

## LW402: RESEARCH METHODOLOGY

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The objective of this course on Research Methodology is to orient students towards scientific analysis of legal issues and problems. This would enable students to approach law and its operation methodically and cohesively. Knowledge of Research Methodology would also help students in writing their final dissertation and other reports.

### Course Outcomes:

1. Judicious comprehension of law and legal propositions.
2. Reasoned and analytical processing of legal problems.
3. Acquire knowledge in doctrinal and empirical research.
4. Adequate exposure to application of research tools and techniques.
5. Technological know-how of doing research.

### UNIT I: INTRODUCTION

- 1.1. Research-Meaning, Objectives and Scope
- 1.2. Qualitative-Quantitative and Doctrinal-Non-Doctrinal Research
- 1.3. Typology of Research: Descriptive, Analytical, Experimental, Non-Experimental, Exploratory, Scientific and Historical
- 1.4. Methods and Methodology

### UNIT II: RESEARCH PROCESS AND RESEARCH DESIGN

- 1.1. Developing a research problem: Stages and Strategies
- 1.2. Research Question and Hypothesis Formulation
- 1.3. Research Design: Trends in Legal Research
- 1.4. Developing research design.

### UNIT III: TECHNIQUES OF DATA COLLECTION AND ANALYSIS

- 3.1. Sampling Frame and Procedures
- 3.2. Tools and Techniques of Data Collection
- 3.3. Organization and Interpretation of data
- 3.4. Data Bases and Analysis

## UNIT IV: RESEARCH REPORT WRITING

4.1. Use of software in legal research

4.2. Case Analysis and Case Commentaries

4. 3. Ethical Issues in Research (Plagiarism and Copyright Infringement) 4.4. E-Resources in legal research

### Text books:

1. A. Bryman, *Social Research Methods*. London: Oxford University Press, 2011.
2. Cohen, Morris L., *Legal Research*, Minnesota, West Publishing Co. 1985
3. S K Verma & M Afzal Wani (eds), *Legal Research and Methodology*, Indian Law Institute, New Delhi, 2nd ed., 2001

### References:

1. Bruce L. Berg, *Qualitative Research Methods for The Social Sciences*. London: Allyn and Bacon, 2001
2. Dennis P. Force and Stephen Richer (ed.), *Stages of Social Research – Contemporary Perspectives*, New Jersey, Prentice Hall Inc., Englewood Cliffs, 1970
3. Goode and Hatt, *Methods in Social Research*, Singapore: Mac Graw Hill Book Co., 1985
4. Johan Galtung, *Theory and Methods of Social Research*, London: George Allen & Unwin Ltd., 1970
5. Julius Stone, *Legal System and Lawyer's Reasoning*, Sydney, Maitland Publications, 1968
6. Manoj Kumar Sinha and Deepa Kharb, *Legal Research Methodology*, LexisNexis, 2017
7. Pauline V. Young, *Scientific Social Surveys and Research*, New Delhi: Prentice Hall of India Pvt. Ltd., 1984
8. Ranbir Singh and others, *Digital Library-Legal Education and Research*, National Law University Press, 2010
9. The Bluebook: A Uniform System of Citation, Claitors Pub Div. 20 Spl. edition, 2015
10. Tushar Kant Saha, *Textbook on Legal Methods, Legal Systems and Research*, Universal Law Pub., Co., 2015
11. Upendra Baxi, *Socio-Legal Research in India – A Program Schriff*, ICSSR, Occasional Monograph, 1975

## LW403: CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY

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The law making, law breaking and reaction to law breaking will be the ambit of the subject. This triangular approach will help the students to understand why there is crime in the society, societal response to crime and the effect of crime on victims. The domain is premised on scientific understanding of individual and society in a conflict situation between individual and state.

### Course Outcomes:

1. Trace the history, origin, definition and scope of crime and punishment its relevance in present times and its relation with other social sciences.
2. Exemplify the contribution of the different schools of criminology.
3. Explain different typology of crime and criminal behaviour referring to different approaches such as individualistic, environmental and modern approaches of crime.
4. Enumerate the different concepts and methods of crime prevention.
5. Interpret the sources of crime statistics and its current trends.
6. Evaluate punishment in reference to present criminal justice administration.
7. Summarize the historical development of victimology, theories, causes and forms of victimization and various key concepts.

### UNIT I: CRIME, CRIMINOLOGY AND CRIMINAL JUSTICE

- 1.1. Conceptualizing Crime, Criminology and Criminal Justice Administration
- 1.2. Typology of crime
- 1.3. Crime statistics and Criminal justice research
- 1.4. Crime and Criminal Justice Policy

### UNIT II: THEORETICAL CRIMINOLOGY

- 2.1. Schools of Criminological Theories
- 2.2. Individualistic approaches of crime causation
- 2.3. Environmental approaches to crime causation
- 2.4. Modern approaches to criminology

### UNIT III: PENOLOGY

- 3.1. Evolution of Punishment
- 3.2. Theories of Punishments
- 3.3. Sentencing Policies
- 3.4. Sentencing Discretion and use of Death penalty

### UNIT IV: VICTIMOLOGY

- 4.1. Concept of Victim, Victimization and Victimology
- 4.2. Victimological Theories
- 4.3. Victim's rights
- 4.4. Victim Compensation in India **Textbooks:**

1. Ahmad Siddique, *Criminology and Penology*, Eastern Book Company, 2009
2. Katherine S. Williams, *Textbook on Criminology*, Oxford University Press, 2012
3. Sutherland, Cressey and Luckenbill, *Principles of Criminology*, 11<sup>th</sup> Indian edition, Universal publication, 2013 **References:**
1. Akers, Ronald. L and Sellers. Christine S, *Criminological Theories Introduction, Evaluation and Application*, Roxbury Pub. Com, 2004
2. Brien, Martin O, *Criminology*, Routledge Publishers, 2008
3. Crime in India, National Crime Records Bureau, Govt. of India
4. Hagan Frank E, *Introduction to Criminology*, Sage Publications Inc, 2008
5. Law Commission of India Report No. 262 on Death Penalty, 2015
6. Livingston J, *Crime and Criminology*, Prentice Hall, New Jers , 1996
7. Maguire Mike, Morgan Rod and Reiner Robert, *The Oxford Handbook of Criminology*, Oxford University Press, 2008
8. Malimath Committee Report, 2003
9. Mc Donald, William F, *Criminal Justice and the Victim*, Sage Publications, London, 1976
10. Menon Committee Report on Criminal Justice System, 2007
11. Model Prison Manual, 2003
12. National Policy on Prison Reforms and Correctional Administration, 2007
13. Parsonage, William H, *Perspectives on Victimology*, Sage Publications, 1979
14. Prison Statistics India, National Crime Records Bureau, Govt. of India
15. Reid, Sue Titus, *Crime and Criminology*, Mc Graw Hill, 2006
16. Roger Hopkin Burke, *An Introduction to Criminological Theory*, Willian Publishing, 2009

## LW404: HUMAN RIGHTS JURISPRUDENCE

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Human Rights are without any doubt the major concern of all societies, developed as well as developing. Although the growth of Human Rights Law and Jurisprudence after the Second World War was spontaneous and continuous, the foundation of it was laid well before that. This paper provides an introduction to basic human rights philosophy. It is intended to provide instruction on theoretical, conceptual, historical and other general aspects of human rights and duties. The development of Human Rights in a globalizing world will also be dealt with in the paper.

### Course Outcomes:

1. Infer the concept and attribute the essential features of human rights.
2. Contextualise various theories of human rights.
3. Trace the evolution of human rights.
4. Draw the relationship between rights and duties.
5. Investigate the confrontations between universalism and cultural relativism & Individualism and Collectivism.
6. Evaluate the emerging concepts in human rights discourse.
7. Apply the knowledge attained from human rights philosophy to contemporary world.

### UNIT I: HUMAN RIGHTS: CONCEPTUAL FRAMEWORK

- 1.1 Concept of Human Rights
- 1.2 Nature of Human Rights
- 1.3 Generations of Human Rights
  - 1.3.1 The first generation of rights
  - 1.3.2 The second generation of rights
  - 1.3.3 The third generation of rights
  - 1.3.4 Is there a fourth generation of rights
- 1.4 Dialectics of Human Rights
  - 1.4.1 Universal versus Cultural Relativism
  - 1.4.2 Individualism versus Collectivism

## **UNIT II: FOUNDATION OF HUMAN RIGHTS**

### 2.1 Philosophical Foundations:

- 2.1.1 Relationship between Man & Society
- 2.1.2 Human Values: Social Dignity, Justice and Equality
- 2.1.3 Moral and Ethical Traditions and ideas: Moral Theorists
- 2.1.4 Polity: Thought and Ideas: Political Theorists

### 2.2 Religious Foundations: Hindu, Islamic, Christian and Buddhist traditions and idea 2.3 Rights

- 2.3.1 The Characteristics of Legal Rights
- 2.3.2 Functions of rights
- 2.3.3 Theories of Rights

### 2.4 Duties

- 2.4.1 Concept of Human Duties and Responsibilities
- 2.4.2 Classification of Human Duties and Responsibilities
- 2.4.3 Relationship between Rights and Duties

## **UNIT III: EVOLUTION AND DEVELOPMENT OF HUMAN RIGHTS: GLOBAL, REGIONAL AND NATIONAL**

### 3.1 Pre-World War Era

- 3.1.1 The Ancient ages
- 3.1.2 The Magna Carta, 1215
- 3.1.3 The English Bill of Rights, 1689
- 3.1.4 American Declaration of Independence, 1776
- 3.1.5 The Virginia Bill of Rights, 1776
- 3.1.6 The French Declaration of the Rights of Man and of the Citizen, 1789
- 3.1.7 The U.S Bill of Rights, 1791.

