

## ARYAVART INTERNATIONAL UNIVERSITY

Tilthai, Dharmanagar, North Tripura-799250

### Syllabus for LLM (Criminal Law)

#### Semester 1

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW111	Legal Theories	4	0	0	4	70	30	0	100	
25LW112	Indian Constitutional Law: The New Challenges	4	0	0	4	70	30	0	100	
25LW113	Public International Law	4	0	0	4	70	30	0	100	
25LW114	Penology: Treatment and correctional philosophy of Offenders & Collective Violence	4	0	0	4	70	30	0	100	
25LW115	Privileged Class Deviance	4	0	0	4	70	30	0	100	
25LW116	Drug Addiction	4	0	0	4	70	30	0	100	
Total					24	420	180	0	600	

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**Tilthai, Dharmanagar, North Tripura**

**Detailed Syllabus**

**LEGAL THEORIES**

**Code: 25LW111**

Max Marks: 70

**Course Objectives:** This course aims to provide an in-depth understanding of the evolution, nature, and purpose of law through various schools of legal thought. It enables students to critically analyze jurisprudential principles, interpret legal concepts in contemporary contexts, and apply theoretical frameworks to practical legal issues.

**UNIT I: Analytical Legal Positivism** **(8 Hrs)**

1. Analytical School
  - a. Jeremy Bentham
  - b. John Austin

**UNIT II: The Pure Theory** **(8 Hrs)**

1. Hans Kelsen
  - a. The Basic Norm
  - b. Implication of Pure Theory
  - c. Contribution of Kelsen

**UNIT III: Sociological School** **(8 Hrs)**

1. The Social Origin of Laws & Legal Institutions
2. Impact of Laws on Society
3. The Task of Law in Society
  - a. Roscoe Pound
  - b. Social Engineering

**UNIT IV: American Realism** **(8 Hrs)**

1. Justice Holmes
2. Carl N. Llewellyn

**UNIT V: Natural Law** **(8 Hrs)**

1. The Greek Period
2. The Roman Period
3. The Medieval Period
4. Revival of Natural Law Theories

**Reference Books:**

1. Bodenheimer, Jurisprudence - The Philosophy and Method of Law (1996) Universal, Delhi
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay.
3. W. Friedmann, Legal Theory (1999) Universal, New Delhi.
4. Paton G. W., Jurisprudence (1972) Oxford, ELBS.
5. Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
6. Roscoe Pond, Introduction to the Philosophy of Law (1998 re-print) Universal, New Delhi.
7. Hart, H.L.A., The Concepts of Law (1970) Oxford, ELBS.
8. Lloyds Introduction to Jurisprudence, Sweet and Maxwell.

**INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

**Code: 25LW112**

Max Marks: 70

**Course Objective:** This course aims to equip students with a comprehensive understanding of emerging issues and contemporary developments in Indian Constitutional Law. It focuses on judicial trends, constitutional governance, fundamental rights, and the dynamic balance between the legislature, executive, and judiciary, encouraging critical analysis of constitutional challenges in the modern era.

**UNIT I: "State": Need for Widening the Definition in the Wake of Liberalization** (6 Hrs)

**UNIT II: Right to Equality: Privatisation and its Impact on Affirmative Action** (6 Hrs)

**UNIT III: Freedom of Press and Challenges of New Scientific Development** (6 Hrs)

1. Freedom of speech and the right to broadcast and telecast
2. Access to information
3. Right to strikes, hartal, and bandh

**UNIT IV: Emerging Regime of New Rights and Remedies** (8 Hrs)

1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
  - a. Compensation jurisprudence
  - b. Right to education
    - i. Commercialisation of education and its impact
    - ii. Brain-drain by the foreign education market

**UNIT V: Secularism, Religious Fanaticism and Federalism** (8 Hrs)

1. Allocation and share of resources - distribution of grants in aid
  - a. The interstate disputes over resources
2. Directions of the centre to the State under Articles 356 and 365
3. Special status of certain States
  - a. Tribal Areas, Scheduled Areas

**UNIT VI: Secularism, Religious Fanaticism and Federalism** (6 Hrs)

1. Judicial activism and judicial restraint
2. PIL: implementation
3. Judicial independence
4. Appointment, transfer, and removal of judges
5. Accountability: executive and judiciary
6. Tribunals

**Reference Books:**

1. H.M. Sheervai, Constitution of India (three Volumes)
2. M.P. Jain, Constitution Law of India (2008), Tripathi, Bombay
3. D. D. Basu's Commentaries on the Indian Constitution
4. Basu D. D.: Shorter Constitution of India, Wadhwa Publication, Nagpur
5. Latest Judgments of the Supreme Court

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**ADVANCED PUBLIC INTERNATIONAL LAW**

**Code: 25LW113**

Max Marks: 70

**Course Objectives:** This course aims to provide students with a deep understanding of the principles, sources, and institutions governing relations between States and international entities. It emphasizes the role of international law in maintaining global peace, security, and justice, while fostering critical analysis of contemporary international issues and their impact on national legal systems.

**UNIT I: Introduction** (08 Hrs)

1. Nature of International Law
2. Basis of International Law
3. Evolution and Development of International Law
4. Codification of International Law

**UNIT II: Sources of International Law** (08 Hrs)

1. General
2. Custom
3. Treaties
4. The General Principles of Law
5. Judicial Decisions
6. Juristic Work on International Law
7. General Assembly Resolutions and Declarations

**UNIT III: Relation between International Law and Municipal Law** (08 Hrs)

1. Theories on Relationship
2. Theories on the Application of International Law within Municipal Law
3. Municipal Law before International Tribunals
4. International Law within Municipal Sphere

**UNIT IV: Subjects of International Law** (08 Hrs)

1. State as a Subject
2. Public International Organizations
3. Individual as Subject of International Law

**UNIT V: Law and Practice of Treaties** (08 Hrs)

1. The Treaty-Making Process
2. Treaties and Third Parties
3. Treaty Interpretation
4. Amendment and Modification of Treaties

**Reference Books:**

1. Akehurst's Modern Introduction to International Law, Ed. By Peter Malanczuk, 7th Edition, (Revised)
2. Alina Kaczorowska, Public International Law 150 Leading Cases, Old Bailey Press, 2002.
3. Bowett D.W., The Law of International Institutions, 4th Edition, 2003, Universal.
4. Brownlie, Ian (2003). Principles of Public International Law, Oxford University Press, 6th Edition.
5. David D. Caron, Cases & Materials on International Law.
6. Oppenheim, International Law (Vol. I & II)
7. Starke J.G., Introduction to International Law.
8. M.P. Tandon, Public International Law, 16th Edition, (2005), Allahabad Law Agency.

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**PENOLOGY: TREATMENT AND CORRECTIONAL PHILOSOPHY OF OFFENDERS &  
COLLECTIVE VIOLENCE**

**Code: 25LW114**

Max Marks: 70

**Course Objectives:** This course offers a specialist understanding of criminal policies including theories of punishment; their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'Developing' societies, a locus normally absent in law curricula so far.

The expert- work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three D's will be explored as offering a range of alternatives: decriminalisation, depensation and deinstitutionalisation. Broadly, the course will concern itself with:

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial institutions
- (e) The Problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginalized deviance or criminality
- (h) The distinctive Indian (historical and contemporary) approaches to penology.

This is a crucial area of Indian development with which traditional Western criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence, or violence involved in mercenary terrorism and its containment. It is not very helpful in such contexts to mouth the generalities such as "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the etiology and the prognosis of CPV. Instead of political analysis, the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state law response policies of management of sanctions, compensation, and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning an overall democratic understanding and responses to meet this problem.

This course also deals with the various aspects of New Criminal Laws – Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Adhiniyam, 2023, and Bharatiya Sakshya Adhiniyam, 2023.

**UNIT I: Introductory**

**(04 Hrs)**

Definition of Penology and Correctional Philosophy of Offenders.

**UNIT II: Theories of Punishment**

**(08 Hrs)**

1. Retribution
2. Utilitarian prevention: Deterrence
3. Utilitarian: Intimidation
4. Behavioral prevention: Incapacitation
5. Behavioral prevention: Rehabilitation – Expiation

**UNIT III: Sentencing, Implementing the Problems of Capital Punishment**

**(08 Hrs)**

1. Principal types of sentences in the BNS and special law
2. Sentencing in white collar crime
3. Sentencing for habitual offender
4. Classification of prisoners
5. Rights of the prisoner and duties of custodial staff
6. Open prisons, Punishment of Community Service
7. Constitutionality of Capital Punishment
8. Judicial Attitudes towards Capital Punishment in India: An inquiry through the statute law and case law

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**Tilthai, Dharmanagar, North Tripura**

9. Probation of Offenders Act, 1958
10. Parole
11. Open Jails

**UNIT IV: Collective Violence**

**(10 Hrs)**

1. Notions of "force", "coercion", "violence"
2. Distinctions: "symbolic" violence, "institutionalised" violence, "structural" violence
3. Collective political violence and legal order
4. Religiously sanctioned structural "violence: Caste and gender based: Mob Lynching
5. Gandhiji's approach to non-violence
6. Discourse on political violence and terrorism during the colonial struggle
7. Organized Crimes, Petty Organized Crimes, Terrorist Act

**UNIT V: Communal Violence & Violence Against The State**

**(10 Hrs)**

1. Incidence and courses of "communal" violence
2. The role of police and para-military systems in dealing with communal violence
3. Act endangering the Sovereignty, Unity and Integrity of India (Sec. 152 BNS)

**Note: Choice of further areas will have to be made by the teacher and the taught.**

**Reference Books:**

**Section 1:**

1. S. Chhabbra, The Quantum of Punishment- in Criminal Law (1970) H.L.A. Hart, Punishment and Responsibility (1968)
2. Herbert L., Packer, The Limits of Criminal Sanction (1968)
3. Alf Ross, On Guilt, Responsibility and Punishment (1975)
4. A. Siddique, Criminology (1984), Easter, Lucknow
5. Law Commission of India, Forty-Second. Report Cn, 3 (1971)
6. K. S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Surveys of Sociology and Social Anthropology 1969-179 (1986)
7. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990)
8. R. Campray & Co., Calcutta

**Section 2:**

1. U. Baxi, "Dissent, Development and Violence" in R. Meaghar (ed.). Law and Social Change: Indo-American Reflections 92 (1988)
2. U. Baxi (ed.), Law and Poverty: Critical Essays (1988)
3. A. R. Desai (ed.), Peasant Struggles in India (1979)
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986)
5. A.R.Desai, Violation of Democratic Rights in India (1986)
6. D. A. Dhangare, Peasant Movement in India 1920-1950 (1983) Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983)
7. Ranjit Guha (ed.), Subaltern' Studies Volil-6 (1983-88)
8. T. Honderich, Violence for Equality 1980).
9. "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
10. Rajni Kothari, State against Democracy (1987)
11. G.Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
12. K. S. Shukla, "Sociology of Deviant Behavior" in 3 ICSSR Survey of Sociology and Social Anthropology 1,969-1979 (1986).
13. Bharatiya Nyaya Sanhita, 2023: Bar Ac



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**PRIVILEGED CLASS DEVIANCE**

**Code: 25LW115**

Max Marks: 70

**Course Objectives:** This course focuses on the "Criminality of the 'Privileged classes' [The definition of "privileged classes" in a society, like India, should not pose a major problem at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege, power, and deviant behaviour. The traditional approaches, which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful", deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes, and the higher bourgeoisie is not fully captured here.

