. 66-73,
7. Robert A. Jerin, Current Issues in Victimology Research, Carolina Academic Press
8. Andrew Karmen, Crime Victims: An Introduction to Victimology, Cengage Learning.
9. Wayne Petherick, "Victimology: The Study Of Victims In Criminal Investigations

LL.M – II Semester
DISSERTATION

Course Code: - ILM 205

Credit Units: - 3

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TUTELAGE

Course Code : ILM 206

Credit Units : 1

Course Objectives:-

- 1 To enhance research and teaching capability
- 2 In depth study of the topic concerned to solve the students query
- 3 To develop confidence and also communication skills / presentation skills

Rules

1. The study material (prepared by student) has to be submitted to the concern faculty on the same day of presentation. Lecture notes will be kept as record and will be included in evaluation.
2. Each class will be calculated separately and will be of 10 marks each and will be included for final evaluation.
3. Each student will undergo 14 classes in total. Best 10 classes will be considered for scoring. The marking will be calculated accordingly.
4. Mode of teaching can be lecture method / PPT method.
5. Every Student will be given four days time for preparation(approx).
6. Schedule of the student class and faculty allotted will be intimated on every Friday for next week.
7. Student may take guidance from faculty member for further improvement.
8. If a student fails in tutelage program, he / she have to repeat the same in next semester only along with the subsequent batch since in supplementary exam it is not possible to conduct tutelage classes.
9. In case of ill health of the faculty / student, student needs to do mutual arrangement for the class session after informing the coordinator. If the student does not report even after being informed earlier, he'll be marked absent and no marks will be allotted for that class.

Examination Scheme

Components	EE	10 classes
Weightage (%)	100	10 (per class)

COMPARATIVE CRIMINAL PROCEDUREL LAW

Specialization: Criminal Law

Course Code ILM201 Cr.L

Course Credit-02

Course Objective:

To impart knowledge of enforcement criminal system in a comparative framework and to acquaint students with different systems of criminal law and criminal procedure particularly in UK & US criminal Procedure. Where it is necessary, the criminal procedure of France and Australia will also be discussed.

Module 1 Organization of Court and Prosecuting Agencies

Organization of Courts and Prosecuting Agencies Hierarchy of criminal courts and their jurisdiction, Organization of prosecuting agencies, Prosecutors and the police, Withdrawal of prosecution, Criminal Courts in UK and USA.

Module 2

Pre-Trial Procedures and Trial Procedures, Arrest and questioning of the accused, Rights of accused to fair trial, Trial procedures: Accusatory system of trial, and Inquisitorial system of trial, Role of the judge, The prosecutor and defense attorney in the trial, Principles of fair, Jury trial in USA and US.

Module 3 Admission and relevancy of evidences and Appeal

Admissibility and inadmissibility of evidence, Expert evidence, Appeal of the court in awarding appropriate punishment, Plea bargaining. Appeal in Supreme Court.

Examination Scheme

Component	Publication	Tutorial	Attendance	External Exam
Weight age %	15	10	5	70

Recommended Books

1. Basu, D. D.; Criminal Procedure Code; LexisNexis
2. Ratanlal and Dhirajlal; Indian Penal Code; Wadhwa Publication
3. Comparative Criminal Procedure, Dr. Kanwal, Sheetal, Amar Law Publication
4. Thaman, Stephen; Comparative Criminal Procedure: A Casebook Approach; Carolina Academi Press
5. Nijboer, J.F.; Comparative Criminal Law and Procedure; Kluwer Publication
6. Sluiter, Goran and Friman, Hakan; International Criminal Procedure: Rules and Principles; Oxford Press
7. Kelkar R.V.; Revised by Pillai, P. S. A.; Outlines of Criminal Procedure Code; Lexis Nexis.

INTERNATIONAL CRIMINAL LAW

Specialization- Criminal Law

Course code: ILM202 Cr.L

Course Credit:02

Course Objective:

Widespread violations of international humanitarian law had become a practice in the contemporary world. Thus, growing concerns of the international community resulted in a demand for international criminal prosecution before an international criminal tribunal for those who committed heinous crimes recognized under customary international law as a threat to international peace and security. The culture of impunity, which existed and still exists, will be replaced by punishing those who are responsible for the violation of serious human rights and humanitarian law.

Module 1: Introduction

Notion of international criminal law, Historical Evolution of International Crime, Sources of international criminal law:- Primary Sources- Treaties, International Customary Law, and General Principles of Law; Secondary sources – judicial decisions and writings of publicists.

Module 2: International Crimes and Extradition. Types of International Crime- Crimes against peace i.e armed conflict and internal rebellion, Crimes of apartheid, Forced disappearance, Genocide, Piracy, Slavery, War crimes. Extradition- Definition, Model treaty on extradition 1990 of UN.