### 3.2 Post War Development

### 3.3 Regional Development

### 3.4 Development in India

## **UNIT IV: HUMAN RIGHTS IN THE GLOBALIZING WORLD**

- 4.1 Liberalization, Privatization and Globalization
- 4.2 Human Rights Movements and Human Rights Markets
- 4.3 Trade Related Market Friendly Human Rights
- 4.4 Human Rights and Environment

### **Textbooks:**

- 1 Andrew Clapham, *Human Rights: A Very Short Introduction*, Oxford, UK: Oxford University Press, 2015
  - 2 Cranston Mourice, *What are Human Rights?* New York: Basic Books, Inc., 1973
  - 3 Rowan Cruft, S. Matthew Liao, and Massimo Renzo (Ed.), *Philosophical Foundations of Human Rights*, Oxford, UK: Oxford University Press, 2015
- References:**
- 1 Angela Hegarty, Siobhan Leonard, *Human Rights an Agenda for the 21st Century*, U.K: Routledge-Cavendish, 1999
  - 2 B. Rajagopal, *International Law from Below: Development, Social Movements, and Third World Resistance*, New Delhi: Cambridge University Press, 2003
  - 3 B.S. Chimni, *Third World Approaches to International Law: A Manifesto*, International Community Law Review, Volume 8, Issue 1, Pg. 3- 27 2006
  - 4 Dworkin, Ronald. *In Theories of Rights*, Oxford, UK: Oxford University Press, 1984
  - 5 H.L. Hart, *Law, Liberty and Morality*, Oxford, UK: Oxford University Press, 1968
  - 6 Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals*, Oxford, UK: Oxford University Press, 2007
  - 7 John Finnis, *Natural Law and Natural Rights*, Oxford, UK: Oxford University Press, 2011
  - 8 Julius Stone, *Human Law and Human Justice*, New Delhi: Universal Law Publishing, 2011
  - 9 Justice Dr. M. Rama Jois, *Human Rights: Bhartiya Values*, Mumbai: Bharatiya Vidya Bhavan, 2016
  - 10 Kamenka E., *Ideas and Ideologies of Human Rights*, London: Hodder & Stoughton Educational, 1978
  - 11 Lon L Fuller, *The Morality of Law*, U.K: Yale University Press, 1964
  - 12 Morton E., *The Philosophy of Human Rights*, California: Wadsworth Publishing Co., 1989
  - 13 P.N. Bhagwati, *Dimensions of Human Rights*, Madurai: Society for Community Organization Trust, 1987
  - 14 Shivani Verma, *Justiciability of Economic, Social and Cultural Rights: Relevant Case Law*, International Council on Human Rights Policy, Geneva 2005
  - 15 U.N. High Commissioner for Human Rights, *An Introduction: Making Human Rights a Reality*, New York: UN Publication Division, 1996
  - 16 UNESCO, *Philosophical Foundations of Human Rights*, Paris: UNESCO, 1986
  - 17 UNESCO, *Taking Action for Human Rights in Twenty-First Century*, Paris: UNESCO, 1998
  - 18 Upendra Baxi (ed.), *Liberty and Corruption*, Lucknow: Eastern Book Company, 1989
  - 19 Upendra Baxi, *Human Rights in a Post Human World*, New Delhi: Oxford University Press, 2009
  - 20 Upendra Baxi, *Mambrino's Helmet? Human Rights in Changing World*, New Delhi: HarAnand Publications, 1994
  - 21 Upendra Baxi, *The Future of Human Rights*, New Delhi: Oxford University Press (2012)
  - 22 Waldron J.J. (ed.): *Theories of Rights*, Oxford, UK: Oxford University Press (1985)

## LW406: RESEARCH PROJECT- I

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Research project is a compulsory course for the students. Through this Course, students will be introduced to the domain of legal research. The students would also have the option to undertake inter-disciplinary research projects preferably field research with an interface with law. This will help the students to learn the application of research methodology which will be very helpful to them before they prepare themselves for the major research work in the fourth semester that is dissertation.

The submission of research report will be followed by a presentation before the end term examinations.

### Course Outcomes:

1. Demonstrate the basic requirements of research project
2. Illustrate the various processes of doctrinal and empirical research
3. Co-relate doctrinal and empirical research
4. Understanding of tools and techniques of data collection
5. Writing research work in the standard prescribed by accredited bodies.

## LW421: GENERAL PRINCIPLES OF CRIMINAL LAW

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Criminal Law regulates and enforces conduct of human beings with an object to establish a just society enabling every individual accountable for his actions and inactions under the law prescribed by the State. In this paper, the students will be introduced to substantive principles of the criminal law which will help them to understand the foundation of criminal law jurisprudence.

### Course Outcomes:

1. Evaluate the concept, purpose and development of criminal justice system.
2. Exemplify the elements, stages and principles of criminal liability.
3. Illustrate the relevance of strict liability as an exception to *mens rea*.
4. Explain constructive criminal liability and its application.
5. Evaluate the principles of fair trial in criminal proceedings vis-à-vis burden of proof, presumption of innocence, right to silence and double jeopardy.

### UNIT I: INTRODUCTION

- 1.1 Criminal law- Definition, nature and ingredients
- 1.2 Characteristics of Criminal Law
- 1.3 The Sociology of Criminal Law
- 1.4 Punitive Policies and Protection of Society

### UNIT II: CRIMINAL LIABILITY: PRECEPTS AND PRINCIPLES

#### 2.1. Criminal Liability-

- 2.1.1 Stages: Contemplation, preparation, attempt and commission
- 2.1.1 Elements: Mensrea- (intention) recklessness, knowledge, malice, negligence, inchoate offences & Actus reus
- 2.2. Exemptions from criminal liability
- 2.3. Strict Liability
- 2.4. Constructive Criminal Liability

### UNIT III: PRINCIPLES OF FAIR TRIAL

- 3.1. Presumption of Innocence
- 3.2. Doctrine of Burden of proof
- 3.3. Right to Remain Silent
- 3.4. Double Jeopardy

## UNIT IV: PRINCIPLES OF CRIMINAL LIABILITY OF SPECIFIC OFFENCES

4.1. Inchoate Crimes

4.2. Homicide

4.3. Sedition

4.4. Rape 4.5. Defamation **Textbooks:**

1. Dennis Baker, *Glanville Williams Textbook of Criminal Law*, Sweet and Maxwell, 2015
2. K.Chandrasekharan Pillai, *General Principles of Criminal Law*, New Delhi: Eastern Book Company, 2016
3. K.D.Gaur, *Criminal Law Cases & Materials*, New Delhi: Lexis Nexis, 2017

### References:

1. Andrew Ashworth & Jeremy Horder, *Principles of Criminal Law*, United Kingdom: Oxford University Press, 2009
2. Annual Survey of India Law on Criminal law, Women and the Law and Criminal Procedure Code, Published annually by the Indian Law Institute, Bhagwan Das Road, New Delhi
3. George P. Fletcher, *Rethinking Criminal Law*, United Kingdom: Oxford Publication, 1978
4. Jerome Hall, *General Principles of Criminal Law*, USA: Law book Exchange, Ltd., 2010
5. K N Chandrasekharan Pillai [ed.] *R V Kelkar's Outline of Criminal Procedure*, New Delhi: Eastern Book House,2000
6. K. Chandrasekharan Pillai, , *Essays on Indian Penal Code*, New Delhi:I.L.I. publication, 2005
7. K.D. Gaur, *Criminal Law Cases & Materials*, New Delhi: Lexis Nexis,2017
8. Law of Commission of India, Forty-Second Report
9. Malimath Committee Report, 2004
10. Mc Donald, William F, *Criminal Justice and the Victim*, London: Sage Publications, 1976
11. Paul Bergman and Sara J. Berman-Barrett, USA: NOLO, *The Criminal Law Handbook: Know Your Rights, Survive the System*,2015
12. R.C. Nigam, *Law of Crimes in India*, Mumbai: Asia Publishing House, 1965
13. Ratanlal and Dhirajlal, *Ratanlal and Dhirajlal's the Code of Criminal Procedure - As amended by the Criminal Law (Amendment) Act, 2013*, Gurgaon, Haryana: LexisNexis, 201
14. Simon Bronitt, Bernadette McSherry, *Principles of Criminal Law*, Australia: Thomson Reuters, 2017
15. Surendra Malik and Sundeep Malik, *Supreme Court on Criminal Procedure Code and Criminal Trial in 4 Vols*, New Delhi: Eastern Book Company, 2015
16. Sutherland, Cressey and Luckenbill '*Principles of criminology*' 11th Indian edition by Universal publication,2013

17. Vageshwari Deswal, *Decoding the Indian Anti-Rape Law*, Delhi, B.R. International Publishers, 2015
18. Verma Committee Report, 2013

## LW422: INTERNATIONAL HUMAN RIGHTS LAW

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In this paper students will be able to appreciate the philosophy of international human rights law, rules and structure, as well as human rights practice from the perspective of the UN rights infrastructure, regional bodies, and from the perspective of non-state actors. This paper will deal with the role of United Nations in protecting Human Rights through the creation of various instruments and institutions. Regional approaches to Human Rights will also be discussed. This paper will also deal with the applicability of Human Rights Conventions on the vulnerable sections of the society and the role of non-state actors in the protection of human rights.

