



**Evaluation Scheme & Syllabi**

**of**

**Master of Laws  
(LL.M.)  
Criminal Laws**

(w.e.f. Academic session 2022-23)

Faculty of Law  
**INVERTIS UNIVERSITY BAREILLY**

**COURSE STRUCTURE  
LL.M.(CRIMINAL LAW)**

**YEAR 1**

**SEMESTER I**

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS L+T+P	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LLM 101	Indian constitutional law- New Challenges	70	30	100	3+2+0	5
2	LLM 102	Law & Social Transformation	70	30	100	3+2+0	5
3	LLM 103	Jurisprudence	70	30	100	3+2+0	5
4	LLM 104	Legal Education & Research Methodology	70	30	100	3+2+0	5

**SEMESTER II**

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS L+T+P	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LMC 201	Criminology Penology & Victimology	70	30	100	3+2+0	5
2	LMC 202	Drug Addiction, Criminal Justice and Human Rights	70	30	100	3+2+0	5
3	LMC 203	Privileged Class Deviance & International Crimes	70	30	100	3+2+0	5

## YEAR 1 SEMESTER I

### PAPER I

<b>LLM 101: INDIAN CONSTITUTIONAL LAW -NEW CHALLENGES</b>	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial:1hr/Week</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>
<b>Credit: 5</b>	

#### **Objectives of the course:**

The Constitution, a living document, is said to be always in the making. The Judicial Process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

The following syllabus prepared with this perspective will be spread over a period of one semester.

#### Syllabus

##### 1. Federalism

- 1.1 Creation of new states.
- 1.2 Allocation and share of resources-distribution of grants in aid.
  - 1.2.1. The inter-state disputes on resources.
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the States under Article 356 and 365.
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.7. Tribal Areas, Scheduled Areas.

##### 2. "State" Need for widening the definition in the wake of liberalization.

##### 3. Right to equality: privatisation and its impact on affirmative action.

##### 4. Empowerment of women.

##### 5. Freedom of press and challenges of new scientific development.

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strike. hartal and bandh.

##### 6. Emerging regime of new rights and remedies

- 6.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights.

- 6.1.1 Compensation Jurisprudence

- 6.1.2 Commercialization of education and its impact

- 6.1.2.1. Brain drain by foreign education market

##### 7. Right of minorities to establish and administer educational institutions and state control.

##### 8. Secularism and religious fanaticism

##### 9. Separation of powers: Stresses and strain

- 9.1. Judicial activism and judicial restraint.
- 9.2. PIL implementation.
- 9.3. Judicial independence.

9.3.1. Appointment, transfer and removal of Judges.

9.4. Accountability: executive and judiciary.

9.5. Tribunals

10. Democratic Process.

a. Nexus of politics with criminals and the business.

b. Election.

c. Election commission: status.

d. Electoral Reforms.

e. Coalition government. •stability, durability, corrupt practice.

f. Grass root democracy.

Select bibliography

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, change's and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values

## PAPER II

LLM 102: LAW & SOCIAL TRANSFORMATION IN INDIA	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial: 1hr/Week</b>  <b>Credit: 5</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>

### Objective of the Course

This course is designed to offer the teacher and the taught with

- a. Awareness of Indian approach to social and economic problems in the context of law as a means of social control and change. and
- b. A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role as played and has to play in contemporary Indian society.

The following syllabus prepared with this perspective will spread over a period of one semester:

1. Law and social change
  - a. Law as an instrument of social change .
  - b. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institution in India.
2. Religion and the law
  - a. Religion as a divisive factor
  - b. Secularism as a solution to the problem
  - c. Reform of the law secular lines: problems
  - d. Freedom of religion and non discrimination on the basis of religion.
  - e. Religious minorities and law
3. Language and the law
  - a. Language as a divisive factor: formation of linguistic states
  - b. Constitutional guarantees to linguistic minorities
  - c. Language policy and the constitutions: official language: multi language system
  - d. Non discrimination on the ground of language
- 4 Community and the law
  - a. Caste as a divisive factor
  - b. Non-discrimination on the ground of caste
  - c. Acceptance of caste as a factor to undo past injustices
  - d. Protective discrimination. schedule caste, tribes and backward classe
  - e. Reservation; statutory commissions, statutory provisions
5. Regionalism and the law .
  - a. Regionalism as a divisive Factor
  - b. Concept of India as one unit.
  - c. Right of movement. residence and business, impermissibility of state or regional barriers
  - d. Admission to educational institutions, preference to residents of a state.
6. Women and law
  - a. Crimes against women
  - b. Gender injustice and its various forms
  - c. Women's commission