In designing teaching materials for this course, current developments in deviance, as reflected in newspapers / Journals, law reports, and legislative proceedings, should be highlighted. It should be stressed that the objectives of the course include:

- (a) Dispelling the commonly held belief that deviant crime is usually associated with the impoverished or improvident;
- (b) Construction of a model to understand the reality of middle and upper-middle class deviance," criminality in India;
- (c) Critical analyses of legal system responses and
- (d) Issues and dilemmas in penal and sentencing policies

**UNIT I: Introduction**

**(08 Hrs)**

1. Conceptions of Privileged Class Deviance
2. Indian approaches to socio-economic offences
3. Notions of privileged class deviance as providing a wider categorization of understanding Indian development
4. Typical forms of such deviance
  - a. Official deviance (deviance by legislators, judges, bureaucrats)
  - b. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects, and publishers
  - c. Trade union finance (including teachers, lawyers/urban property owners)
  - d. Landlord deviance (class/caste, based deviance)
  - e. Police deviance
5. Deviance on the electoral process (rigging, booth capturing, impersonation, corrupt practices)
6. Gender-based aggression by socially, economically, and politically powerful

**Note:** Depending on the specialist interest of the teacher and the taught, any three areas of deviance of the privileged class may be explored; what follows is only illustrative of one model of doing the course

**UNIT II: Official Deviance**

**(08 Hrs)**

1. Conception of official deviance - permissible limit of discretionary powers
2. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission - in 1959 and 1971
3. The Chagla Commission Report on LIC-Mundhra Affair
4. The Das Commission Report on Pratap Singh Kairon.
5. The Grover Commission Report on Dev Raj Urs
6. The Maruti Commission Report
7. The Ibakkar-Natarajan Commission Report on Fairfax

**UNIT III: Police Deviance**

**(08 Hrs)**

1. Structures of legal restraint, oh, police powers in India
2. Unconstitutionality of "third-degree" methods and use of fatal force by police
3. "Encounter" killings
4. Police atrocities
5. The plea of superior orders
6. Rape and related forms of gender-based aggression, by police and para-military forces, Reform suggestion, especially by the National Police Commissions

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**UNIT IV: Professional Deviance**

**(06 Hrs)**

1. Unethical practices at the Indian bar
2. The Lent in Commission Report
3. The Press Council on unprofessional and unethical journalism
4. Medical Malpractice

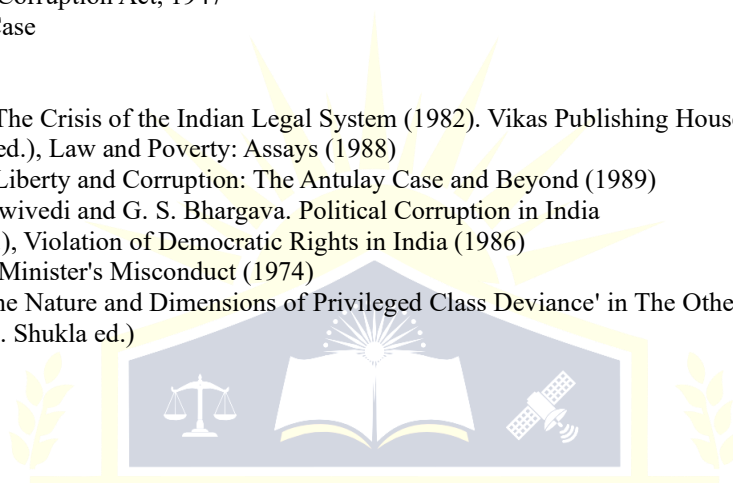
**UNIT V: Response of Indian Legal Order to the Deviance of Privileged Classes**

**(08 Hrs)**

1. Vigilance Commission
2. Public Accounts Committee Ombudsman
3. Ombudsman
4. Commissions of Enquiry
5. Prevention of Corruption Act, 1947
6. The Antulay Case

**Reference Books:**

1. Upendra Baxi, The Crisis of the Indian Legal System (1982). Vikas Publishing House, New Delhi
2. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
3. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
4. Surendranath Dwivedi and G. S. Bhargava. Political Corruption in India
5. A. R. Desai (ed.), Violation of Democratic Rights in India (1986)
6. A. G. Noorani, Minister's Misconduct (1974)
7. B. B. Pande. 'The Nature and Dimensions of Privileged Class Deviance' in The Other Side of Development 136 (1987, K. S. Shukla ed.)



**DRUG ADDICTION**

**Code: 25LW116**

**Max Marks: 70**

**Course Objectives:** Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent does drug dependence contribute to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors that contribute to the determination of both drug abuse and criminal behaviour? Apart from these causal issues, there are the broader questions of the social costs and benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control over individual choices as to survival and lifestyles?

The problems here are not merely ideological or theoretical. Users of drugs for personal, nontherapeutic purposes may well be linked with international trafficking in psychotropic substances. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York on 30 March 1961, as amended by the 1972 Protocol in Geneva on 25 March 1972, and the Convention on Psychotropic Substances, adopted in Vienna on 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986. Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected. Important methodological issues in studying the impact of regulation need to be evaluated at every stage. The following syllabus, prepared with the above perspective, will be spread over a period of one semester



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**UNIT I: Introductory** (06 Hrs)

1. Basic Conceptions
  - a. Drugs, narcotics, "psychotropic substances"
  - b. 'Dependence,' "addiction"
  - c. "Crimes without victims"
  - d. "Trafficking" in "drugs"
  - e. "Primary drug abuse"

**UNIT II: How Does One Study The Incidence of Drug Addiction and Abuse?** (04 Hrs)

1. Self-Reporting
2. Victim Studies
3. Problems of comparative studies

**UNIT III: Anagraphic and Social Characteristics of Drug Users** (10 Hrs)

1. Gender
2. Age
3. Religiousness
4. Single individuals/cohabitation
5. Socio-economic level of the family
6. Residence patterns (urban/rural/urban)
7. Educational levels
8. Occupation
9. Age at first use
10. Type of drug use
11. Reasons given as the cause of the first use
12. Method of Intake
13. Pattern of the -Use
14. Average Quantity and Cost
15. Consequences on the addict's health (physical/psychic)

**UNIT IV: The International Legal Regime** (10 Hrs)

1. Analysis of the background, text, and operation of the Single Convention on Narcotic Drugs, 1961, 1972
2. Analysis of the Convention on Psychotropic Substances, 1972
3. International collaboration in combating drug addiction
4. The SARC and South-South Cooperation
5. Profile of the international market for psychotropic substances

**UNIT V: The Indian Regulatory System and Role of Community in Combating Drug Addiction** (10 Hrs)

1. Approaches to narcotic trafficking during colonial India
2. Nationalist thought towards the regulation of drug trafficking and usage
3. The penal provisions (under the BNS and the Customs Act)
4. India's role in the evolution of the two international conventions
5. Judicial approaches to sentencing in drug trafficking and abuse
6. The Narcotic Drugs and Psychotropic Substances Act, 1985
7. Patterns of resource investment in India: policing, adjudication, treatment, aftercare, and rehabilitation
8. Profile of Community initiatives in the inhibition of dependence and addiction (e.g., deaddiction and aftercare)
  - The role of educational systems
  - The role of the medical profession
  - The role of mass media
  - Initiatives for compliance with regulatory systems
  - Law reform initiatives
9. Drug and Crime Relation

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**Reference Books:**

1. J.A. Incard, C.D. Chambers (eds.), Drugs and the Criminal Justice System (1974)
2. Social Defence, Research Institute (UNSDRI), Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No. 21).
3. Lok Sabha and Rajya Sabha Debates on the 1986 Bill on Psychotropic Substances.

Useful Journals in this area are:

- a. The Law and Society Review (USA)
- b. Journal of Drug Issues (Tallahassee, Florida)
- c. International Journal of Addictions (New York)
- d. British Journal of Criminology
- e. Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- f. Journal of Criminal Law and Criminology (Chicago, III)
- g. International Journal of Offender Therapy and Comparative Criminology (London)
- h. Bulletin on Narcotics (United Nations).
- i. Narcotic Drugs and Psychotropic Substances Act, 1985
- j. Bharatiya Nyaya Sanhita, 2023

**Theory Paper**

Total: 100 Marks  
External: 70 Marks  
Internal: 30 Marks

**External: 70 Marks**

10 Question (MCQ): 1 mark each (1x10 = 10)  
Answer any 6 out of 8 (Very Short 20-30 Words): 2 marks each (2x6 = 12)  
Answer any 6 out of 8 (Short 50-70 Words): 3 marks each (3x6 = 18)  
Answer any 6 out of 8 (Long 100-120 Words): 5 marks each (5x6 = 30)

**Internal: 30 Marks**

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.

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## ARYAVART INTERNATIONAL UNIVERSITY

Tilthai, Dharmanagar, North Tripura-799250

### Syllabus for LLM (Criminal Law)

#### Semester 2

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW211	Judicial Process	4	0	0	4	70	30	0	100	
25LW212	Law and Social Transformation of India	4	0	0	4	70	30	0	100	
25LW213	Legal Research Methodology	4	0	0	4	70	30	0	100	
25LW214	Comparative Criminal Procedure	4	0	0	4	70	30	0	100	
25LW215	Offences related to Juveniles	4	0	0	4	70	30	0	100	
25LW216	Principles of Criminal Law	4	0	0	4	70	30	0	100	
Total					24	420	180	0	600	

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## **Detailed Syllabus**

### **JUDICIAL PROCESS**

**Code: 25LW211**

Max Marks: 70

**Course Objectives:** This course aims to develop a comprehensive understanding of the functioning, role, and dynamics of the judiciary in the administration of justice. It focuses on judicial reasoning, decision-making, precedent, and the interaction between law and social change, encouraging students to critically analyse the creative and activist role of judges in shaping legal systems.