### Course Outcomes:

1. Appreciate the philosophy of international human rights law.
2. Evaluate & critique the role of United Nations in protecting Human Rights through the creation of various instruments and institutions.
3. Apply the core human rights treaties to the vulnerable sections of the society.
4. Analyse the functioning and differences amongst regional human rights systems.

### UNIT I: ROLE OF UNITED NATIONS IN PROTECTING HUMAN RIGHTS

- 1.1 Reaffirming faith in fundamental human rights: The UN Charter & Debates on its Failure and Success
- 1.2 The International Bill of Human Rights
- 1.3 The role of United Nations in negotiation of other Human Rights Treaties.
- 1.4 Creation and working of Human Rights Institutions:
  - 1.4.1 Charter Bodies
  - 1.4.2 Treaty Bodies

### UNIT II: REGIONAL APPROACHES TO HUMAN RIGHTS

- 2.1 Relevance and factors contributing to regionalism in human rights
- 2.2 Advantages/Disadvantages of Regional over International Mechanisms
- 2.3 Major regional Mechanisms: Europe, American, African, Arab, Asian
- 2.4 Enforcement and implementation of Human Rights under Regional Mechanisms

## UNIT III: HUMAN RIGHTS AND THE VULNERABLE GROUPS

- 3.1 What is Vulnerability and Who Are Vulnerable?
- 3.2 Gender:
  - 3.2.1 The Plight of Women in the International arena.
  - 3.2.2 “Feminism”: A Glimpse
  - 3.2.3 Convention on Elimination on all forms of Discrimination against Women (CEDAW), 1979
  - 3.2.4 Beijing Declaration and Platform for Action 1995
  - 3.2.5 Rights of Transgender
- 3.3 Children: Convention on the Rights of the Child (CRC), 1989
- 3.4 Other Vulnerable Groups:
  - 3.4.1 Indigenous People:
    - 3.4.4.1 ILO Convention on Indigenous and Tribal Peoples 1989 (No. 169)
    - 3.4.4.2 The Concept of ‘Indigenous Peoples’ in International Law
    - 3.4.4.3 The Right of Indigenous Peoples to Own and Control their Ancestral Lands
    - 3.4.4.4 Development/Investment Projects on Indigenous Peoples’ Lands
  - 3.4.2 Disabled
  - 3.4.3 Elderly

## UNIT IV: NON-STATE ACTORS AND HUMAN RIGHTS

- 4.1 The evolving status of non-state actors in human rights: Rights and responsibilities
- 4.2 Types of Non-State Actors
  - 4.2.1 Violent Non-State Actors
  - 4.2.2 Non-violent Non-State Actors
- 4.3 Economic Social and Cultural Rights and Global Economic Organizations: World Bank and International Monetary Fund
- 4.4 Role of International Non-Governmental Organizations.

### Textbooks:

1. Malcolm N. Shaw, *International Law*, Cambridge, UK: Cambridge University Press, 2014
  2. Olivier de Schutter, *International Human Rights Law*, Cambridge, UK: Cambridge University Press, 2010
  3. Rhona K.M Smith, *Textbook on International Human Rights*, Oxford: Oxford University Press, 2012
- References:**

3. Aaron Xavier Felmeth, *Paradigms of International Human Rights Law*, Oxford: Oxford University Press, 2016
4. Andrew Clapham, *Human Rights Obligations of NonState Actors*, Oxford: Oxford University Press, 2015
5. Andrew Clapham, *Human Rights: A Very Short Introduction*, Oxford: Oxford University Press, 2015
6. B. Rajagopal, *International Law From Below: Development, Social Movements, and Third World Resistance*, Cambridge, UK: Cambridge University Press, 2003
7. B.S. Chimni, *Third World Approaches to International Law: A Manifesto*, International Community Law Review, Volume 8, Issue 1, Pg. 3- 27 2006
8. *Blackstone's Statutes International Human Rights Documents*, Oxford: Oxford University Press, 2006
9. Cranston Maurice, *What are Human Rights?* New York: Basic Books, Inc., Publishers, 1973
10. Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran, *International Human Rights Law*, Oxford: Oxford University Press, 2014
11. David Weissbrodt, *The Development of International Human Rights Law*, London: Routledge, 2016
12. Dinah Shelton, *Remedies in International Human Rights Law*, Oxford: Oxford University Press, 2015
13. Dr. Bertrand G. Ramcharan, *The Fundamentals of International Human Rights Treaty Law*, Boston: Martinus Nijhoff Publishers, 2011
14. Dworkin, Ronald. *In Theories of Rights*, edited by Jeremy Waldron, 153167. Oxford, UK: Oxford University Press, 1984
15. Emilie M. Hafna-Burton, *Making Human Rights a Reality*, New Jersey: Princeton University Press, 2013
16. Henry J. Steiner, Philip Alston and Ryan Goodman, *International Human Rights in Context: Law, Politics, Morals*, Oxford: Oxford University Press, 2007
17. Justice Palok Basu, *Law Relating to Protection of Human Rights*, Allahabad: Modern Law Publications, 2011
1. M. K. Sinha, *Implementation of Basic Human Rights*, Gurgaon: Lexis Nexis, 2015
18. P.N. Bhagwati, *Dimensions of Human Rights*, Madurai: Society for Community Organization Trust, 1987
1. Philip Alston (Ed.), *Non-State Actors and Human Rights*, Oxford: Oxford University Press, 2005
19. Shah & S. Sivakumaran (eds.), *International Human Rights Law*, Oxford: Oxford University Press, 2010

20. Shivani Verma, *Justiciability of Economic Social and Cultural Right: Relevant Case Law, International Council on Human Rights Policy*, Geneva 2005
21. Tyagi, Yogesh. *The UN Human Rights Committee: Practice and Procedure*, Cambridge, UK: Cambridge University Press, 2011
22. Upendra Baxi, *The Future of Human Rights*, New Delhi: Oxford University Press, 2012

## LW423: LAW RELATING TO CYBER CRIME

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The objective of this course is to prepare the students to understand this new dimension of crimes in the light of international and domestic legal developments. This paper will also critically examine the existing Indian law on the subject as the technology is constantly evolving which creates new opportunities for committing cybercrimes.

### Course Outcomes:

1. Demonstrate the key concepts and basic law on cyber crime.
2. Illustrate the various aspects of internet.
3. Co-relate cybercrime within cyberspace.
4. Critically analyse the implementation of the Information Technology Act.
5. Analysis of specific cyber crimes in the light of statutory provisions and judicial interpretations
6. Awareness about technological, legal and scientific aspects of cyber crime prevention

### UNIT I: INTRODUCTION

#### 1.1. Cyberspace

##### 1.1.1 Concept

##### 1.1.2 Dimensions

##### 1.1.3 Regulation

#### 1.2. Internet

##### 1.2.1 Evolution of Internet

##### 1.2.2 Internet Functioning

##### 1.2.3 Modes of Communication

##### 1.2.4 Internet Challenges

#### 1.3. Jurisdictional Dilemma in cyber space

#### 1.4. Enforcement issues in Cybercrime

### UNIT II: CYBER CRIME AND IT ACT

#### 2.1. Genesis, Object and Scope of the IT Act

#### 2.2. Cyber Crimes

##### 2.2.1 Definition

- 2.2.2 Classification
- 2.3. Service Providers Liability
- 2.4. Misuse of Social Media

### **UNIT III: SPECIFIC CYBER CRIMES**

- 3.1. Tampering with computer source documents
  - 3.1.1. Damage to computer and Computer System
  - 3.1.2. Computer contaminant and Computer virus
- 3.2. Hacking and Phishing
  - 3.2.1. Denial of Service
  - 3.2.2. Internet Frauds
- 3.3. Obscenity, Pornography, Child Pornography
- 3.4. Defamation in Cyberspace, Privacy and Public Nuisance

### **UNIT IV: PREVENTING CYBER CRIME**

- 4.1 Technological Measures
- 4.2 Legislative Measures
- 4.3 Cyber Appellate Tribunal
- 4.4 Cyber Forensics

#### **Textbooks:**

1. Pavan Duggal, e-book *Cyber Frauds, Cyber Crime and Law in India*, 2013
2. S.K.Verma and Raman Mittal, *Legal Dimensions of Cyberspace*, Indian Law Institute Publication, 2004
3. Thomas K. Clancy, *Cyber Crime and Digital Evidence: Materials and Cases*, Lexis Nexis, 2011