- d. Empowerment of women; constitutional and other provision
- 7. Children and the law
  - a. Child labour
  - b. Sexual exploitation
  - c. Adoption and related problems
  - d. Children and education
- 8. Modernisation and the law
  - a. Modernisation as a value, constitutional perspectives reflected in the fundamental duties
  - b. Modernisation of social institutions through law
  - c. Reform of family law
  - d. Agrarian reform—industrialisation of agriculture
  - e. Industrial reform; free enterprise V. State regulation, industrialisation V Environment protection
  - f. Criminal law, plea bargaining, compounding and payment of compensation to victim
  - g. Reform of court processes
- 9. Alternative approaches to law
  - a. The jurisprudence of sarvodaya Gandhi ji. Vinoba Bhave. Jayprakash narayan
  - b. Socialist thought on law and justice; an enquiry through constitutional debates on the right to property
  - c. Indian Marxist critique of law and justice
  - d. Naxalite movement; causes and cure

#### Select Bibliography

1. Galanter Marc, law and society in modern India, 1997. Oxford.
2. Lingat Robert, The classical law of India, 1998, Oxford
3. Baxi Upendra, the crisis of the Indian legal system. 1982. Vikash.
4. Seervai H.M. constitutional law of India, 1 996. Prentice.
5. Gunasekhare Savitri, children law and justice, 1997, Sage.
6. Derret Duncan, the state religion and the law and India, 1999, Oxford.
7. Desta Sunil and Kiran, law and menace of child labour. 2000. Arnol Publications.

### PAPER III

LLM 103: JURISPRUDENCE	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial: 1hr/Week</b>  <b>Credit: 5</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>

Concept : what is the legal Method and Its Purpose? How the same purpose can be served by any other method that may be outside the parameters of legal method? What is the advantages of legal method versus non-legal methods are?

1. What the law is and its interrelation with and cross fertilization of principles, ethics Religion and Morality
2. What is the law a system? What are the requirements of law to be a system instead an adhoc reaction to incidents-heuristic, epistemological hermeneutical and teleological How are the legal reasoning structured in deductive and inductive framework in problem solution material and method of learning the law? Locating a legal system in the global map and character of each system, such as Ecclesiastical System, Common Law System, (Anglo Saxon), Continental System, Romano-Germanic system, Constitutional and hybrid legal system
3. What are the sources of Law? Is the law discoverable phenomenon to be discovered from custom and usages? Is law an inventible idea emanating from reasoning, application of precedent or legislature discourse? Finding the ratio and obiter dicta
4. Theories of Law. National Law Theory positivist Theory, Legal Realism and Sociological theory
5. Law as an instrument of Social engineering- instrument of Social Structure.
6. Concepts.
  - a) Legal Rights
  - b) Ownership
  - c) Poscsion and
  - d) Legal Personality

Books recommended:

- 1 Farar and Dugdale- Introduction to Legal Method (Sweet and Maxwell).
- 2.Friedman- Lloyd's Introduction to Jurisprudence.-(Chapter1.7) (Sweet & Maxwell) :
3. Lloyd's- Idea of Law (Bulterworth)
4. Hart-Concept of law. Law Liberally and Morality.
5. Glanville William- Learning the law
6. Antony Allot- The Limits of the Law (Butler worth)
7. Fried man- Law in the Changing Society
8. Baxi Upendra- Crisis of Indian Legal System
- o. Materials and cases prepared by the teacher.
10. Edgar Bodenheimer-Jurisprudence. The Philosophy and Method of Law

## PAPER IV

<b>LLM 101: RESEARCH METHOD AND LEGAL WRITING</b>	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial: 1hr/Week</b>  <b>Credit: 5</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>

### Objectives of the Course

post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like the organization of seminars, publications of law journals and holding of legal aid clinics.