#### **UNIT I: Nature of Judicial Process (08 Hrs)**

1. Judicial process as an instrument of social ordering
2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability
3. The tools and techniques of judicial creativity and precedent
4. Legal development and creativity through legal reasoning under statutory and codified systems

#### **UNIT II: Special Dimension of Judicial Process in Constitutional Adjudications (08 Hrs)**

1. Notions of judicial review
2. 'Role' in constitutional adjudication - various theories of judicial role
3. Tools and techniques in policy-making and creativity in constitutional adjudication
4. Varieties of judicial and juristic activism
5. Problems of accountability and judicial law-making

#### **UNIT III: Judicial Process in India (08 Hrs)**

1. Indian debate on the role of judges and on judges and on the notion of judicial review
2. The "independence" of the judiciary and the "political" nature of the judicial process
3. Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity
4. Judicial process in pursuit of constitutional goals and values- new dimensions of judicial activism and structural challenges
5. Institutional liability of courts and judicial activism-scope and limits

#### **UNIT IV: The Concept of Justice (08 Hrs)**

1. The concept of justice or Dharma in Indian thought
2. Dharma as the foundation of legal ordering in Indian thought
3. The concept and various theories of justice the Western thought
4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition, and the liberal moral tradition

#### **UNIT V: Relation Between Law and Justice (08 Hrs)**

1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class
2. Dependency theories - for its realisation, justice depends on law, but justice is not the same as law
3. The independence of justice theories - means to end the relationship of law and justice - the relationship in the context of the Indian constitutional ordering.
4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

#### **Reference Books:**

1. Julius Stone, The Province and Function of Law, Part II, Chapters. I,8- 16(2000), Universal, New Delhi
2. Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham, The Judicial Processes (1998), Oxford
4. Julius Stone, Precedent and the Law: Dynamics of Common Law Growth (1985), Butterworth
5. W. Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law (1997), Universal, New Delhi
7. Julius Stone, Legal System and Lawyers' Reasonings (1999), Universal, New Delhi
8. Upendra Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
9. Rajeev Dhavan, The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay

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10. John Rawls, A Theory of Justice (2000), Universal, New Delhi
11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

**LAW AND SOCIAL TRANSFORMATION OF INDIA**

**Code: 25LW212**

Max Marks: 70

**Course Objective:** This course aims to analyse the relationship between law and social change in the Indian context. It explores how legal frameworks address issues of social justice, equality, and human rights, and examines the role of the Constitution, judiciary, and legislation in promoting social transformation and inclusive development in India.

**UNIT I: Law and Social Change**

**(06 Hrs)**

1. Laws as an instrument of social change
2. Law as the product of traditions and culture. Criticism and evaluation in the light of Colonization and the introduction of the common law system and institutions in India, and its impact on further development of law and legal institutions in India.

**UNIT II: Law and Its Inter-relationships with Religion, Language, Community and Regionalism (08 Hrs)**

1. Religion, Language, community, and regionalism as divisive factors
2. Responses of law to:
  - (a) Religion - through secularism
  - (b) Language - through constitutional guarantees
  - (c) Community - through non-discrimination
  - (d) Regionalism - through unity
  - (e) Non-discrimination and protective discrimination (reservation)

**UNIT III: Women, Children and the Law**

**(08 Hrs)**

1. Crimes against women
2. Gender injustice and its various forms
3. Women's Commission
4. Empowerment of women: Constitutional and other legal provisions
5. Child labour
6. Sexual exploitation
7. Adoption and related problems
8. Children and education

**UNIT IV: Modernizations and the Law**

**(10 Hrs)**

1. Modernization as a value: Constitutional perspectives reflected in the fundamental duties
2. Modernization of social instructions through law
  - a. Reform of family law
  - b. Agrarian reform - Industrialisation of agriculture
  - c. Industrial reform: Free enterprise v. State regulation Industrialisation v. environmental protection
3. Reform of court processes
  - a. Criminal law: Plea bargaining; compounding and payment of compensation to victims
  - b. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok Adalat
  - c. Prison reforms
4. Democratic decentralization and local self-government

**UNIT V: Alternative Approaches to Law**

**(08 Hrs)**

1. The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave, Jayaprakash Narayan -Surrender of dacoits; concept of gram nyalayalayas
2. Socialist thought on law and justice: an enquiry through constitutional debates on the right to property
3. Indian Marxist critique of law and justice
4. Naxalite movement: causes and cure

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**Reference Books:**

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay, Manushi A, Journal about Women and Society
5. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi
6. H. M. Seervai, Constitutional Law of India (1996), Tripathi
7. D. D. Basu, Shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd., New Delhi
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000), Armor Publications, Delhi
9. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
10. Indian Law Institute, Law and Social Change: Indo-American Reflection (1988), Tripathi
11. J. B. Kripalani, Gandhi: His Life and Thought (1970), Ministry of Information and Broadcasting.
12. Government of India
13. M. P. Jain, Outlines of Indian Legal History (1993), Tripathi, Bombay
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

**LEGAL RESEARCH METHODOLOGY**

**Code: 25LW213**

Max Marks: 70

**Course Objectives:** This course aims to equip students with the knowledge and skills required for systematic legal research and academic writing. It focuses on research design, data collection, analysis, and interpretation, while emphasizing ethical standards, citation methods, and the application of research techniques to solve contemporary legal problems.

**UNIT I: Research Methods**

**(06 Hrs)**

1. Socio-legal Research
2. Doctrinal and non-doctrinal
3. Relevance of empirical research
4. Induction and deduction

**UNIT II: Identification of Problem of Research**

**(10 Hrs)**

1. What is a research problem?
2. Survey of available literature and bibliographical research
3. Legislative materials, including subordinate legislation notification and policy statements
4. Decisional materials, including foreign decisions; methods of discovering the "rule of the case," tracing the history of important cases, and ensuring that these have not been overruled; discovering judicial conflict in the area about the research problem and the reasons thereof.
5. Juristic writings - a survey of juristic literature relevant to selected problems in India and foreign periodicals
6. Compilation of a list of reports or special studies conducted relevant to the problem

**UNIT III: Preparation of the Research Design**

**(10 Hrs)**

1. Formulation of the Research Problem
2. Devising tools and techniques for the collection of data: Methodology
  - a. Methods for the collection of statutory and case materials and juristic literature
  - b. Use of historical and comparative research materials
  - c. Use of observation studies
  - d. Use of questionnaires/interviews
  - e. Use of case studies
  - f. Sampling procedures- design of sample, types of sampling to be adopted
  - g. Use of scaling techniques



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h. Jurimetrics

**UNIT IV: Classification and tabulation of data**

**(04 Hrs)**

1. Rules for tabulation
2. Explanation of tabulated data
3. Analysis of data

**UNIT V: Computerized Research - A study of legal research programmes such as Lexis and Westlaw coding**  
**(10 Hrs)**

**Reference Books:**

1. M. O. Price, H. Bitner, and Bysiewicz, Effective Legal Research (1978)
2. Pauline V. Young, Scientific Social Survey and Research (1962)
3. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London.
4. H. M. Hyman, Interviewing in Social Research (1965)
5. Payne, The Art of Asking Questions (1965)
6. Erwin C. Surrency, B. Fielf, and J. Crea, A Guide to Research (1959)
7. Morris L. Cohan, Legal Research in Nutshell (1996), West Publishing Co.
8. Harvard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research, and Methodology

**COMPARATIVE CRIMINAL PROCEDURE**

**Code: 25LW214**

**Max Marks: 70**

**Course Objectives:** Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is being taught as a compulsory paper at the LL.B. level today. However, a jurisprudential thrust should be given to this subject at the postgraduate level, as it has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them to renew and revise their laws to be in tune with developed systems.

**The paper is taught with reference to India, England, France, and China**

**UNIT I: Organisation of Courts and Prosecuting Agencies**

**(10 Hrs)**

1. Hierarchy of criminal courts and their jurisdiction
  - a. Nyaya Panchayats in India
    - i. Panchayats in tribal areas
2. Organization of prosecuting agencies for prosecuting criminals
  - a. Prosecutors and the police
3. Withdrawal of prosecution

**UNIT II: Pre-Trial Procedures**

**(10 Hrs)**

1. Arrest and questioning of the accused
2. The rights of the accused
3. The evidentiary value of statements/articles seized/collected by the police
4. Right to counsel
5. Roles of the prosecutor and the judicial officer in the investigation

**UNIT III: Trial Proceedings**

**(10 Hrs)**

1. The accusatory system of trial and the inquisitorial system
2. Role of the judge, the prosecutor, and the defense attorney in the trial.
3. Admissibility and inadmissibility of evidence
4. Expert Evidence, Relevance of evidence collected by Forensic Expert: related provisions of BNSS and procedural laws of other countries.
5. Appeal and Revision provisions under BNSS and laws of other countries
6. Plea bargaining: Restriction under BNSS and other country laws.\

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**Tilthai, Dharmanagar, North Tripura**

**UNIT IV: Correction and Aftercare Services**

**(06 Hrs)**

1. Institutional correction of the offenders
2. General comparison - Aftercare services in India and France
3. The role of the court in correctional programmes in India

**UNIT V: Preventive Measures in India**

**(04 Hrs)**

1. Provisions in the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023
2. Special enactments

**Reference Books:**

1. Celia Hampton, Criminal Procedure.
2. Wilkiris and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases, Sarkar, Law of Evidence, K.N. Chandrasekharan Pillai (ed.), R. V. Kelkar's Outlines of Criminal Procedure (200), Eastern, Lucknow
4. Patric Devlin, The Criminal Prosecution in England
5. American Series of Foreign Penal Codes Criminal Procedure Code of the People's Republic of China
6. John N. Ferdico, Criminal Procedure (1996), West Sanders & Young, Criminal Justice (1994)
7. Christina Van Den Wyngart, Criminal Procedure Systems in the European Community,
8. Joel Sambha, Criminal Procedure (1997), West
9. Criminal Procedure Code, 1973
10. The French Code of Criminal Procedure
11. 14th and 41st Reports of the Indian Law Commission
12. The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023

**OFFENCES RELATED TO JUVENILES**

**Code: 25LW215**

**Max Marks: 70**

**Course Objectives:** Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent does drug dependence contribute to criminal behaviour? Second, in what ways do criminal behaviour patterns determine drug abuse? Third, are there any common factors that contribute to the determination of both drug abuse and criminal behaviour? Apart from these causal issues, there is the broader question of the social costs and benefits of criminalization of addictive behaviour. Should drug-taking remain in the category of "crime without victims?" Or should it be viewed as posing an ever-growing threat to human resource development and be subjected to state control over individual choices as to survival and lifestyles?

The problems here are not merely ideological or theoretical. Users of drugs for personal, nontherapeutic purposes may well be linked with international trafficking in psychotropic substances. It has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961, and as amended by the 1972 Protocol in Geneva, 25 March 1972, and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act, 1986. Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of persons affected. Important problems of method in studying the impact of regulation need to be evaluated at every stage. The following syllabus, prepared with the above perspective, will be spread over a period of one semester.