#### **References:**

1. Annual Survey of Indian Law, Published annually by the Indian Law Institute, Bhagwan Das Road, New Delhi
2. Apar Gupta, *Commentary on Information Technology Act*, 2<sup>nd</sup> Edition, , Lexis Nexis Publication, 2011
3. Aparna Viswanathan, *Cyber Law: Indian and International Perspectives*, 1<sup>st</sup> Edition, Lexis Nexis Publication, 2012
4. Debrati Halder & H Jaishanker, *Cyber Crimes Against Women*, Sage Publications, 1st Ed., 2017
5. Farooq Ahmed Mir, *Cyber Law in India*, Allahabad Law Agency, 16/2 Mathura Road, Plot

No.33, Faridabad (Haryana), 2011

6. James R. Beniger, *The Control Revolution: technological and Economic Origins of the Information Society*, Harvard University Press, 1997
7. M. Dasgupta, *Cyber Crime in India: A Comparative Study*, 1<sup>st</sup> Edition , Eastern Law House, 2009
8. Nandan Kamath, *Law relating to Computers, Internet and E-Commerce-A guide to cyber laws and & the Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws* , Universal Publication, 2012
9. Pavan Duggal, e-book *Judicial and Practical Approaches to Electronic Evidences Law in India*, 2015
10. Vivek Sood, *The Fundamental Right to Internet*, Nabhi Publication, 2009

## LW424: PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

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A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter. This paper seeks to impart an in-depth understanding of the protection and enforcement of human rights in India. The judiciary, as the major protective and enforcement machinery, will also be appreciated in the paper. The plight of the vulnerable groups in relation to human rights and the effect of science and technology on human rights will also be dealt with in the paper.

### Course Outcomes:

1. Contextualise and evaluate the implementation of International, regional and national laws relating human rights at the grassroots level.
2. Explain the relationship between Fundamental Rights, Constitutional Rights and Human Rights.
3. Identify and critique the enforcement mechanism of human rights at the national and state level.
4. Attribute the role of civil society and other non-state actors in the protection of human rights.
5. Generate ideas for better implementation of human rights laws in India.

## UNIT I: CONSTITUTIONAL RECOGNITION OF HUMAN RIGHTS

### 1.1 History and Development of Human Rights in Indian Constitution

#### 1.1.1 Human Rights in British India

#### 1.1.2 Constituent Assembly debates on the Fundamental Rights, Directive Principles and Fundamental Duties

#### 1.1.3 Role of India in implementing international norms and standards: Influences on the Indian Constitution

### 1.2 Indian Constitution and Human Rights

#### 1.2.1 Constitutional Philosophy – Preamble

#### 1.2.2 Fundamental Rights as human rights

#### 1.2.3 Directive Principles of State Policy

#### 1.2.4 Fundamental Duties: Problems of implementing duties

#### 1.2.5 Emerging regime of new human rights in India; Reading Directive Principles of State Policy and Fundamental Duties into Fundamental Rights

### 1.3 The Constitution of India and The International Human Rights Law

## 1.4 Collective Rights in India

1.4.1 Right to clean environment

1.4.2 Right to development

1.4.3 Right of self-determination

## **UNIT II: VIOLATION OF HUMAN RIGHTS RELATING TO THE VULNERABLE GROUPS IN INDIA**

2.1 General discussion on Issues relating to Human Rights in India – Social, Economic, Political and Cultural

2.2 Women

2.2.1 Special provisions for the protection of women under The Constitution of India:

2.2.2 Special Laws and Policies for Protection of Women: health and family welfare,

literacy programmes, female labour welfare. 2.2.3 Women in Criminal and Personal

Law

2.2.4 Gaps between international norms and Indian law

2.3 Unorganised Working Class

2.3.1 Status of the Working Class: Causal Workers, Contract Labour, Bonded Labour, Agricultural Labour, Migrant Workers

2.3.2 Labour Welfare Problems: Health Hazards, Collective Bargaining, Worker's Participation in Management, Impact of Technological Developments

2.4 Scheduled Castes and Scheduled Tribes

## **UNIT III: ENFORCEMENT AND IMPLEMENTATION MECHANISMS**

3.1 The Judiciary

3.1.1 Judicial Activism and Development of Human Rights

3.1.2 Role of Civil and Criminal Courts

3.1.3 Statutory Tribunals

3.1.4 Special Courts

3.2 National Institutions:

3.2.1 SC/ST Commission for Backward Classes

3.2.2 Minorities Commission

3.2.3 Women's Commission

3.2.4 National Commission for Protection of Rights of Child

3.3 Human Rights Commissions: National and State

3.4 Other Institutions:

3.4.1 The Civil society

3.4.2 Educational Institutions

### 3.4.3 Media-its role in protecting human rights

## UNIT IV: SCIENCE, TECHNOLOGY AND HUMAN RIGHTS IN INDIA

4.1 Advancement in technology and its effect on human rights - Impact of Biotechnology, Human Genome, Brain Mapping, DNA, Fingerprinting

4.2 Computer Crime, Pornography Online

4.3 Food Production and food Security

4.4 Right to Health:

4.4.1 Improvement of Individual and Community Health and Hygiene

4.4.2 Clinical trials

### Textbooks:

1. M. K. Sinha, *Implementation of Basic Human Rights*, Gurgaon: Lexis Nexis, 2015
2. V.R. Krishna Iyer, *Human Rights and Inhuman Wrongs*, Delhi: B.R Publishing Corporation, 1990

### References:

- 1 A.G. Noorani, *Challenges to Civil Rights Guarantees in India*, New Delhi: Oxford University Press, 2012
- 2 C. Rajkumar (ed), *Human Rights, Justice and Constitutional Empowerment*, New Delhi: Oxford University Press, 2007
- 3 D.D. Basu, *Human Rights in Constitutional Law*, New Jersey, US: Prentice Hall, 2008
- 4 Justice Palok Basu, *Law Relating to Protection of Human Rights*, Allahabad: Modern Law Publications, 2011
- 5 Justice Sujata V. M Manohar, *Judiciary and Human Rights*, Indian Journal of International Law, Vol.36, No.2, pp.39-54, April-June 1996
- 6 Justice Venkatramiah, *Human Rights in a Changing World*, New Delhi: International Law Association (Regional Branch, India), 1998
- 7 M.C. Sharma & Raju Ramachandran (Ed.), *Constitutionalism, Human Rights and the Rule of Law: Essays in honor of Soli J. Sorabjee*, New Delhi: Oxford University Press, 2013
- 8 Mamata Rao, *Law Relating to Woman and Children*, New Delhi: Eastern Book Co., 2012
- 9 P.N Bhagwati, "*Human Rights and Democratisation of Remedies*" Indian Bar Review, Vol. 10, No.3, pp.584-98, 198
- 10 P.N. Bhagwati, *Dimensions of Human Rights*, Madurai: Society for Community Organization Trust, 1987
- 11 Poornima Advani, *Indian Judiciary: A Tribute*, New Delhi: Harper Collins Publishers India, 1997

- 12 Theodor, Meron (ed), *Human Rights in International Law: Legal and Policy Issues*, Oxford: Clarendon Press, 1983
- 13 Upendra Baxi (ed.), *Liberty and Corruption*, New Delhi: Eastern Book Company, 1989
- 14 Upendra Baxi, *Human Rights in a Post Human World*, New Delhi: Oxford University Press, 2009
- 15 Upendra Baxi, *The Crisis of Indian Legal System*, Uttar Pradesh: Vikas Publishing House Pvt. Limited, 1982
- 16 Upendra Baxi, *The Future of Human Rights*, New Delhi: Oxford University Press, 2012
- 17 Upendra Baxi, "*Violence, Dissent and Development: Law and Social Change*", Indian Law Institute, New Delhi, pp.72-93, 1988
- 18 V.R Krishna Iyer, *Human Rights - A Judge's Miscellany*, New Delhi: B.R Publishing Corporation, 1995
- 19 Videh Upadhyaya, *Public Interest Litigation in India: Concepts, Cases and Concerns*, Gurgaon: Lexis Nexis, Wadhwa, 2007

Research project is a compulsory course for the students of the second semester. This Course is mainly emphasized on the practical understanding of the theoretical knowledge they have gained. For the said purpose students would be encouraged to visit various places relevant to their research. The submission of the research report will be followed by a presentation before the end term examinations.

**Course Outcomes:**

1. Demonstrate the basic requirements of research project
2. Illustrate the various processes of doctrinal and empirical research
3. Co-relate doctrinal and empirical research
4. Understanding of tools and techniques of data collection
5. Writing research work in the standard prescribed by accredited bodies.

## LW501: CORRECTIONAL LAWS AND ADMINISTRATION IN INDIA

L	T	P	CH	CR
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In this paper students will be given a holistic understanding of the concept and evolution of reformatory laws and its administration in India. Emphasis will be laid on the Juvenile Justice (Care and Protection of Children) Act, 2015, The Probation of Offenders Act, 1958 and prison laws prevailing in India.

### Course Outcomes:

1. Explain the scope of correctional laws in India.
2. Analyze the characteristics of juvenile delinquents, working of institutions in India and other countries for care, protection and welfare of child.
3. Explain the role of non-institutional corrections in the prevention of crime and treatment of offenders.
4. Explore the legislation and judicial attitude on rights of prisoners, condition to release on probation and compare prison system in India and its relevancy in modern India.