Law is taught in different countries. The LLM. course being intended also to produce lawyers. with better competence and expertise. it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both LL..B. level and LL.M. as many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

### Syllabus:

1. Objectives of Legal Education
2. Lecture Method of Teaching-Merits and demerits.
3. The problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching.
6. Examination system and problems in evaluate-external and internal assessment.
7. Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers.
8. Clinical legal education -legal aid. legal literacy. legal survey and law reform.
9. Research Methods.
  - 9.1 Socio Legal Research.
  - 9.2 Doctrinal and non-doctrinal.
  - 9.3 Relevance of empirical research.
  - 9.4 Induction and deduction.
10. Identification of problem of research.
  - 10.1 What is a research problem?
  - 10.2 Survey literature and (Material)
    - 10.2.1. Legal material
      - 10.2.1(a) Primary Legal Material
      - 10.2.1(b) Secondary Legal Material
    - 10.2.2 Non Legal Material
11. Preparation of the Research Design
  - 11.1. Formulation of the Research problem.
  - 11.2. Devising tools and techniques for collection of data: Methodology.
    - 11.2.1. Methods for the collection of statutory and case materials and juristic literature.
    - 11.2.2. Use of historical and comparative research materials
    - 11.2.3. Use of observation studies.
    - 11.2.4. Use of questionnaires / interview.
    - 11.2.5. Use of case studies.
    - 11.2.6. Sampling procedures -design of sample. ty pes of sampling to be adopted
    - 11.2.7. Use of scaling techniques.



11.2.8. Jurimetrics.

11.3. Computerized Research- A study of legal research programmes such as lexis and West law coding.

11.4. Classification and tabulation of data-use of cards for data collection Rules for tabulation: Explanation of tabulated data

1.5. Analysis of Data.

**SEMESTER II  
PAPER I**

<b>LMC 201: CRIMINOLOGY PENOLOGY AND TREATMENT OF OFFENDERS</b>	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial: 1hr/Week</b>  <b>Credit: 5</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>

**Detailed Syllabus**

1. Nature and scope of criminology
  - Crime, Criminal and Victim
  - Schools of Criminology
  - Theories of causation of Crime
2. Penology –
  - Theories of Punishment
  - Classical Hindu and Islamic approaches to punishment
  - Capital punishment
  - Judicial attitude towards capital punishment in India .
3. Sentencing –  
Theories and Practice –Pre – Sentence hearing – Sentencing in white collar crime and sentencing for habitual offenders – Alternative to imprisonment – probation – corrective labour, fine reparation by the offenders - the court principle- types of sentence in the penal code and special laws- Plea bargaining.
4. Prison –  
state of India's jails today – Disciplinary regime of Indian prisons-classification of prisoners – Rights of prisoners and duties of custodial staff – open prisons-judicial surveillance.
5. Statuary materials – Probation and offenders Act, 1958.

**BOOKS Recommended;**

1. Sutherland –Principles of Criminology.
2. Sethna M.J. - Society and Criminal.
3. Barnes and Teeters – New Horizons in Criminology.
4. Vold – Theoretical Criminology.
5. Gillin – Criminology and penology.
6. Hans Von Henting- Criminal and his Viction.
7. H.L.A. Hart – Punishment and Responsibility.
8. Siddique – Criminology.
9. Alf Ross- On Guilt Responsibility and Punishment.
10. Cases and Materials Prepared by the teachers

## PAPER II

LMC 202:DRUG ADDICTION, CRIMINAL JUSTISE AND HUMAN RIGHTS	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial:1hr/Week</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>
<b>Credit: 5</b>	

### Detailed syllabus

1. Introductory.  
Basic conceptions.  
Basic conceptions.  
Drugs ‘narcotics’ “psychotropic Substances”.  
‘ Dependence,” addiction”.  
“Crimes without victims.  
“Trafficking “in drugs”.  
“Primary drug abuse”.
2. How does one study the incidence of Drug Addiction and Abuse?  
Self- reporting.  
Victim- studies.  
Problems of comparative studies.
3. Ana graphic and Social Characteristics of Drug Users.  
Gender.  
Age.  
Religiousness.  
Single individual / cohabitation.  
Socio- economic level of family.  
Residence pattern (urban / rural /urban).  
Educational levels.  
Occupation.  
Age of first use.  
Type of drug use.  
Reasons given as cause of first use.  
Method of intake.  
Pattern of the –Use.  
Average Quantity and Cost.  
Consequence on addict’s health (physical /psychic).

**NOTE:** Since no detailed empirical studies exist in India, the class should be in this topic sensitised by comparative studies. The Principal objective of this discussion is to orient the class to a whole variety of factors which interact in the ‘making ‘ of a drug addict.