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**UNIT I: The Basic Concepts**

**(06 Hrs)**

1. The conception of the child in India in the Indian Constitution and BNS
2. Juvenile conflict with the law
3. Neglected Juvenile
4. The overall situation of children / young persons in India, also with reference to the Crime Statistics of crime by and against Children

**UNIT II: Determining Factors of Juvenile Delinquency**

**(08 Hrs)**

1. Differential association
2. Anomie
3. Economic pressure
4. Peer group influence
5. Gang subculture
6. Class differentials

**UNIT III: Legislative Approaches**

**(10 Hrs)**

1. Legislative approaches during the late colonial era
2. Children's Act
3. Legislative position in various States
4. The Juvenile Justice Act
  - a. Constitutional aspects
  - b. Distinction between "Neglected" and "Delinquent" Juveniles
  - c. Competent authorities
  - d. Processual safeguards for juveniles
  - e. Powers given to the government
  - f. Community participation as envisaged under the Act

**UNIT IV: Indian Context of Juvenile Delinquency**

**(10 Hrs)**

1. The child population percentage to the total sex-ratio, urban/rural/rural-urban
2. Neglected – below poverty line, physically and mentally disabled, orphans, destitute, and vagrants.
3. Labourers
  - a. In the organized sector, like zari, carpet, bidi, glass
  - b. In the unorganized sector, like domestic servants, shops and establishments, rag-pickers' family trade
4. Delinquent – number, sex ratio, ratio to adult crime, types of offences committed, recidivism rate, of increase in background
5. Drug addicts
6. Victims
  - a. Of violence – Sexual abuse, battered, killed by parents
  - b. Of criminal activities like bootlegging, drug pollution as a response to a protective approach

**UNIT V: Judicial Contribution & Preventive Strategies**

**(06 Hrs)**

1. Social action litigation concerning juvenile justice
2. Salient judicial decisions
3. Role of the legal profession in the juvenile justice system
4. State welfare programs: health, nutrition, ICWS, Grant in Aid
5. Compulsory Education
6. Role of Community, Family, Voluntary Bodies, Individuals

**Reference Books:**

1. National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986 (1986)
2. K. S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children, UNICEF periodic materials.

**PRINCIPLES OF CRIMINAL LAW**

**Code: 25LW216**

Max Marks: 70

**Course Objectives:** This course aims to provide an in-depth understanding of the fundamental principles underlying criminal liability and punishment. It examines the essential elements of crime, defences, and the theoretical foundations of criminal justice, enabling students to critically analyse legislative provisions and judicial interpretations in the context of evolving criminal jurisprudence.

**UNIT I: Historical Development**

**(04 Hrs)**

1. Extent and Operation of the BNS
2. Definition of Crime
  - a. Distinction between Crime and Tort
  - b. Criminal Law & Morality

**UNIT II: Fundamental Elements of Crime**

**(08 Hrs)**

1. Human Being
2. Mens rea
  - Mens rea and statutory crimes
  - Mens rea and Indian Law
  - Words denoting Mens Rea in BNS
  - Fraudulently
  - Dishonestly
  - Difference between Fraudulently and Dishonestly
  - Voluntarily
3. Actus reus (Act or Omission)
4. Injury
5. Good faith

**UNIT III: Stages in Commission of a Crime under BNS**

**(08 Hrs)**

1. Intention or Contemplation
2. Preparation
3. Attempt
  - Essentials of the Attempt
  - Impossible Attempt
  - Illustrative cases
  - Attempt and preparation distinguished
  - Sections 62 and 109, The BNS
4. Accomplishment

**UNIT IV: Constructive Joint Criminality**

**(08 Hrs)**

1. Common Intention and Common Object
2. Conviction of less than five persons
3. Organized Crimes, Petty Organized Crimes
4. Terrorist Act,
5. Mob Lynching

**UNIT V: Abetment and Criminal Conspiracy**

**(12 Hrs)**

1. Abetment

**English Law**

  - (a) A principal in the first degree
  - (b) A principal in the second degree
  - (c) Accessory before the fact
  - (d) Accessory after the fact, Indian Law

**Indian Law**

  - (i) Abetment by instigation
  - (ii) Abetment by conspiracy
  - (iii) Abetment by intentionally aiding

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- (iv) Abetment in General
- (v) Punishment for Abetment under BNS

2. Criminal Conspiracy

- Ingredients of criminal conspiracy
  - (a) Two or more persons
  - (b) Agreement
  - (c) Illegal act or legal act by illegal means
- Single general conspiracy and separate conspiracies
- Punishment
- Sections 3(5), 49 and 61
- Proof of Conspiracy
- Abetment and Conspiracy

**References Books:**

1. Bentham: Principles of Penal Law
2. Blackstone's: Commentaries
3. Burdick: The Law of Crime, Vol. I
4. Friedmann: Law in the Changing Society
5. Bare Act: Bharatiya Nyaya Sanhita, 2023
6. Gaur, H.S.: Penal Law of India, 9th Edn.
7. Gaur, K.D.: Criminal Law: Cases & Materials (1975)
8. Hall, Jerome: General Principles of Criminal Law (1960), 2nd Edn.
9. Halsbury's: Laws of England: 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI
10. Huda, Shamshul: Principles of Law of Crime in British India (1902) (Reprint, 1993-Eastern Book Co., Lucknow)
11. Kane, P.V.: History of Dharmashashtra, Vol. III
12. Kenny's: Outlines of Criminal Law, 19th Edn.
13. Mayne, J.D.: Criminal Law of India, 4th Edn.
14. Nelson: Indian Penal Code
15. Nigam, R.C.: Law of Crimes in India, Vol. I
16. Rattan Lai: The Law of Crimes (20th Edn.)
17. Russel: On Crime, 12th Edn., Vol. I
18. Siddique, Ahmad: Criminology, 4th Edn., 1997
19. Stephen, James: History of Criminal Law, Vols. I & II and Digest of Criminal Law, 9th Edn.

**Articles and Comments (Chapter-wise)**

**A. Preliminary**

1. Sahai, Balbir: Criminal Law & Justice before Indian Penal Code, 1952 SCJ (Journal) 49
2. Vidwans, M.D.: Basis of Criminal Liability, AIR 1962 (Journal) 74
3. Nigam, R.C.: Meaning of Crime, 1968 Indian Advocate 48

**B. Elements of Crime**

1. Sharma, C.L.: Mens rea in Modern Law, (1963) I Punjab Law Review 78
2. Sastry, K.R.R.: Mens rea in a Crime, (1963) II Kerala LR 61
3. Bakhale, V.B.: Is Mens rea an essential ingredient of criminal liability in India? AIR 1965 Journal 105
4. Ganatra, Lajvanti: Is Crime—actus reus f mens rea? (1973)
5. Kumar, Kanwar: Doctrine of mens rea, 3 Delhi LR 96-109
6. Shiv Parkins, R.M.: A rationale of mens rea, (1938-39) 52 Hav LR 905, and also see (1936) IQR 60
7. Dave, M.M.: Necessity for Amending Section 21 of IPC, AIR 1958 Journal 69
8. Gupta, P.C.: Corporate liability, 1969 Cri LJ (Jour.) 7
9. Editorial: Mens rea in murder cases, 79 CWN 83
10. Pillai, P.S.A.: Mens rea in rape, (1975) 7 Lawyer 195

**C. Stages of Crime**

1. Ramamohana: A note on Section 511, Penal Code, 1966.
2. Rao, V.S. Cri LJ (Journal) 51



**ARYAVART INTERNATIONAL UNIVERSITY**  
**Tilthai, Dharmanagar, North Tripura**

**D. Joint Liability**

1. Agarwal, J.N.: Joint liability in the doing of a criminal act under Section 34 and 149, IPC, 1954 Cri LJ (Journal) 5
2. Chandra, H.: Vicarious Liability and Common Intention in Criminal Law (distinguished), 1955 Cri LJ (Journal) 75
3. Nabishah, Syed A.: Common Intention & Common Object-Sections 34 & 149, IPC, (1958) Cri LJ 3

**E. Conspiracy**

1. Editorial: Conspiracy, 79 CWN 87 and 80 CWN 53
2. Ramaswamy, Justice P.N.: Criminal Conspiracy, (1960) Cri LJ (Journal) 10
3. Mehta, Inder Kishan: Conspiracy in Civil and Criminal Cases, 1966 (I) Punjab Law Review 203
4. Editorial: Conspiracy, 79 CWN 87

**F. Punishment**

1. Sharma, V.K.: Aboriginal and Capital Sentence, (1963) I Cri LJ (Journal) 13
2. Malik, J.N.: Punishment in Food Adulteration, AIR 1963 Journal 77
3. Chatterjee, A.L.: Capital Punishment, 69 CWN 65
4. Editorial: Death Sentence, 69 CWN 163, 175; 76 CWN CIXV; 77 CWN VII; 77 CWN 94; 78 CWN 53
5. Nagpal, R.C.: Death Punishment, (1974) Lawyer 5
6. Sahai, B.: Purpose of Punishment, 1950 Cri LJ (Journal); 14
7. Agarwal, M.L.: Capital Punishment Abolition Move in India, AIR 1958 Journal 69
8. Subramanyan, Death Penalty, AIR 1961 Journal 75
9. K.G. Ursekar, M.S.: Ethics of Capital Punishment, 1965 Bom LR 96
10. Gupta, A.S.: Punishment as a Deterrent, 1967 Indian Police Journal 29
11. Sinha, D.N.: Crime and Punishment, 1968 Law Quarterly 4
12. Deshmukh, P.P.: Abolition of Capital sentence, 1968 Cri LJ 14
13. Jain, A.K.: Capital Punishment, 1969 (1) Cri LJ (Journal) 107
14. Zlobin, G.: Crime and Punishment, 1969 Indian Advocate 46
15. Kapur, K.N.: Crime and Punishment, (1970) 2 SCC (Journal) 37
16. Kaur, Sukhcharan: Hang or not to hang.
17. Reddi, O. Chinappa: Paradox of Death
18. Singh, M.K.S.: Current Trends in Sentencing, 1972-73 Punjab University Law Review 105
19. Tyagi, V.P.: Sentencing Policy, 82 Cri LJ (Journal) 67
20. Pillai, K.N.: Judicial attempts to evolve a rational
21. Chandrasekharan sentencing policy for India—Reflections on reading Mohd. Giasuddin v. State of A.P., (1978) 2 SCC (Journal) 9