### UNIT I: INTRODUCTION

- 1.1 Conceptualizing Juvenile, Juvenile Justice and Juvenile Justice Systems in contemporary world
- 1.2 Historical development of juvenile justice in India
- 1.3 U.N. Standard Minimum Rules for juvenile Justice (Beijing Rules), 1985
- 1.4 U.N. Convention on Rights of the Child, 1989

### UNIT II: JUVENILE JUSTICE ACT 2015 AND ITS IMPLEMENTATION

- 2.1. Definition- 'Child in conflict with law' and 'child in need of care and protection'
- 2.2. Juvenile Justice Board- composition, powers, functions and procedure
- 2.3. Child Welfare Committee- composition, powers, functions and procedure
- 2.4. Institutional care for the juveniles in- Observation Homes, Special Homes, Children's home and shelter homes

### UNIT III: PROBATION OF OFFENDERS ACT 1958

- 3.1. Release on Admonition (s.3)
- 3.2. Release on Probation (s.4-5)
- 3.3. Removal of disqualification attaching to conviction (S.12)

### 3.4. Implementation of PO Act-Problems and perspectives

## UNIT IV: PRISON SYSTEM AND PRISON REFORMS

### 4.1. History and development of modern Prison

### 4.2. Prison reforms in India

### 4.3. Open prison in India

### 4.4. Prisoners' rights- in law and judicial pronouncements

#### Textbooks

1. Howard Abadinsky, *Probation and Parole: Theory and Practice*, UK: Pearson, 2014
2. Ved Kumari, *The Juvenile Justice (Care and Protection of Children) Act 2015 - Critical Analysis*, Nagpur: Universal Law Publishing - An imprint of Lexis Nexis, 2017
3. Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights (Law in India)*, Noida, Uttar Pradesh: Oxford Universe Press, India, 2004

#### References

1. Denis Herbert Stott, *Delinquency: The Problem and Its Prevention*, Robert B Luce, 1982
2. Donald J. Shoemaker, *International Handbook on Juvenile Justice (Victorian Literature & Culture)*, United States: Greenwood Press, 1996
3. Howard B. Kaplan, *Patterns of juvenile delinquency*, Beverly Hills, United States: Sage Pub.,1985
4. Joan Petersilia, *Community Corrections: Probation, Parole, and Intermediate Sanctions* UK: Oxford University Press, 1997
5. K. N. Chandrasekharan Pillai, *R.V. Kelkar's Lectures on Criminal Procedure including Prohibition and Juvenile Justice*, New Delhi: Eastern Book Company, 2013
6. M Weiner, *The Child and the State in India – Child Labor and Education Policy in Comparative Perspective*, United States: Princeton University Press,1992
7. N.K. Chakrabarti, "*Administration of Criminal Justice: The Correctional services (Vol.II& III)*", New Delhi: Deep & Deep,1997
8. N.K. Chakrabarti, *Probation System*, Deep and Deep Publications, 1995
9. Nitai Roy Choudhury, *Prison laws and Reformation of Prisoners*, Deep and Deep Publications, 2000
10. Prof. N. V. Paranjape, *Criminology & Penology with Victimology*, New Delhi: Central Law Publications,2017
11. Richard P. Seiter, *Correctional Administration: Integrating Theory and Practice*, UK: Pearson, 2011
12. Savitri Gunasakhare, *Children, Law and Justice: A South Asian Perspective*, New Delhi: Sage Publication, 1997
13. Suman Nalwa and Hari Dev Kohli, *Commentary on the Juvenile Justice Act*, Nagpur: Universal Law Publishing - An Imprint of LexisNexis,2016
14. Ved Kumari, *Creative Child Advocacy: Global Perspective*, New Delhi: Sage India,2004

## LW502: INTERNATIONAL HUMANITARIAN LAW

L	T	P	CH	CR
3	1	0	4	4

There is a need of understanding the intricacies of how law regulates international conflicts and how the law is implemented. This paper aims at equipping the students with the principles of international humanitarian law or the law of armed conflict.

### Course Outcomes:

1. Explain the basic principles of international humanitarian law.
2. Differentiate between International and Non-International Armed Conflict.
3. Evaluate the challenges of implementation of international humanitarian law.
4. Attribute the role of the International Committee of the Red Cross.
5. Describe the protections under International Humanitarian Law and the means and methods of warfare.
6. Evaluate the implementation and enforcement mechanisms available under International Humanitarian Law.

### UNIT I: THE LAW OF WAR: AN INTRODUCTION

#### 1.1 International Humanitarian Law (IHL)

- 1.1.1 Historical and Philosophical Development of IHL
- 1.1.2 The Concept
- 1.1.3 Nature and Scope
- 1.1.4 Purpose

#### 1.2 Sources of International Humanitarian Law

- 1.2.1 UN Charter
- 1.2.2 Customary International Humanitarian law (Hague Conventions)
- 1.2.3 Geneva Conventions of 1949 and Additional Protocols

#### 1.3 Interface between International Humanitarian Law and International Human Rights Law

#### 1.4 The Concept of Armed Conflicts

- 1.4.1 Determination of an existence of Armed Conflict
- 1.4.2 International and Non-International Armed Conflict

### UNIT II: USE OF FORCE, THE UN CHARTER & IHL TREATIES

- 2.1 Meaning of “Threat or use of force” and Prohibition thereof
- 2.2 Exceptions for the use of force under the UN Charter: (Chapter VII)

- 2.2.1 Right to Individual or collective self-defense
- 2.2.2 Authorization by the UN Security Council
- 2.3 Humanitarian intervention
  - 2.3.1 With or without security council authorization.
  - 2.3.2 Responsibility to Protect
- 2.4 The Geneva Conventions and Additional Protocols
  - 2.4.1 Protection of Persons
  - 2.4.2 Protection of Properties

### **UNIT III: MEANS AND METHODS OF WARFARE**

- 3.1 Means and Methods of warfare
- 3.2 The principle of prohibition of unnecessary suffering
- 3.3 Regulation of certain weapons
  - 3.3.1 Biological Weapons Convention, 1975
  - 3.3.2 Chemical Weapons Convention, 1992
  - 3.3.3 Treaty on the Non-proliferation of Nuclear Weapons of 1 July, 1968
  - 3.3.4 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space, and under  
Water of 5 August, 1963
  - 3.3.5 Outer Space Treaty of 27 January, 1967
  - 3.3.6 Seabed Treaty of 11 February, 1971
  - 3.3.7 Treaty on the Establishment of a Nuclear Weapon-Free Zone in Southern Pacific  
Area of 6 August, 1985
- 3.4 Contemporary means of warfare: Cyber warfare, Drone attacks and other New weapon technologies

### **UNIT IV: IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW**

- 4.1 Duty of Belligerents “To Respect and to Ensure Respect”
- 4.2 International Court of Justice: Landmark Judgments
  - 4.2.1 *Democratic Republic of the Congo v. Uganda (2005) ICJ Rep. 168.*
  - 4.2.2 *Nicaragua v. United States of America (1986) ICJ Rep. 14.*
  - 4.2.3 *Islamic Republic of Iran v. United States of America (2003) ICJ Rep. 161*
  - 4.2.4 *UK v. Albania (1949) ICJ Rep. 4.*
  - 4.2.5 *Legal consequences of the construction of a wall in the occupied Palestinian Territory (Advisory Opinion) (2004) ICJ Reports 136.*
  - 4.2.6 *Legality of the Threat of use of nuclear weapons (Advisory Opinion) (1996) ICJ Rep. 226*
- 4.3 International Criminal Court and Tribunals: Landmark cases to be discussed under

## International Criminal Law

### 4.3.1 War Crimes

## 4.4 International Committee of the Red Cross (ICRC)

### 4.4.1 Purpose and status of the ICRC

### 4.4.2 Legal basis for ICRC action

### 4.4.3 ICRC: The guardian of International Humanitarian Law **Textbooks:**

1. Gary D. Solis, *The Law of Armed Conflict: International Humanitarian Law in War*, Cambridge, UK: Cambridge University Press, 2010
2. International Committee of the Red Cross, *International Humanitarian Law: A Comprehensive Introduction*, Geneva, 2011
3. Jonathan Crowe, *Principles of International Humanitarian Law*, UK: Edward Elgar Publishing Ltd., 2011

## References:

1. Christine Gray, *International Law and the Use of Force (Foundations of Public International Law)*, UK: Oxford University Press, 2008
2. Derek Jinks & Jackson N. Maogoto (Ed.), *Applying International Humanitarian Law in Judicial and Quasi-Judicial Bodies: International and Domestic Aspects*, Netherlands: T.M.C. Asser Press, 2014
3. Dieter Fleck, *The Handbook of International Humanitarian Law*, Oxford: Oxford University Press, 2014
4. Elizabeth Wilmschurst & Susan Breau, *Perspectives on the ICRC Study on Customary International Humanitarian Law*, Cambridge, UK: Cambridge University Press, 2011
5. Emily Crawford & Alison Pert, *International Humanitarian Law*, Cambridge, UK: Cambridge University Press, 2015
6. Fleck, Dieter (ed.), *The Handbook of Humanitarian Law in Armed Conflicts*, Oxford: Oxford University Press, 2010
7. Geza, Herczegh, *Developments of International Humanitarian Law* Budapest: Akademiai Kiado, 1984
8. Heather Harrison Dinniss, *Cyber Warfare and the Laws of War*, Cambridge, UK: Cambridge University Press, 2017
9. Henckaerts, Jean-Marie and Beck-Doswald, Louise, *Customary International Humanitarian Law*, Cambridge, UK: Cambridge University Press, 2005
10. Ingrid Detter, *The Law of War*, Cambridge, UK: Cambridge University Press, 2013
11. Jahid Hussain Bhuiyan, *International Humanitarian Law: An Anthology*, Gurgaon: Lexis Nexis, 2009
12. Kevin M. Cahill, *Basics of International Humanitarian Missions*, New York: Fordham