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4. The International Legal Regime.  
Analysis o f the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972.  
Analysis of the Convention of Psychotropic Substances, 1972.  
International collaboration in combating drug addiction.  
The SARC, and South – South Cooperation.  
Profile of International market for psychotropic substances.
5. The Indian Regulatory System.  
Approaches to narcotic trafficking during colonial India.  
Nationalist thought towards regulation of drug trafficking and usage.  
The penal provisions (under the IPC and the Customs Act).  
India’s role in the evolution of the two international conventions.

Judicial approaches to sentencing in drug trafficking and abuse.  
The Narcotic Drugs and Psychotropic Substances Act, 1985.

6. Pattern of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

7. Human Rights Aspects.

Deployment of marginalized people as carrier of narcotics.

The problem of juvenile drug use and legal approaches.

Possibilities of misuse and abuse of investigative prosecutor powers.

Bail.

The problem of differential application of the Ugal Regimes, especially in relation to the resource less.

8. The role of Community in Combating Drug Addiction.

Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare).

The role of educational systems.

The role of medical profession.

The role of mass media.

Initiatives for compliance with regulatory systems.

Law reform

initiatives. 17

### **BOOKS Recommended;**

1. H.S. Becker, Outside: The Studies in Sociology of Deviance.

2. J.A. Incard. C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)

3. R.Cocken, Drug Abuse and personality in young Offenders (1974).

4. G. Edwards Busch, (ed.). Drug Problems in Britain: A review of Ten Years (1981).

5. P. Kondanram and Y.N. Murthy, " Drug Abuse and Crime: A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979).

6. P.R. Rajgopat violence and Response: A Critique of the Indian Criminal System (1988).

7. United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations.

8. Social Defence, Research Institute (UNSDR) Combating Drug Abuse and Related Crimes (Rome, July, 1984, Publication No.21)

9. Lok Sabha and Rajya Sabha Debates on 1986 bill on Psychotropic Substances. Useful Journals in this area are.

(I) The Law and Society Review (USA).

(II) Journal of Drug Issues (Tallahassee Florida)

(III) International Journal of Addiction (New York).

(IV) British Journal of Criminology.

(V) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.).

(VI) Journal of Criminal Law and Criminology (Chicago,III).

(VII) Interantional Journal of Offenders Therapy and Comparative Criminology (London)

(VIII) Bulletin on Narcotics (United Nations)

### PAPER III

<b>LMC 203:PRIVILEGED CLASS DEVIANCE AND INTERNATIONAL CRIMES</b>	
<b>Teaching Scheme</b> <b>Lectures: 4 Hr/Week</b> <b>Tutorial:1hr/Week</b>  <b>Credit: 5</b>	<b>Examination Scheme:</b> <b>Class test- 12marks</b> <b>Teacher Assessment: 6 marks</b> <b>Attendance: 12 marks</b> <b>End Semester Exam: 70 marks</b>

#### **Detailed Syllabus**

1. Concepts of white collar – Suitherland ‘s definition – Critical analysis of the definition– Indian approach to socio – economic offenders – Notions of privileged class deviance as providing a wider categorization of understanding - Indian development- Forms of deviance as providing a wider categorisation deviance official , professional and police deviance.
2. Judicial attitude – Legislation against socio- economic offenders.
3. Professional deviance – Unethical practice at the Indian Bar, the unethical Commission Report – Press Council on unprofessional and unethical journalism, practice, vigilance commission, prevention of Corruption Act, 1988.
4. International Crimes – Definition, nature and scope of international and municipal criminal law – jurisdiction.
5. Crime against peace – Crime against humanity and war crimes – Numbering trial – Tokyo trial and Eichmann’s trial – Principles evolved – International Convictions.
6. Piracy – Genocide – Hijacking – Aggression and terrorism.
7. International Criminal – Extradition and Interpol.

#### **Statuary Materials:**

1. The Prevention of Corruption Act, 1988.
2. Indian Legislation relating to untouchability and Suppression of Immoral Traffic.
3. Documents relating to international Criminal Court.

#### **Books Recommended**

1. Upendra Baxi- Liberty and Corruption: The Autuly’s case and beyond .
2. D.B. Pande – The Nature and Dimensions of Privileged class deviance.
3. Surendra Nath - & Bhargawa – political Corruption in India.
4. Gilbert Geis – White Collar Crime in Business . politics and profession.
5. Sutherland - White Collar Crime.
6. Law Commission on Socio- Economic offenders (47th Report).
7. Muller & Wise- International Criminal Law.