**G. General Exceptions (Insanity and Intoxication)**

1. Gault, James: Hall on McNaughten's Rule, (1964) Cri LJ (Journal) 29
2. Sharma, K.M.: Defence of Insanity in Indian Criminal Law, (1965) 7 LLJ 325
3. Viridi, P.K.: Defence of Insanity to a Charge of Matrimonial Cruelty, AIR 1968 (Journal) 17
4. Mani, V.S.: Insanity in Criminal Law: McNaughten's Rule Today, 1972 Cuttack LT 12
5. Boparai: Insanity under Penal Code, 82 Cri LJ (Journal) 9
6. Saxena, J.P.: Insanity under Penal Code, 82 Cri LJ (Journal) 71
7. Editorial: Drunken Driver, 75 CWN 9 Sahai, Balbir: Insanity, (1952) 9
8. John, T.G.: The McNaughten
9. Rao, Rama: Section 84, IPC: Unsoundness of mind of accused, (1965) I An LJ 49
10. Durkee, Carl A.: Crime and Mental Illness, 1965 Ker LT 34
11. Shanthakumari, B.: Legal Concepts of Insanity, 1970 1 Mad LJ 70
12. Singh, Gural: Criminal Responsibility and Defence of Insanity in India: 1974-75 Punjab University Law Review 83
13. Banerji, E.H.: Culpable Homicide and Unsoundness of Mind, 1971 Law Review 38
14. Barber, William E.: Drunken Drivers, 18 Indian Police Jour. 60 Consent
15. Srivastava, S.P.: Prosecution under Section 188, Penal Code, 1963 Cri LJ 50
16. Editorial: Schoolmaster's Right of Chastisement, 67 CWN 83 Private Defence
17. Nabishah, Syed A.: The Right of Private Defence, (1973) 1 Cri LJ (Journal) 10
18. Editorial: Private Defence of Public Property, 70 CWN 139
19. Sahay, S.N.: Right of Private Defence, AIR 1967 (Journal) 165
20. Editorial: Private Defence and Burden of Proof, 75 CWN 2



**ARYAVART INTERNATIONAL UNIVERSITY**  
**Tilthai, Dharmanagar, North Tripura**

**Theory Paper**

Total: 100 Marks  
External: 70 Marks  
Internal: 30 Marks

**External: 70 Marks**

10 Question (MCQ): 1 mark each ( $1 \times 10 = 10$ )

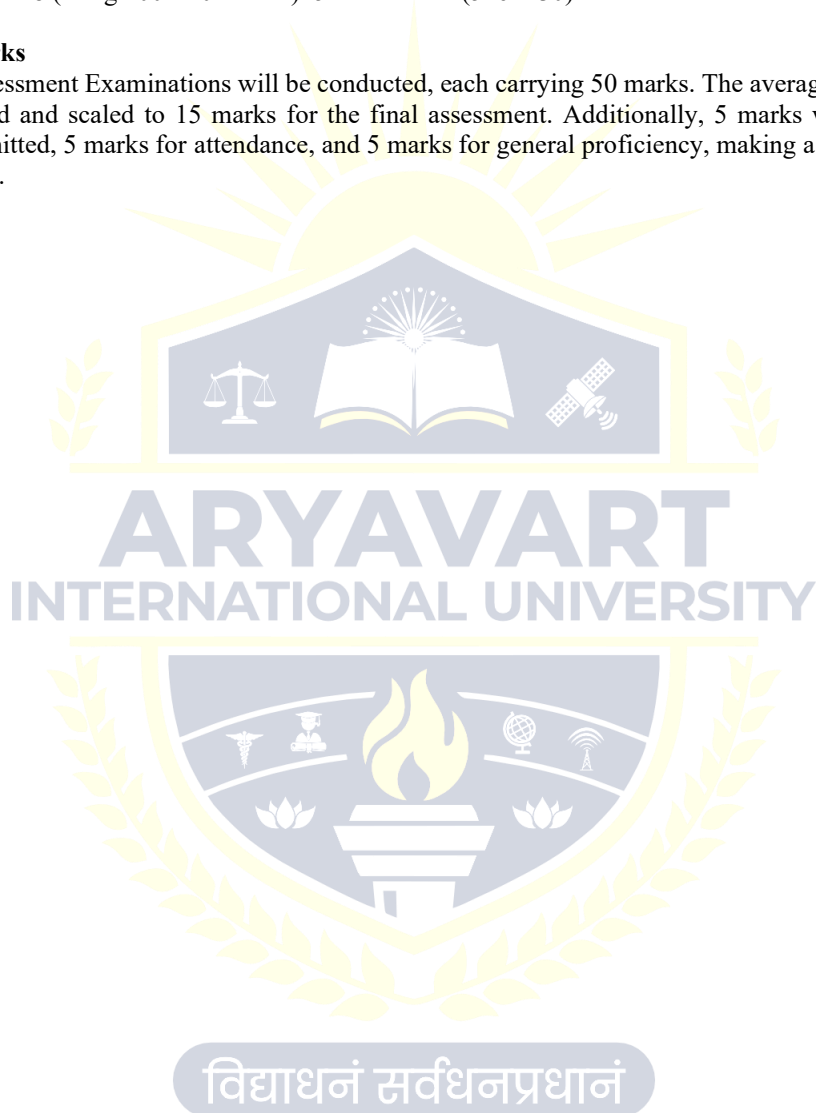
Answer any 6 out of 8 (Very Short 20-30 Words): 2 marks each ( $2 \times 6 = 12$ )

Answer any 6 out of 8 (Short 50-70 Words): 3 marks each ( $3 \times 6 = 18$ )

Answer any 6 out of 8 (Long 100-120 Words): 5 marks each ( $5 \times 6 = 30$ )

**Internal: 30 Marks**

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.



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Tilthai, Dharmanagar, North Tripura-799250

### Syllabus for LLM (Criminal Law)

#### Semester 3

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW311	Criminology	4	0	0	4	70	30	0	100	
25LW312	Law of Equity and Trust	4	0	0	4	70	30	0	100	
25LW313	Forensic Science and Criminal Investigation	4	0	0	4	70	30	0	100	
25LW314	Cyber Crimes	4	0	0	4	70	30	0	100	
25LW315	Human Rights in the Criminal Justice System	4	0	0	4	70	30	0	100	
25LW316	Police and Criminal Justice System	4	0	0	4	70	30	0	100	
Total					24	420	180	0	600	

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विद्याधनं सर्वधनप्रधानं

**Detailed Syllabus**

**CRIMINOLOGY**

**Code: 25LW311**

Max Marks: 70

**Course Objectives:** This course aims to explore the nature, causes, and consequences of crime through various criminological theories and perspectives. It examines the social, psychological, and economic factors influencing criminal behaviour and evaluates preventive, corrective, and rehabilitative measures within the criminal justice system to promote a more effective approach to crime control.

**UNIT I: Criminology- Definition, Nature, Scope, and Utility (04 Hrs)**

1. Criminology: Definition
2. Nature, Scope of Criminology
3. Utility of Criminology
4. Relation between Crime and Society

**UNIT II: Schools of Criminology (08 Hrs)**

1. Introduction
2. Pre-classical School of Criminology
3. The Classical School of Criminology
4. The Neo-Classical School of Criminology
  - Cesare Lombroso
  - Enrico Ferri
  - Raffaele Garofalo
  - Gabriel Tarde
5. Clinical School of Criminology
6. Sociological School of Criminology
7. The New Criminology

**UNIT III: Causation of Crime (10 Hrs)**

1. Introduction
2. Heredity and Crime
3. M'Naghten's Rule of Criminal Responsibility
4. Bio-physical Factors and Criminology
5. American School of Criminal behaviour
6. Freud's theory of Criminal behaviour
7. Psychological concept of crime
8. Conflict Theory
9. Group Theory

**UNIT IV: Prevention of Crime (10 Hrs)**

1. Introduction
2. Identification of Potential Delinquency
3. Kinds of Programs
4. Attendance Centers
5. Vagrancy Laws
6. Development in India
7. Habitual Offenders
8. Coercive Measures

**UNIT V: Developing Trends in Criminology (08 Hrs)**

1. Phenomenology
2. Postmodernism
3. Crime and Feminism such as Voyeurism, Stalking, gang rape etc.
4. Victimology: Payment of compensation to victims from accused: Object and reasons
5. Organized Crimes, Petty Organized Crimes, Terrorist Act
6. Cyber Crimes: Issues and challenges – Indian and Global Scenario

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**Reference Books:**

1. Sutherland: Principles of Criminology (latest Edition)
2. Garofolo: Criminology Parts I, II, and III (Latest Edition).
3. Taft: Criminology (Latest Edition) Part I, Chapter 1, 3 for study.
4. Pillai: Principles of Criminology lectures 2,3,4,5,6,9,11, and 12.
5. Cavan: Criminology Part I Omitting Chapter 2. Part II-full.
6. Lombroso, Cesare: Crime, its cause and remedies.
7. Different Reports published by the government of India from time to time.
8. Moral Approach to Criminal Law by Radzinowicz and Turner.
9. New Horizons in Criminology by Barnes and Tetters.
10. Pioneers in Criminology edited by Minnhein.
11. Criminology: Ahmad Siddique.
12. Criminology and Penology: Prof. N.V. Paranjape.

**LAW OF EQUITY AND TRUST**

**Code: 25LW312**

Max Marks: 70

**Course Objective:** This course aims to provide students with an advanced understanding of the principles and doctrines of equity and trust law. It focuses on the creation, administration, and enforcement of trusts, fiduciary duties, and equitable remedies, while developing the ability to critically analyze contemporary issues and judicial interpretations. Students will also explore the interplay between equity, common law, and statutory provisions to understand the practical application of these doctrines in modern legal contexts.

**UNIT I: Equity**

**(12 Hrs)**

Definition, nature and origin of equity; Equity as a Court of conscience, Transformation of Equity; the relation between law and equity; Judicature Acts, 1873 and 1875; The nature of equitable rights. The Equitable Doctrines; Conversion and Reconversion; Election; Performance and Satisfaction

**UNIT II: The Maxims of Equity**

**(08 Hrs)**

Equity will not suffer a wrong to be without a remedy; Equity follows the law; Where equities are equal, the law shall prevail; Where equities are equal, the first in time shall prevail; He who seeks equity must do equity; He who comes to equity, must come with clean hands; Delay defeats equity; Equality is equity; Equity looks to the intent rather than to the form; Equity looks on that as done which ought to have been done; Equity imputes an intention to fulfill an obligation; Equity acts in personam

**UNIT III: The Indian Trusts Act, 1982**

**(10 Hrs)**

Definition (Sec. 3); Creation of Trusts (Secs. 4 to 10); Duties and Liabilities of Trustees (Secs. 11 to 30); Public and Private Trust and Doctrine of Cyprers.

**UNIT IV:**

**(10 Hrs)**

Rights and Powers of Trustees (Secs. 31 to 45); Disabilities of Trustees (Secs. 46 to 54); Rights and Liabilities of Beneficiary (Secs. 55 to 69); Extinction of Trusts (Secs. 77 to 79).