- University Press, 2003
13. Lattimer, Mark and Sands, Philippe (ed.), *Justice for Crimes Against Humanity*, USA: Hart Publishing, 2006
  14. *Legality of the Threat or Use of nuclear weapons*, Advisory Opinion, ICJ Reports, 1996
  15. M.K. Balachandran and Rose Verghese (eds.), *International Humanitarian Law*, Geneva: ICRC, 1997
  16. Marc Weller, *The Oxford Handbook of the Use of Force in International Law (Oxford Handbooks in Law)*, Oxford: Oxford University Press, 2017
  17. R. C. Hingorani, *Humanitarian Law*, Oxford: Oxford University Press, 1991
  18. Roberts and R. Guelff, eds., *Documents on the Laws of War*, Oxford: Oxford University Press, 2000
  19. Shane Darcy, *Judges, Law and War: The Judicial Development of International Humanitarian Law*, Cambridge, UK: Cambridge University Press, 2016
  20. Sharon Weill, *The Role of National Courts in Applying International Humanitarian Law*, Oxford: Oxford University Press, 2014
  21. Teson, Fernando, R., *Humanitarian Intervention: An Enquiry into Law and Morality*, New York: Transnational Publishers, 2005
  22. Welsh, Kavin M., *Humanitarian Interventions and International Relations*, Oxford: Oxford University Press, 2004

## LW503: SOCIO-ECONOMIC OFFENCES

L	T	P	CH	CR
3	1	0	4	4

This paper on socio-economic offence will help the students to understand numerous social and economic offences from the legal standpoint. Considering the large number of socioeconomic offences being reported in the country, only few illustrative offences have been included in this paper. Every effort will be taken to discuss a particular law in the light of contemporary social context.

### Course Outcomes:

1. Demonstrate the legal facet of socio-economic offences.
2. Appreciate the different approach and standard of proof in case of special and local laws.
3. Critically analyze various Commissions and Committees Reports and develop model for improvement.
4. Reflect on State's response to ever increasing varieties of socio-economic offences.
5. Identify the concerns and challenges for law enforcement and investigating agencies in containing such offences.
6. It will help than in critical thinking, close reading, clear writing and logical analysis of legal issues and concepts.

### UNIT I: INTRODUCTION

- 1.1. Conceptual and theoretical analysis of Socio-Economic Offences
- 1.2. Crime statistics and analysis of Socio-Economic Offences
- 1.3. The Santhanam Committee Report
- 1.4. Law Commissions and Various Other Reports on Socio-Economic Offences

### UNIT II: SPECIAL & LOCAL LAWS (SLL)

- 2.1. Crime against Scheduled Castes/Scheduled Tribes, Minorities
- 2.2. Human Trafficking and Child Trafficking
- 2.3. Civil Rights Protection Law in India
- 2.4. Counter Insurgency Laws

### UNIT III: ECONOMIC CRIMES

- 3.1. Offences relating to Food and Essential Commodities
- 3.2. Drug Offences and Law
- 3.3. Anti-Corruption Laws

### 3.4. Black Money and Law

## UNIT IV: LAW ENFORCEMENT AND INVESTIGATING AGENCIES

4.1. Central Bureau of Investigation

4.2. Central Vigilance Commission

4.3. Central Enforcement Directorate

4.4. National Investigating Agency

### Text Books:

1. J.S.P. Singh, *Socio- Economic Offences*, Universal Publication, Delhi, 2015
2. Mahesh Chandra, *Socio- Economic Offences*, Tripathi Publication, 1979
3. Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond*, Eastern Book, Lucknow, 1989

### References:

1. Crime in India, National Crime Records Bureau, Ministry of Home, Govt. of India
2. Santhanam Committee Report
3. Law Commissions Reports
4. The Chagla Commission Report
5. The Das Commission Report
6. The Grover Commission Report
7. The Maruti Commission Report
8. The Lentin Commission Report

## LW504: LAW RELATING TO CRIMES AGAINST HUMANITY

L	T	P	CH	CR
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Though not quite as comprehensively codified or as widely accepted and ratified by states as International Human Rights, Law Relating to Crimes against Humanity is very much relevant to the study and protection of international human rights because it generally is aimed at punishing acts which affect fundamental human rights, namely: life, liberty, and security. This paper is intended to give students a comprehensive understanding of Crime against humanity International Criminal Law (ICL) and its enforcement. It will help the students understand the fundamental legal framework in which Law Relating to Crimes against Humanity develops. The main principles of interpretation of international criminal law and procedure will also be critically appreciated.

### Course Outcomes:

1. Ability to demonstrate fundamentals of international criminal law;
2. ability to search, analyse, and work with legally relevant information by using the juridical, comparative and other specific methods.
3. ability to describe legal problems and situations in the field of international criminal law.
4. skills to analyse and solve cases, building up of the legal position and composition of procedural documents on cases in the sphere of international criminal law.

### UNIT I: INTRODUCTION TO INTERNATIONAL CRIME

- 1.1 The Notion of International Crime
- 1.2 Main Features of International Criminal Law
- 1.3 Historical Evolution of International Criminal Law
- 1.4 Sources of International Criminal Law

### UNIT II: ELEMENTS OF CRIMES AGAINST HUMANITY

- 2.1 Elements of Crime against humanity
- 2.2 Presumption of innocence
- 2.3 Rights of the accused
- 2.4 Individual criminal responsibility & Circumstances excluding criminal liability

### UNIT III: SPECIFIC INTERNATIONAL CRIMES

- 3.1 War Crimes
- 3.2 Genocide
- 3.3 Crime of Aggression
- 3.4 International Organized Crime: Terrorism, Drug Trafficking & Money Laundering

#### **UNIT IV: ENFORCEMENT OF INTERNATIONAL CRIMINAL LAW**

- 4.1 International versus National Jurisdiction: Debate in Nuremberg and Tokyo Tribunals
- 4.2 International Criminal Trials
  - 4.2.1 International Criminal Investigation
  - 4.2.2 Initiation of Proceedings
  - 4.2.3 Preparations for Trial
  - 4.2.4 Trial Proceedings
  - 4.2.5 Evidence
  - 4.2.6 Appeal
  - 4.2.7 Enforcement of Sentences
- 4.3 Ad hoc International Criminal Tribunal: The International Criminal Tribunal for Yugoslavia (ICTY) & The International Criminal Tribunal for Rwanda (ICTR)
- 4.4 International Criminal Court (ICC)

#### **Textbook:**

1. A. Cassese (Rev.), *Cassese's International Criminal Law*, Oxford: Oxford University Press, 2008
2. Gerharde Werle, *Principles of International Criminal Law*, Oxford: Oxford University Press, 2014
3. Robert Cryer, *An Introduction to International Criminal Law and Procedure*, Cambridge: Cambridge University Press, 2014

#### **References:**

1. Antonio Cassese, *International Criminal Law: Cases and Commentary*, Oxford: Oxford University Press, 2011
2. Antonio Cassese, *The Oxford Companion to International Criminal Justice*, Oxford: Oxford University Press, 2009
3. Beth Schaack, *International Criminal Law and its Enforcement*, Sunderland, UK: Foundation Press, 2014
4. Bruce Broomhall, *International Justice and the International Criminal Court: Between Sovereignty and the Rule of Law*, Oxford: Oxford University Press, 2004

5. Christine Gray, *International Law and the use of Force*, Oxford: Oxford University Press, 2008
6. Claire De Than & Edwin Shorts, *International Criminal Law and Human Rights*, London,UK: Sweet and Maxwell, 2003
7. David Luban, *International and Transnational Criminal Law*, The Netherlands: Wolters & Kluwer, 2014
8. David Stewart, *International Criminal Law in a nutshell*, USA: West Academic Publishing, 2013
9. Elies Van Sliedregt, *Individual Criminal Responsibility in International Law*, Oxford: Oxford University Press, 2012
10. Ellen S. Podgor, *International Law: Cases and Materials*, Gurgaon: Lexis Nexis, 2010
11. Goran Sluiter, Hakan Friman, Suzannah Linton et al. (Ed.), *International Criminal Procedure: Principles and Rules*, Oxford: Oxford University Press, 2013
12. Ilias Bantekas, *International Criminal Law*, London: Routledge-Cavendish, 2016
13. Knut Dormann, *Elements of War Crimes under the Rome Statute of the International Criminal Court*, Cambridge, UK: Cambridge University Press, 2003
14. Mohamed M. El Zeidy, *The Principle of Complementarity in International Criminal Law*, Boston: Martinus Nijhoff Publishers, 2008
15. Roger O' Keefe, *International Criminal Law*, Oxford: Oxford University Press, 2017
16. William A. Schabas and Nadia Bernaz, *Routledge Handbook of International Criminal Law*, London: Routledge, 2011
17. William A. Schabbas, *The Cambridge Companion to International Criminal Law*, Cambridge, UK: Cambridge University Press, 2016
18. Y. Beigbeder, *International Criminal Tribunals: Justice and Politics*, New York: Springer, 2011
19. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, Cambridge, UK: Cambridge University Press, 2016

## LW505: COMPARATIVE CRIMINAL PROCEDURE

L	T	P	CH	CR
3	1	0	4	4

A study of Criminal Procedure broadens the understanding of the Jurisprudence of Criminal Law. The study of Comparative Criminal Procedure will make students to understand what ails our existing system and how it is to be restructured so as to make it in harmony with the international standards and it will also help in roping in fugitives who have travelled beyond territorial border to evade prosecution.