Module 3: Module 3: Adjudicating Mechanism.

International Criminal Court: Composition, Jurisdiction of the ICC. Interpol- Structure and Governance.

Examination Scheme:

Components	Publication	Tutorial	Attendance	External exam
Weightage (%)	15	10	5	70

Recommended Readings:

1. R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press 2010, second ed.
2. M.C. Bassiouni, *Introduction to International Criminal Law*, Transnational Publishers 2003.
3. A.Cassese, *International Criminal Law*, Oxford University Press 2008, wyd. 2.
4. A.Cassese, P. Gaeta, J.R.W.D. Jones (red.), *the Rome Statute of the International Criminal Court: A Commentary*, Oxford University Press 2002.
5. Philippe Sands, ed., *From Nuremberg to the Hague: The Future of International Criminal Justice*, Cambridge, UK: Cambridge University Press, 2003
6. Romano, A. Nollkaemper, J. Kleffner (red.), *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia*, Oxford University Press 2004.
7. W.A. Schabas, *the UN International Criminal Tribunals. The former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press 2006.

WHITE COLLAR CRIMES

Specialization: Criminal Law

Course Code-ILM203Cr.L

Credit-02

Course Objective:

To study the concept of white collar crimes in details • To study the impact of white collar crime from Indian perspective • To study their impact of white collar crime on Indian Economy

Module-I

White Collar Crime -Nature, Definition and Scope, Growth of White Collar Crime in India and Western Countries. Mens rea and White Collar Crime. Vicarious liability and strict liability in White Collar Crime.

Module-II

Corporate Crimes- Meaning and Nature, Psychological and Socio-economic Factors underlying corporate frauds, Types of Corporate Crimes, Judicial attitude towards Corporate Crimes

Module-III

Statutes dealing with White Collar Offences, Indian Scenario White Collar Crimes in Indian scenario. Corruption in government and politics, Black Money, Judicial response to white collar crimes in India, Cyber Crimes

Examination Scheme:

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Recommended Readings:

1. Gandhirajan, C K 2004, Organized crime, A P H Publishing Corporation
2. Nair, P M 2002, Combating Organized crime, Konark Publishers
3. Karan Raj, 2002, Dictionary of Terrorism and Bioterrorism, IVY Publishing House, Delhi.
4. V Grover, 2002, Encyclopedia of International Terrorism, Vol. 1,2 &3, Deep & Deep Publications, New Delhi.
5. Shah, Giriraj, 2002, Encyclopedia of International Terrorism, Anmol Publications, New Delhi.
6. Holmes, Ronald M, 2001, Murder in America, Sage Publications, New Delhi.

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7. Cambridge University Press, 2001, White Collar Crime Explosion: How to protect yourself and your company from prosecution
8. Kelly, Robert J, 2000, Encyclopedia of Organized Crime in the United States from Capone's Chicago to the New Urban Underworld, Greenwood Press Westport. London.
9. Viano, Emilio C 2000 Global Organized Crime and International Security, Ash gate Publishing Limited

PRINCIPLES OF CRIMINAL LIABILITY AND FELONIOUS TORTS

Specialization: Criminal Law

Course Code-ILM204 Cr.L

Credit-02

Course Objective:

To acquaint the students with the Principles of Criminal Liability and the meaning of Felonious torts. To impart knowledge about the torts those are punishable under criminal liabilities given under Indian Penal Code. This study would give a visionary approach to study torts as an offence with the comparative study of tort and IPC.

Module I: Introduction to Felonious Torts:

Definition, Meaning, Nature and Scope, difference between Tort and Crime.

Module II: Principles of Criminal Liability:

Individual Liability, Joint and Constructive Liability, Strict Liability & Absolute Liability.

Module III: Types of Felonious Torts:

Assault, Criminal Conspiracy, Malicious Prosecution, Wrongful Confinement, Trespass, Public Nuisance, Negligence, Defamation, Inchoate Offences

Examination Scheme:

Components	Publication	Tutorial	Attendance	External exam
Weight age (%)	15	10	5	70

Recommended Books

1. Prof. H.S. Gaur; Indian Penal Code (2 Vol. Set), 15th edition 2014, Eastern Book Company
2. Ratanlal and Dhirajlal; Indian Penal Code; 33rd edition 2016, Wadhwa Publication
3. Kutner; Advanced Torts, 3rd edition 2007, Carolina Academic Press,
4. Shubha Ghosh, Acting Tort Law, 2nd edition 2012, West Publishing Co.
5. Pillai, P S A; Law of Tort, 9th edition 2017,EBC
6. Gandhi, BM; Law of Torts, th edition 2016, EBC