**Reference Books:**

1. M.P. Jain, Indian Trusts Act, 1882, (Latest Edition) Lexis Nexis, New Delhi
2. G.P. Singh, Principles of Equity, Trusts and Specific Relief, (2020), Eastern Book Company, Lucknow
3. P.M. Bakshi, Law of Trusts in India, (2018), Universal Law Publishing, New Delhi
4. R.K. Bangia, Equity, Trusts and Specific Relief, (2019), Allahabad Law Agency, Faridabad
5. M. Krishnan Nair, Equity and Trusts, (Reprint 2017), Lexis Nexis, New Delhi
6. Avtar Singh, Law of Trusts, (Latest Edition), Central Law Publications, New Delhi
7. B.S. Moshal, Trusts and Fiduciary Obligations, (2016), Universal, Delhi

**FORENSIC SCIENCE AND CRIMINAL INVESTIGATION**

**Code: 25LW313**

Max Marks: 70

**Course Objectives:** This course aims to provide an in-depth understanding of the role of forensic science in the criminal justice system. It focuses on modern techniques of criminal investigation, evidence collection, and scientific analysis to ensure accuracy and fairness in legal proceedings, while emphasizing the importance of technology, ethics, and expert testimony in crime detection and prosecution.

**UNIT I: The role of Forensic Sciences in Criminal Cases. (10 Hrs)**

1. The basic question in investigation Bono.
2. The scene of the crime;
3. Discovery of traces of physical evidence;
4. Classification and reference to classified record;
5. Systematization and classification of physical evidence and comparison with suspected material.
6. The principles of exchange.
7. The principles of heredity, Taxonomy, etc.
8. Role of Forensic Experts and evidence collected by them under the Bharatiya Nagarik Suraksha Adhiniyam, 2023
9. Mandatory Forensic Investigation in offences punishable with 7 years or More Imprisonment: BNSS

**UNIT II: The Establishment of Identity (08 Hrs)**

1. The Establishment of Identity of Individuals: - Footprints, hair, skin, blood grouping, physical peculiarities.
2. The Establishment of the Identity of Physical Objects by shape and size: Identifying marks and impressions made by physical objects; shoe prints: type and tread marks; die and tool marks; rupture of fracture marks.
3. The Establishment of the Identity of Physical Objects by Physical and Chemical Analysis: Paints; colored objects; metal; alloys; chain and the earthen wares: cements: Plaster; bricks: dusts; soil minerals; plastics.

**UNIT III: Questioned Documents and the Identification of Handwriting (06 Hrs)**

1. Paper, its types, and identification.
2. Inks: pencils and writing tools.
3. Handwriting habit and flow.: Disguised writing; comparison and points of identity.
4. Samples; various types of forgery and their detection; Additions; erasures alterations; seals; rubberstamps; typewriting; printing; blocks.

**UNIT IV: The Identification of Firearms and Cartridges and Related Problems (10 Hrs)**

1. Type of firearms and their use; time and range of firing.
  - a. Identification of a firearm with a cartridge case and bullet.
  - b. Miscellaneous firearm problems like origin or direction of fire.
2. Injuries to Persons
  - a. Evidentiary value of details of injuries.
  - b. Traces left by the weapon used: its range and direction
  - c. Danger to clothing worn by the victim and related problems.
  - d. The flow of blood from injuries.
  - e. The shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects.
  - f. Accidental deaths and suicides.

**UNIT V: Evidentiary value of Physical Evidence as Evaluated in a Forensic Sciences laboratory, viz, Evidence with scientific report. (06 Hrs)**

1. Fallibility of eyewitnesses: The probative value of such evidence.
2. Findings of scientific methods of investigation; their probative value.
3. Assessment of value from actual cases.: Value to be assigned to the different types of exhibits: Restoration of numbers.
4. Examination of the walking, picture of footprints, clothing, copper wire, pieces of wood, etc.

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5. Modern scientific Techniques: Modern scientific Techniques of Narcoanalysis Tests, Polygraph test, Brain Mapping Test, hypnotism, Lie Detector Test & others

**Reference Books:**

1. Sharma B.R.: Forensic Science.
2. Forensic Science in Criminal Investigation Dr. Jaishankar And Amin
3. Fundamentals of Forensic Science by Max M. Houck, Jay Siegel
4. Forensic Science in Criminal Investigation and Trials: Sharma
5. Modern Criminal Investigation: Harry Soderman and John J. O. Conell (Published by Funk & Wagnalls Co., Inc., New York)
6. Criminal Investigation: Paul L. Kirk, PhD (Published by Interscience Publishers, Inc., New York).
7. Criminal Investigation: Cr. and Cross. (Published by Sweet & Maxwell, Limited, London).
8. Fire arms, Forensic ballistics, Forensic chemistry and criminal jurisprudence: Gour, A. N.
9. Forensic chemistry and scientific criminal investigation.: Lucas A.
10. Methods of forensic science (Vol I): Lundquist. F.

**CYBER CRIMES**

**Code: 25LW314**

Max Marks: 70

**Course Objectives:** This course aims to provide an in-depth understanding of the fundamental principles underlying criminal liability and punishment. It examines the essential elements of crime, defences, and the theoretical foundations of criminal justice, enabling students to critically analyze legislative provisions and judicial interpretations in the context of evolving criminal jurisprudence.

**UNIT I: Introduction to Cyber Laws, Cyber Crimes.**

**(10 Hrs)**

1. Meaning, Definition, Nature of Cybercrimes
2. Historical Genesis and Evolution of Cyber Crimes
3. International & Indian Laws on Cyber Crimes.
4. Computer and Internet basics
5. Computer Hardware & Networks: The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD-ROMS and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts - World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites - Web Commerce.

**UNIT II: Cyber Crimes**

**(10 Hrs)**

1. Cybercrime: Definition
2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans
3. Web Hacking, Footprinting, Port Scanning, E-Shopping, Web Defacement, Denial of Service Attacks, and Manipulating Cookies
4. Email Hacking: Email Hacking using Packet Sniffers, Email Hacking & Phishing, Email Frauds & Phishing, Email Bombing
5. Email Hijacking - Social Engineering.
6. Cyber Stalking,
7. Cyber Terrorism
8. Pornography
9. Cyber Bullying, Piracy.

**UNIT III: Statutory Laws pertaining to Cyber Crimes in India**

**(06 Hrs)**

1. Cyber Policing Current statutes in India:
2. Penalties & Offences under the Information Technology Act, 2000.
3. Offences under the BNS, 2023
4. Issues relating to the investigation and adjudication of cybercrimes in India: Digital evidence
5. IT Act 2000 and other legal provisions



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**UNIT IV: Cyber Crime Investigation**

**(10 Hrs)**

1. Introduction to Cyber Crime Investigation:
2. Basic Investigation Techniques
  - First Information Report
  - Initializing a Search and Seizure Operation
  - Tracking & Tracing Emails,
  - Final Form/ Report
  - Computer evidence assessment checklist
  - Computer evidence analysis checklist
  - Computer evidence analysis report
  - Cyber forensics analysis report: Recovery of Digital Evidence
3. Setting up a Cyber Crime Investigation Cell, Cyber Forensics

**UNIT V: Cyber Law Prevention Measures and Data Safety**

**(04 Hrs)**

1. Cyber Law: Prevention measures
2. Data Safety,
3. Future Challenges like Cyber Crime through Artificial Intelligence, Virtual Rape, etc.

**Reference Books:**

1. An Introduction to Cyber v Crime and Cyber Law; Dr. R. K. Chaubay
2. Cybercrime in India: Dr. M. Dasgupta
3. Cyber laws and crimes: Barkha & U. Ramamohan
4. Information Technology Act 2000
5. Albert J. Marcellaa and Robert S. Greenfield (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining, and preserving evidence of computer crimes, Auerbach publications.
6. Deflem, Mathieu, and J. Eagle Shutt. 2006 "Law Enforcement and Computer Security Threats and Measures." Pp. 200-209 in The Handbook of Information Security, Volume 2: Information Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.
7. Giddens, A. (1990). The Consequences of Modernity, Polity Press: Oxford.
8. Hafner, K. & Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
9. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
10. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn & Bacon.
11. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the Internet. London: Routledge.
12. Seymour Goodman and Abraham Sofer (ed.) (2002) The Transnational dimensions of cybercrime, Hoover Institution Press, Washington.
13. Smith R, Grabosky P, and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
14. United Nations (1997). United Nations Manual on the Prevention and Control of Compute-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York <http://www.uncjin.org/Documents/EighthCongress.html>
15. Wall, D. (2001). Cybercrimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.
16. Bharatiya Nyaya Sanhita, 2023

## **HUMAN RIGHTS IN THE CRIMINAL JUSTICE SYSTEM**

**Code: 25LW315**

Max Marks: 70

**Course Objectives:** This course aims to develop a critical understanding of the protection and promotion of human rights within the framework of the criminal justice system. It examines the rights of the accused, victims, and prisoners, the role of the judiciary and enforcement agencies, and the impact of international human rights instruments on criminal law and justice administration.

### **UNIT I: The Concept, History, and Development of Human Rights.**

**(12 Hrs)**

1. At the International Level
  - a. Human Rights and the United Nations Charter:
    - i. Normative and Institutional Framework of the UN
    - ii. Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights
  - b. Universal Declaration on Human Rights:
    - i. History of the Declaration
    - ii. Structure of the Declaration
    - iii. Legal Significance
  - c. International Covenants: ICCPR and ICESCR
    - i. Nature and Characteristic
    - ii. Optional Protocols
  - d. Regional Instruments
    - i. European Convention on Human Rights
    - ii. American Convention on Human Rights
    - iii. African Charter on Human and Peoples' Rights
    - iv. Asia and Human Rights
2. In India
  - a. History and Development of Human Rights in the Indian Constitution.
    - i. Constitutional Philosophy.
    - ii. Preamble
    - iii. Fundamental Rights
      - Right to Equality: Gender Justice and Empowerment of Women. Special provisions for the Weaker Sections of society, Reservation Policy under the Constitution.
      - Freedom of Speech and Expression. Freedom of the Press. Limitations, Right to Information.
      - Right to Life and Personal Liberty. New Dimension. Judicial approach.
      - Right to Freedom of Religion. Secularism. Protection of Minorities under the Constitution.
      - Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and the National Human Rights Commission.
    - iv. Fundamental Duties
      - Article 51-A of the Constitution concept and the need for Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.

### **UNIT II: Concept of Crime and Criminal Liability and Human Rights of Vulnerable Groups.**

**(06 Hrs)**

1. Concept of Crime and Criminal Liability.
2. Role of the courts in dispensing criminal justice.
3. Human Rights Problems requiring the need for criminal justice - namely, police atrocities, violence against women & children,
4. communal and caste violence,
5. terrorism and insurgency

### **UNIT III: Protection of Human Rights in Criminal Justice Administration**

**(08 Hrs)**

1. Protection from double jeopardy
2. self-incrimination

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3. production before the magistrate from police custody,
4. fair trial
5. speedy trial
6. representation
7. appeal
8. protection from ex post facto laws
9. Legal aid
10. compensation, rehabilitation.