### Course Outcomes:

1. Comparative analysis of the adversarial and inquisitorial systems.
2. Assessing of the models of administration of justice.
3. Evaluating jurisdiction of criminal courts of various countries.
4. Critique the role of prosecuting agencies.
5. Explain pre-trial process of select countries.
6. Exemplify trial procedure of various countries.
7. Demonstrate established sentencing mechanisms

### UNIT I: INTRODUCTION

#### 1.1. Adversarial and Inquisitorial System

##### 1.1.1. Core Features of both the Systems

##### 1.1.2. Comparing the positives of each system in different countries

#### 1.2. Crime Control Model, Due Process Model and Other Emerging Models

#### 1.3. Comparative Study of Jurisdiction of Criminal Courts

#### 1.4. Role of Prosecuting Agencies

##### 1.4.1. Police

##### 1.4.2. Prosecutors

### UNIT II: COMPARATIVE STUDY OF PRE-TRIAL PROCESS IN U.K., U.S.A., GERMANY, AND INDIA

#### 2.1. Power of Arrest

#### 2.2. Investigation

#### 2.3 Charging Process

#### 2.4. Bail

### **UNIT III: COMPARATIVE TRIAL PROCEDURE**

- 3.1. Witness's rights and protection
- 3.2. Role of the Judges
- 3.3. Forensic Evidence with special reference to DNA profiling
- 3.4. Plea-bargaining

### **UNIT IV: SENTENCING AND REFORMATION OF OFFENDERS**

- 4.1. Sentences in substantive laws
- 4.2. Juvenile Justice System
- 4.3. Probation System
- 4.4. Parole and Aftercare services

#### **Textbooks:**

1. K.N., Chandrasekharan Pillai [ed.] *R V Kelkar's Outline of Criminal Procedure*, New Delhi: Eastern Book House, 2000
2. Shahid M. Shahidullah, *Comparative Criminal Justice Systems*, U.S.A.: Jones & Bartlett Publishers, 2012

#### **References:**

1. Annual Survey of India Law on Criminal Procedure Code, Published annually by the Indian Law Institute, Bhagwan Das Road, New Delhi
2. Barry Wright (Author), Wing-Cheong Chan (Editor), *Codification, Macaulay and the Indian Penal Code: The Legacies and Modern Challenges of Criminal Law Reform (International and Comparative Criminal Justice)*, UK: Routledge, 2011
3. Francesco Parisi and Tom Ginsburg, *Comparative Criminal Procedure*, UK: Edward Elgar Publishing, 2016
4. Gerhard O. W. Mueller (Author), Fre Le Poole Griffiths, *Comparative Criminal Procedure*, New York: New York University Press, 1969
5. Hebert L Pecker, *Limits of Criminal Sanctions*, United States: Stanford Univ. Press 1968
6. Jacqueline E. Ross (Author, Editor), Stephen C. Thaman, *Comparative Criminal Procedure*, U.K: Edward Elgar Pub, 2016
7. John Hatchard (Editor), Barbara Huber (Editor), Richard Volger, *Comparative Criminal Procedure (Comparative law)*, London: British Institute of International & Comparative Law, 1997
8. Malimath Committee Report 2004
9. Mc Donald, William F, *Criminal Justice and the Victim*, London: Sage Publications, 1976

10. Philip Reichel, *Comparative Criminal Justice Systems Package*, USA: Prentice Hall, 2007
11. Raneta Lawson MacK, *Comparative Criminal Procedure: History, Processes, and Case Studies*, Fred B Rothman & Co, 2008
12. Richard Terrill, *World Criminal Justice Systems*, U.K.: Routledge, 1984
13. Samuel W Bettwy, *Comparative Criminal Procedure Through Film: Analytical Tools & Law and Film Summaries by Legal Tradition and Country*, Vandepias Pub, 2015
14. Surendra Malik and Sundeep Malik, *Supreme Court on Criminal Procedure Code and Criminal Trial in 4 Vols*, New Delhi: Eastern Book Company, 2015
15. Verma Committee Report, 2013

## LW506: INTERNATIONAL MIGRATION LAW

L	T	P	CH	CR
3	1	0	4	4

Much before the existence of International Migration Law many conventions existed at the global and regional levels applying to those involved in the migration process. These instruments are spread across various branches of law: labour, immigration, human rights, refugee, humanitarian, and criminal laws. Today, it is comprehensively known as “International Migration Law” (IML). This paper aims at giving an opportunity to the students to study the various instruments from the perspective of international migration. The status of refugees internationally and in India will be given focus under a unit. Human Rights relating to International Migrants will also be dealt with in the paper.

### Course Outcomes:

1. Explain the basic principles of international migration law.
2. Evaluate the challenges of implementation of international migration law.
3. Describe the protections under International migration and the means and methods.
4. Evaluate the implementation and enforcement mechanisms available under International Humanitarian Law.

### UNIT I: CONCEPTUALISING INTERNATIONAL MIGRATION LAW

- 1.1 International Migration: Concept & Definition
- 1.2 The Evolution and need of International Migration Law
- 1.3 International migration and the role of institutions: International Organization for Migration (IOM)&United Nations High Commissioner for Refugees (UNHCR)
- 1.4 Sources of International Migration Law

### UNIT II: ISSUES RELATING TO INTERNATIONAL MIGRATION

- 2.1 Contemporary Patterns or causes of International Migration: A study of the globalized era
- 2.2 Nationality and statelessness
- 2.3 Sovereignty, National Security, terrorism and securitization of migration
- 2.4 Problems relating to migrant workers

### UNIT III: REFUGEES: FORCED MIGRATION

- 3.1 Conceptualizing Refugees & Refugees in India

3.2 The Evolution of Refugee Status in International Law: Emerging issues

3.3 International Refugee Law

3.3.1 The 1951 Convention relating to the Status of Refugees

3.3.1.1 Principle of Non-Refoulement

3.3.2 The 1967 Protocol relating to the Status of Refugees

3.3.3 The 1967 Declaration on Territorial Asylum

3.4 The mandate of the office of the United Nations High Commissioner for Refugee (UNHCR)

## **UNIT IV: INTERNATIONAL HUMAN RIGHTS OF MIGRANTS**

4.1 The need for human rights-based governance of migrants

4.2 Basic Rights of Migrants

4.3 Governance of migration and human rights within the International Bill of Human Rights:

4.3.1 Universal Declaration of Human Rights

4.3.2 The UN International Covenant for Civil and Political Rights

4.4 Migrants and their human rights under other conventions:

4.4.1 The UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

4.4.2 1949 Convention Concerning Migration for Employment No. 97

4.4.3 1975 Convention Concerning Migrations in Abusive Conditions and Promotion of Equality of Opportunity and Treatment of Migrant Workers No. 143

4.4.4 1990 International Convention on Protection of Rights of all Migrant Workers and

Members of their families

4.4.5 Relevant ILO Conventions

### **Textbooks:**

1. Brian Opeskin (Ed.), *Foundations of International Migration Law*, Cambridge, UK: Cambridge University Press, 2012
2. Ryszard Cholewinski, Euan Macdonald, Richard Perruchoud, *International Migration Law: Developing Paradigms and Key Challenges*, Netherlands: T.M. C Asser Press, 2014
3. Vincent Chitail, *International Migration Law*, Oxford: Oxford University Press, 2014

### **References:**

1. Alexander Betts, *Refuge: Transforming a broken Refugee System*, UK: Allen Lane, 2017
2. B.S. Chimni, *International Refugee Law: A Reader*, USA: Sage Publications, 2000
3. Elena FiddianQasmiyeh (ed.), *The Oxford Handbook of Refugee and Forced Migration Study*, Oxford: Oxford University Press, 2014
4. Erika Feller, Volker Turk and Frances Nicholson, *Refugee Protection in International*