**UNIT IV: Administration of criminal Justice**

**(06 Hrs)**

1. Ordinary Courts Special Courts,
2. District & State Human Rights Courts,
3. International Criminal Court,
4. International norms on administration of criminal justice –
5. U.N. General Assembly Resolutions.

**UNIT V: Role of various Protection Agencies/Institutions**

**(08 Hrs)**

1. Perpetrators and Victims of Human Rights.
2. National Human Rights Commission
3. State Human Rights Commissions.
4. Human Rights Courts
5. Other Commissions.
6. Emerging regime of new human rights in India.
7. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

**Reference Books:**

1. Agarwal, H.O. Implementation of Human Rights Covenants with Special Reference to India (New Delhi: D.K. Publishers, 1993)
2. Aroras, Nirman, "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41, nos.3 and 4, 1999, pp. 513- 29
3. Bajwa, G.S. and D.K. Bajwa, Human Rights in India: Implementation and Violations (New Delhi: D.K. Publishers, 1996)
4. Baxi, Upendra, "Clemency, Extradition and death: The Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998, pp.501-86.
5. Bhargava, G.S., "National Human Rights Commission: An Assessment of Its Functioning", in K.P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: Gyan Publishing House, 1999), pp.106-118.
6. Amnesty International, "Campaign for the Abolition of Torture", Philosophy and Science Action, vol.5, nos. 3-4 1984, pp.205-208.
7. Aroras, Nirman "Custodial Torture in Police Station in India: A Radical Assessment", Journal of Indian Law Institute, vol. 41, nos.3 and 4, 1999, pp.513- 29
8. Bag, R.K., "Domestic Violence and Crime Against Women: Criminal Justice Response in India ", Journal of Indian Law Institute, vol. 39, nos.2- 4, 1997, pp.359-75.
9. Batra, Manjula, Protection of Human Rights in Criminal Justice Administration: A study of the right of the Accused in Indian and Soviet Legal Systems (New Delhi: Deep and Deep, 1989)
10. Bava, Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi: Uppal Publishing House, 2000)
11. Bhagwati, P.N., " Human Rights in the Criminal Justice System ", Journal of the Indian Law Institute, vol. 27, no.1, 1985, pp 1-22.
12. Blackshield, A. R. "Capital Punishment in India ", Journal of Indian Law Institute vol. 21 no.2, 1979, pp 137-226.
13. Burgers, J.H., "The Fights against Torture ", International Commission of Jurists, no.32, 1984, pp 47-48
14. Jaswal, P.S. and N. Jaswal, "Right to Personal Liberty and Handcuffing: Some Observations", Journal of the Indian Law Institute, vol.33, no.2, April- June 1991, pp.246-53
15. Sharma, S.C., Police and Human Rights (1999).
16. Upadhyay, C.M., Human Rights in Pre-trial Detention (1999).

**POLICE AND CRIMINAL JUSTICE SYSTEM**

**Code: 25LW316**

Max Marks: 70

**Course Objectives:** This course aims to provide an analytical understanding of the structure, role, and functioning of the police within the criminal justice system. It explores issues related to police powers, accountability, investigation procedures, and human rights, while emphasizing the need for transparency, ethics, and reforms to ensure fair and effective law enforcement.

**UNIT I: The Police System**

**(08 Hrs)**

1. History of Modern Police in India
2. Structural organization at the Centre
3. Structural organization in Gujarat State.
4. Role of Police under Bharatiya Nagarik Suraksha Sanhita, 2023

**UNIT II: Role of Police in a Democratic Society**

**(08 Hrs)**

1. Role of Police in a Democratic Society.
2. Crime investigation, Concepts of Zero FIR, E-FIR
3. Law and Order Management
4. Criminalisation of Police.
5. Politicisation of Police.

**UNIT III: Police Reforms**

**(08 Hrs)**

1. Selected Aspects of National Police Commission Reports
2. Justice Malimath Committee Report
3. Mulla Report.

**UNIT IV: Powers and Duties of Police**

**(08 Hrs)**

1. Powers and duties under Police Acts (Indian Police Act & Gujarat Police Act),
2. Bharatiya Nyaya Sanhita, 2023
3. Bharatiya Nagarik Suraksha Sanhita, 2023
4. Bharatiya Sakshya Adhiniyam, 2023, and others.

**UNIT V: Relationship between Police, Prosecution and Public**

**(08 Hrs)**

1. Relationship between Police and Prosecution
2. Police Public Relationship.

**Reference Books:**

1. Indian Police Act.
2. Bombay Police Act.
3. Govt. of India, Ministry of Home affairs, National Crime Records Bureau, Crime in India 2003, p. 5
4. Rao. S. Venu Gopal, Criminal Justice: Problems and Perspectives in India, Delhi, Konark, 1991
5. Government of India, National Police Commission Reports,
6. Government of India, Malimath Committee Report, March 2003
7. Role of Police In Criminal Justice System -S K Chaturvedi
8. Handbook of Human Rights and Criminal Justice in India : The System and Procedure- South Asia Human Rights Documentation Understanding The Police In India - :Arvind Verma & KS Subramanian.
9. Bharatiya Nyaya Sanhita, 2023
10. Bharatiya Nagarik Suraksha Adhiniyam, 2023
11. Bharatiya Sakshya Adhiniyam, 2023 and others

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**Theory Paper**

Total: 100 Marks  
External: 70 Marks  
Internal: 30 Marks

**External: 70 Marks**

10 Question (MCQ): 1 mark each (1x10 = 10)

Answer any 6 out of 8 (Very Short 20-30 Words): 2 marks each (2x6 = 12)

Answer any 6 out of 8 (Short 50-70 Words): 3 marks each (3x6 = 18)

Answer any 6 out of 8 (Long 100-120 Words): 5 marks each (5x6 = 30)

**Internal: 30 Marks**

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.



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### Syllabus for LLM (Criminal Law)

#### Semester 4

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW411	Classroom Teaching	4	0	0	4	70	30	0	100	
25LW412	Doctrinal Research	4	0	0	4	70	30	0	100	
25LW413	Non-Doctrinal Research	4	0	0	4	70	30	0	100	
25LW414	Clinical Research Report	4	0	0	4	70	30	0	100	
25LW415	Dissertation and Submission of Thesis	4	0	0	4	70	30	0	100	
Total					20	350	150	0	500	

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## **Detailed Syllabus**

### **CLASSROOM TEACHING**

**Code: 25LW411**

Max Marks: 70

Each student will be assigned two topics in advance to deliver classroom teaching. Each class will be 45 minutes by selecting any methods of teaching relating to Law, and shall be assessed according to his/her performance.

### **DOCTORINE RESEARCH**

**Code: 25LW412**

Max Marks: 70

Each student has to submit doctrinal research on the basis of the doctrinal research method taught in the legal research methodology by collecting secondary data from various sources, and collating it with legal issues.

#### **Guidelines for Doctrinal Research Project**

Doctrinal research is a qualitative enquiry. The choice and coverage of doctrinal legal research could be very expensive, and it is tough to suggest any fixed format for this kind of research. This is mainly due to the reasons that this kind of research involves a research problem requiring highly individualized rather than standard methodology. For instance, the research involving the case study method or focusing on case analysis, including case comment, may have a slightly different frame to follow.

The research involving jurisprudential analysis of an issue, analysis of statute, historical or comparative growth of any legal doctrine or legal system, examination of any legal concept through case laws or legal theories, regulatory issues in corporate or IPR regimes, locating and weighing an idea in the constitutional context or human rights context, enforcement issues in various jurisdictions, international laws affecting the relevant domestic issue etc. are some examples of some broad areas of research which are possible through doctrinal research design.

#### **Steps for Doctrinal Design**

##### **1. Introduction**

State a brief background and introduce the subject in a few paragraphs or pages; it should not be directly lifted from the source. Make your arguments and adopt an analytical tone to place the problem under investigation in a perspective.

##### **2. Conceptual context**

There may be concepts, propositions, and doctrines in the proposed study that need to be defined for the study at hand. Make operational definitions of all such usages.

The scholar in this section is expected to introduce and contextualize the 'general research area'. Such contextualization is to provide the researcher an opportunity to link a specific social and legal problem to a body of socio-legal theory.

##### **3. Review of literature**

It is a survey of juristic writings on the chosen topic.

Consult the literature, including articles, books, reports, cases, monographs, and databases. on the broad theme to highlight:

- general development in the field [ascending order in terms of year of publications];
- noteworthy contribution in the field expressed through various writings;
- connect and place the proposed subject of study in the literature review to highlight its relevance.

##### **4. Statement of research problem**

Clearly state the problem to be undertaken. Make a clear statement/narrative highlighting the exact coverage and purview of the problem under investigation. Make a mention of the issues that would actually be investigated in the research. The key issues about the problem in the theoretical and applied context of the concerned discipline should be specified. The specific aim(s) of the project, its rationale, including the rationale of the approach adopted for studying the problem, should be specifically mentioned.

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**5. Formulation of objectives**

State categorically the objectives (preferably not more than five) of the research to be undertaken. The objective is stated sharply, entailing the key issues to be examined.

**6. Framing hypothesis/research questions**

Hypotheses in doctrinal research must be framed to address the prescribed objectives of the study. The hypothesis must depict the interplay of key issues, emerging debates, conflicting notions, and evolving trends in the subject. Alternatively, research questions may be formed, and these questions must lead the researcher to examine a definite body of literature, cases, and publications, etc.

**7. Sampling procedures**

The researcher to focus on the following-

- Choice of setting.
- Choice of key informants.
- Choice of study groups and events.
- Choosing the setting, the event, and the respondent(s) to be addressed first, events and respondents will change as research progresses.

**8. Tools for data collection**

Depending upon the subject, the researcher can apply various tools like case study, case law analysis, analytical induction, constant comparison, textual analysis, content analysis, etc.

**9. Data collection / Analysis**

Data collection and its analysis in a doctrinal study go together, where the identical information is combined from various sources to evolve certain patterns, categories, and concepts. Under the teacher's supervision, the following scheme may be tried.

Entering the setting, data gathering, and open coding; examining and comparing the data; drawing inferences from the data, leading to identification of concepts; adding new data; refining concepts.

Axial coding: integrating/re-integrating data and constructing categories. Inter-connecting, contextualizing categories, giving attention to causes and consequences; adding new data; comparing categories, formulating propositions.

Selective coding: identifying the core category, relating it to other categories, validating their relationships, and further refining and developing them.

Testing propositions/ hypotheses; theoretical saturation; leading to theory. Recording and organizing data.