- Law: UNHCR's Global Consultations on International Protection*, Cambridge, U.K: Cambridge University Press, 2003
5. Goodwin Gill, Guy S., McAdam, Jane, *The Refugee in International Law*, Oxford: Oxford University Press, 2007
  6. Hathaway James C., *The Rights of Refugees under International Law*, Cambridge, UK: Cambridge University Press, 2005
  7. Heidelberg University Humboldt Fellow, *Migrants, Refugees and Stateless in South Asia*, USA: Sage Publications, 2016
  8. Heliene Lambert, *International Refugee Law*, London: Routledge, 2010
  9. James C. Simeon, *Critical Issues in International Refugee Law: Strategies Toward Interpretative Harmony*, Cambridge, U.K: Cambridge University Press, 2010
  10. Jason M. Pobjoy, *The Child in International Refugee Law*, Cambridge, UK: Cambridge University Press, 2017
  11. Loescher, Gil, *Beyond Charity: International Co-operation and the Global Refugee Crisis* Oxford: Oxford University Press, 1993
  12. M. Rafiqul Islam, Md. Jahid Hossain Bhuiyan, *An Introduction to International Refugee Law*, Boston: MartinusNijhoff Publishers, 2013
  13. Manoj Kumar Sinha, *Handbook of legal instruments on International Law and Refugee Laws*, Gurgaon: Lexis Nexis, 2014
  14. Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, Pennsylvania: University of Pennsylvania Press, 2003
  15. Philip Alston, Ryan Goodman and Henry Steiner, *International Human Rights in Context: Law Politics Morals*, Oxford: Oxford University Press, 2008
  16. Richard Plender, *International Migration Law*, Boston: Martinus Nijhoff Publishers, 1988
  17. Sir Richard Plender, *Issues in International Migration Law*, USA: Brill Nijhoff, 2015
  18. Stephen Castles and Mark J. Miller, *The Age of Migration: International Population Movements in the Modern World*, New York: Guilford Press, 2009
  19. Thomas Gameltoft Hansen, *Access to Asylum: International Refugee Law and the Globalisation of Migration Control*, Cambridge, UK: Cambridge University Press, 2013
  20. Vincent Chitail & Celine Bauloz, *Research Handbook on International Law and Migration*, U.K: Edward Elgar Publishing Ltd., 2014
  21. Vincent Chitail, *Sources of International Migration Law*. in: Opeskin, Brian, Perruchoud, Richard and Redpath-Cross, Jillyanne(eds): *Foundations of International Migration Law*, Cambridge, UK: Cambridge University Press, 2012

Research project is a compulsory course for the students of the third semester. This Course is mainly emphasized on the practical understanding of the theoretical knowledge they have gained. For the said purpose students would be encouraged to visit various places relevant to their research. The students of all the semesters would be applying the ICT for preparing the research projects. The submission of the research report will be followed by a presentation before the end term examinations.

**Course Outcomes:**

1. Demonstrate the basic requirements of research project
2. Illustrate the various processes of doctrinal and empirical research
3. Co-relate doctrinal and empirical research
4. Understanding of tools and techniques of data collection
5. Writing research work in the standard prescribed by accredited bodies.

## LW520: LAW AND SOCIAL TRANSFORMATION

L	T	P	CH	CR
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In this paper the students would be made aware of some of the basic theories of law and fact analysis which resulted in transforming the society. This paper will also demonstrate how law and society impact upon each other. This paper is a study of the dynamic nature of law in changed and changing society.

### Course Outcomes:

1. Explain the operation of Law in transforming the society.
2. Depict the examples of social transformation initiatives made in the past and be able to identify the social vices in present context.
3. Construct the harmonious relation in the society by eradicating the divisive factor on the basis of religion, region, caste, creed etc.
4. Describe Non-discriminatory action on the ground of language, religion.
4. Identify the affirmative action taken which resulted in social legislation in India.
5. Explain the application of Law in transforming social behaviour and protecting vulnerable and ethnic groups.

### UNIT I: INTRODUCTION

- 1.1. Social Change in India post 1600-1773 AD
- 1.2. Law as an instrument of social change: Indian perspectives 1773-1950
  - 1.2.1. Raja Ram Raja Ram Mohan Roy.
  - 1.2.2. Swami Vivekananda.
  - 1.2.3. Swami Dayananda Saraswati.
  - 1.2.4. Ishwar Chandra Vidyasagar.
  - 1.2.5. Jyotiba Phule.
  - 1.2.6. Dr. Bhimrao Ramji Ambedkar
- 1.3. Law as an instrument of social change: Indian perspectives: Post Constitution
  - 1.3.1 Baba Amte.
  - 1.3.2 Vinoba Bhave
  - 1.3.3 Ram Manohar Lohiya
  - 1.3.4 Jai Prakash Narayan
- 1.4 Law as the product of traditions.

### UNIT II: COMPARATIVE PERSPECTIVES LEGAL SYSTEM AND SOCIAL CHANGE

## 2.1. Relevance of Principles of Sociological School of Thought and social transformation

2.1.1. Ihering

2.1.2. Ehrlich

2.1.3. Roscoe Pound

2.1.4. Duguit

2.2 Relevance of Marxist and Weberian analysis to problems of planned Economic development in developing societies

2.3. Articles 14-17 and Principles of Social Legislation

2.4 Articles 25-30: Protection of Minorities- religion and language

## **UNIT III: LAW RELATING TO PROTECTION OF VULNERABLE GROUPS**

3.1. Gender and Law

3.2 Child and Law

3.3 Elderly Persons and Law

3.4 Differently abled and law

## **UNIT IV: LAW RELATING TO PROTECTION OF ETHNIC GROUPS**

4.1. Scheduled Castes & Scheduled tribes,

4.2. Backward classes & The Contemporary Issues;

4.3. Forest Dwellers

4.4 People from North-Eastern States.

### **Textbooks:**

1. Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford: Oxford University Press, 1999
2. Galanter, Marc (ed), *Law and Society in Modern India*, Oxford: Oxford University Press, 1997
3. Wolfgang Friedmann, *Law in a Changing Society*, New Delhi: Penguin Books Ltd, 1972

### **References:**

- 1 A.K. Kaul, *A Textbook of Jurisprudence*. New Delhi: Satyam Law International, 2009
- 2 Bhat. P. Ishwara. *Law and Social Transformation*, Lucknow: Eastern Book Company, 2009
- 3 D.D. Basu, *Shorter Constitution of India*, New Delhi: Prentice-Hall of India (P) Ltd., 1996
- 4 Duncan.Derrret, *The State, Religion and Law in India*, New Delhi: Oxford University Press, 1999
- 5 JavierTrevino,*The Sociology of Law: Classical & Contemporary Perspectives*, New

- York: St. Martin's Press, 1996
- 6     Lingat, Robert., *The Classical Law of India*, Oxford: Oxford University Press, 1998
- 7     N.K Chakrabarti & S. Chakraborty: *Gender Justice*, R. Cambay and Co., 2005
- 8     R. Banakar& M. Travers (eds.). *An Introduction to Law & Social Theory.*, Oxford,  
UK: Hart Publishing, 2002
- 9     R.M. Malcver, *Society an Introductory Analysis*. New Delhi.: Macmillan, 2001
- 10    Sarat (Ed). *The Blackwell Companion to Law & Society*. USA: Melden, MA:  
Blackwell, 2004
- 11    Tripathi, *Law and Social Change: Indo-American Reflections*, New Delhi: Indian Law  
Institute, 1988
- 12    V.D. Mahajan, *Jurisprudence & Legal Theory*. Lucknow: Eastern Book Company,  
2010

## LW521: PEDAGOGY IN LAW

L	T	P	CH	CR
				4

This is a compulsory skill-based paper for all the students of Fourth Semester. The Primary objective of this paper is to orient the students with preparation, methodology and deliberation in teaching. The art of teaching to be learnt in this particular paper will be beneficial for students to make a career in academics and in other fields.

For the said purpose the following methodology will be applied:

1. The students will be made acquainted with various methods of law teaching such as the Socratic method, lecture method, case method, adversarial method, interactive session, group discussion, cooperative method, quiz etc.
2. The above mentioned methods will be applied by the students in the demo lecture to be taken by them in the classroom which will also help in improving their communication and presentation skills.
3. Clinical Legal Education will be an important component in fulfilling the objective of the paper.  
Preparation of PIL, field
4. The use of software in legal teaching.

### Course Outcomes:

1. Learning of various methods of law teaching.
2. Opportunity for application of methods of law teaching in classroom.
3. Improve presentation and communication skills.
4. Adequate exposure to technological aids of teaching.
5. Help in future career as law teachers and law professionals.

## LW522: DISSERTATION & VIVA-VOCE

L	T	P	CH	CR
				8

The primary focus of the course is to improve the quality of research writing. This will provide the students with exposure to techniques and method of research and academic writing. This is a compulsory paper that will require the students to select a topic of their interest to be submitted to the department as and when notice is issued. Based on the topic of their choice, they will be assigned a supervisor by the DAC in the second semester.

The students will be given an orientation on writing the dissertation. The students are expected to finalize their research design and submit the synopsis of their respective dissertation by the end of third semester.

The dissertation is to be submitted by mid-term examination of the fourth semester along with plagiarism report. The viva will be conducted before the end-term examination of the semester.

### Course Outcomes:

1. Learning of various approaches to dissertation writing
2. Opportunity for application of methods of legal research into practice
3. Improve presentation and communication skills
4. Adequate exposure to technological aids of research
5. Help in future career as law researchers and law professionals.