**Secondary Data Collection**

- Mention of Secondary sources used - library resources/reports consulted/ internet resources used.
- Case studies.
- Case laws/judgments.
- Content analysis/document analysis/Meta-analysis.

**10. Data analysis and interpretation are to be placed in various sections of the report.**

- Analysing data by grouping the information and developing new categories.
- Assigning meanings to the narratives.
- Testing hypotheses.

**11. Conclusions and Recommendations**

This section must indicate the broad conclusions of the study. Also, suggest major recommendations for improvement of the situation.

**Doing Doctrinal Analysis**

- Assembling relevant facts
- Identifying the legal issues
- Analysing the issues with a view to searching for the law
- Reading background material (including legal dictionaries, legal
- Locating primary material (including legislation, delegated legislation, and case law
- Synthesising all the issues in context
- Coming to a tentative conclusion

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**NON-DOCTORINE RESEARCH**

**Code: 25LW413**

Max Marks: 70

Each student must submit doctrinal research based on the doctrinal research method taught in the legal research methodology by collecting primary data from various sources and collating it with legal issues.

**CLINICAL RESEARCH REPORT**

**Code: 25;W414**

Max Marks: 70

As a part of clinical research, each student must visit for a week to different Legal Institutions to understand the functioning of these institutions and their relationship with society at large, and has to submit a report for evaluation.

**Guidelines for Writing a Research Report**

The Project Report writing is an essential part of the B.A. LL. B. (Hons.) & LL. M. levels require following a definite research design. The choice of research design and method of research in law is based on the nature of research, content, and other parameters. Broadly speaking, the research undertaken by the students could be of two kinds: doctrinal and non-doctrinal. A doctrinal research means a study that has been carried out on a legal proposition or propositions by way of analysing the existing statutory provisions and cases by applying the reasoning power. Doctrinal research involves analysis of case law, arranging, ordering, and systematizing legal propositions and the study of legal institutions through legal reasoning or rational deduction. The method applied in this kind of study is qualitative, and it is also known as non-empirical research, as it is based on secondary sources. Empirical research is an inquiry that attempts to discover and verify general rules allowing us to understand why human beings or events behave the way they do. Methods like observation, interview, questionnaire, survey, and case study are used to discover human conduct. Socio-legal research is the best example of empirical or non-doctrinal research.

While very precise guidelines are provided in the next section to guide the students very generally in applying appropriate research methods, the students are advised to consult standard books to further explore these aspects. Besides, some peculiar research may need a specific methodology or a combination of methods suggested in this section. In all such cases, the candidate may seek specific guidance from the concerned teacher/ supervisor to approach the problem.

**Title**

The title, an empirical project should reflect the focus of the research problem in specific terms. Avoid writing too broad and general titles like 'Crime against women in India'; instead, it, depending upon the focus, may be like: 'Domestic Violence against Working Women in the Districts of Indore & Bhopal of M.P.'

**Structure of Project Report**

If the candidate is to write the synopsis or proposal for research, the structure suggested below may be followed and use future or simple present tense (e.g., the present study examines...../or the present study will examine...). If the candidate has completed the research and is writing the report past tense should be used, which is suitable to report the findings made by the researcher/ scholar. (e.g., the research found that....).

The research proposal/synopsis /or report may be organised in the following manner:

**1. Introduction**

State a brief background and introduce the subject in a few paragraphs or pages; it should not be directly lifted from the source. Make your arguments and adopt an analytical tone to place the problem under investigation in a context.

**Review of Literature**

It is a survey of juristic writings on the chosen topic. Consult the literature viz, articles, books, reports, cases, monographs, and databases on the broad theme to highlight:

- general development in the field [ascending order in terms of year of publications];
- noteworthy contribution in the field expressed through various writings;

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**Tilthai, Dharmanagar, North Tripura**

- connect and place the proposed subject of study in the literature review to highlight its relevance.

## **2. Present Study**

### **A. Statement of the Problem: (At least 200 words)**

Clearly state the problem to be undertaken. Make a clear statement/narrative highlighting the exact coverage and purview of the problem under investigation. Make a mention of the issues that would actually be investigated in the research. The key issues about the problem in the theoretical and applied context of the concerned discipline should be specified. The specific aim of the project, its rationale, including the rationale of the approach adopted for studying the problem, should be specifically mentioned.

### **B. Conceptual Context:**

There may be concepts, propositions, and doctrines in the proposed study that need to be defined for the study at hand. Make operational definitions of all such usages.

The scholar is expected in this section to introduce and contextualize the 'general research area'. Such contextualization is to provide the researcher an opportunity to link a specific social and legal problem to a body of socio-legal theory.

## **3. Methodology:**

### **A. Objectives:**

State categorically the measurable objectives (preferably not more than five) of the research to be undertaken.

Example:

1. To study the available infrastructure and manpower to enforce labour law in the city of Chandigarh.
2. To examine the factors (social and economic) in child labour, etc.

### **B. Hypothesis/ Research questions:**

Make crisp statements (e.g., one each for all objectives) entailing not more than two variables describing the presumed relationship or influence on each other ('length of experience of judge is positively linked with his capacity to dispose the cases', 'relaxation in regulatory mechanism in international trade sector caused a spurt in economic crimes'). Additionally, research questions may also be framed to investigate the issues slated for the research. Hypotheses are advisable where the researcher has a fairly good idea of issues, concepts, and their relevance to the proposed research.

Research questions could be helpful where the researcher does not have a sufficient idea of the work done in that area, or the nature of issues under research is only evolving. Example:

- Does child labour have anything to do with education? or;
  - Does the type of parenting have any association with the indulgence of a child in to labour situation?
- a) **Coverage & Scope:** The duration or number of cases and nature of cases studied; or any geographical region (city, villages, etc.) or any institution (like case study of Economic Offence Wing, etc.) studied.
  - b) **Sample:** normally in non-doctrinal studies. Mention the sampling method used.
  - c) **Data Collection:** All kinds of research (doctrinal or non-doctrinal) require some kind of data. Make a mention of sources and the nature of data collected and utilized in the report. It may include the following:

### **Primary Data Collection**

If the study involves data collection from the respondents, the following is the scheme:

- Universe of the study (state the source/estimated number of total population of units)
- Sampling design (method of sampling to extract the required number of samples)
- Tools used (the ways to collect the required data, like interview schedule, questionnaire, participant observation, case study)
- Techniques (any scale, measurement, etc.)
- Statistical consideration/ software applications.

The nature of the data that are proposed to be collected should be specifically mentioned. The sources for each type of data and the tools and techniques that will be used for collecting different types of data should also be specifically mentioned. For the questionnaire and/or interview schedule to be used, the following should be indicated:

- a) Nature and coverage of the questionnaire or interview schedule to be used for different sections of respondents.
- b) Number of questions to be asked from each respondent
- c) Scaling technique proposed to be included, if any

**ARYAVART INTERNATIONAL UNIVERSITY**  
**Tilthai, Dharmanagar, North Tripura**

- d) Projective tests incorporated in the questionnaire/interview schedule, if any
- e) (e.) Coding plan (e.g., whether the questions/ responses/ items will be pre-coded or not; if coding is required, mention whether it is to be done on a computer or manually)
- f) (f.) In case, interview technique is being adopted, please mention how they are to be conducted, including the particular characteristics of the interviews/ interviewers
- g) (g.) In case of observation technique, mention the type of observation, participants, quasi-participants, non-participants, units of observation, or other techniques, if any.

*If the study requires any control groups, these should be specifically mentioned therein.*

**Secondary Data collection** (Both non-doctrinal and doctrinal studies)

- Mention of Secondary sources used-library resources/reports consulted/ internet resources used.
- Case studies.
- Case laws/judgments.
- Content analysis/document analysis/Meta-analysis.

**4. Data Analysis Plan:**

Data analysis could be done manually or electronically. The use of IBM SPSS Statistics can be made to analyse the data collected from the respondents.

Refer to any particular qualitative/quantitative techniques that would be used in this study.

**5. Significance of the study**

Clearly state what theoretical, pragmatic, and policy contributions would be made by the study. Make at least four to five substantial statements in this section.

**6. References**

Follow the standard referencing and citation (Follow the 'Blue Book citation style')

**DISSERTATION AND SUBMISSION OF THESIS**

**Code: 25LW415**

Max Marks: 70

To make the LL.M. program in IPR research-oriented, every student must carry out Dissertation work selecting any topic from the subjects taught in the last three semesters, applying Legal Research Methodology, which is to be submitted for evaluation internally externally has to appear for viva-voce.

**Dissertation Guidelines**

The dissertation for LLM 4th-semester students should be under the guidance of the supervisor allotted to them. The students are required to meet their supervisors at least 5 times.

The students are required to prepare three hard-bound copies of the dissertation- two copies must be submitted to the office. One copy should remain with the respective students, which they must bring with them at the time of the viva.

The students will be required to submit a synopsis of the dissertation and one rough draft, and then the final draft of the dissertation, which should be prepared strictly in consultation with the supervisor.

The dissertation should be based on quality and original research. No Plagiarism will be tolerated in this regard.

**Synopsis heads:**

1. Topic of dissertation
2. Introduction
3. Literature review
4. Research objectives
5. Research questions/hypothesis
6. Research methodology
7. Chapterization with brief description
8. References



**ARYAVART INTERNATIONAL UNIVERSITY**  
**Tilthai, Dharmanagar, North Tripura**

**The final dissertation should consist of the following:**

- a. Cover page consisting of Title (at the top), name of the university, enrolment number, name and designation of the supervisor (in the middle), university logo, name of the school and university in the bottom.
- b. Declaration by the student about the originality of the work.
- c. Certificate issued by the supervisor.
- d. Plagiarism check certificate- Please refer to UGC (Promotion and Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulation 2018. Plagiarism check should be done through DrillBit or Turnitin. The maximum permitted limit for similarity must be maintained at 20%.
- e. Preface and Acknowledgement
- f. Table of Contents
- g. List of Abbreviations
- h. List of Cases Cited
- i. The main body of the dissertation should be divided into chapters, with the first chapter on the introduction and the last chapter on the conclusion and suggestions. There should be a reference list/bibliography, along with an appendix.
- j. The dissertation should be 75-100 pages.

**Formatting of the dissertation:**

- a. Each chapter should have a title, which should be in the centre and placed two inches from the top, in uppercase.
- b. All pages must be numbered, with the preliminary pages marked in roman numbers, and the main chapters, annexures, and references/bibliography in Indo-numeric style, beginning from page number 1. All numbers should be placed at the bottom, centre of the page.
- c. Dissertation should be typed in 12 fonts, with 1.5 line spacing, in Times New Roman style, justified alignment.
- d. Margin of the left should be 1.5 inches, with top, bottom, and right-hand margins at 1 inch.
- e. Footnotes and citations should be 10 font size, Times New Roman style, with single spacing and justified alignment.

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