

MASTER OF LAW – SECOND SEMESTER

Second Semester			
S. No.	Name of Subject	Credits	Total Marks
1	Legal Education and Research Methodology	7	100
One Group from the Optional Groups I to XIX (Other than Chosen in Semester I) (Crime)			
2	Subject 1	5	100
3	Subject 2	5	100
4	Subject 3	5	100
Total		22	

Subject Name: LEGAL EDUCATION AND RESEARCH METHODOLOGY.

Part A: Legal Education. (25%)

1. Objectives of Legal Education.
2. Lecture method of teaching. Merits and Demerits.
3. Discussion method and Seminar method of Teaching.
4. Examination system and problems in evaluation.

Part B: Research Methodology (75%)

1. Meaning and objectives of Research. Importance of Research Kinds of Research. Criteria of good research. Problems of Researchers in India.
2. Importance of Research Methodology. Procedural guidelines regarding the Research Process. Formulation of the Research problem. Different Steps.3. Survey of the literature. Working Hypothesis. Determination of Sample Design. Collection of Data and its analysis. Test of Hypothesis.
4. Different Steps in writing of Research Report. Layout of Research Writing. Preliminary. Main Test. Conclusion and Observation.
5. Mechanics of writing a Research Report. Practical aspect. Physical design. Treatment of quotation. Footnotes. Documentation style. Abbreviations. Bibliography. Index etc.

Paper I: CRIMINOLOGY AND PENOLOGY

1. Criminology- Definition, Nature, Scope and utility
2. Methods of Criminological Studies
3. Schools of Criminology: Classical, Biological Cartographic, Sociological and Socialist.
4. Theorising Criminal aetiology: Lombroero and Neo- Lombrosian, Psycho-analysis, Differential Association, Anomie Tradition; Critical Criminology with reference to Labeling, Interactionism and Conflict Theory

5. A brief discussion on Modern Trends in Criminology: Phenomenology, Postmodernism and Feminism Crime and Feminism.
6. Punishment: Concept and Theories
7. Death Sentence
8. Treatment of offenders: Prison, Probation and Parole
9. Victimology.

OR

Paper I: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

1. **Introductory:** Basic conceptions, Drugs “narcotics” “psychotropic substances”, “dependence”, “addiction”, “Crimes without victims. “Trafficking” in “drugs” “Primary drug abuse”.
2. **How Does One Study the Incidence of Drug Addiction and Abuse?** Self-reporting, Victim-studies, Problems of comparative studies
3. **Anagraphic and Social Characteristics of Drug Users:** Gender, Age, Religiousness, Single individuals/cohabitation, Socio-economic level of family, Residence patterns (urban /rural /urban), Educational levels, Occupation, Age at first use, Type of drug use, Reasons given as cause of first use, Method of intake, Pattern of the – Use, Average Quantity and Coast, Consequences on addict’s health (physical/psychic)

NOTE: Since no detailed empirical studies exist in India, the students should be sensitized by comparative studies. The principal objective of this discussion is to orient the students to a whole variety of factors, which interact in the ‘making’ of a drug addict.

4. **The International Legal Regime:** Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972, Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction. The SARC, and South-South Cooperation, Profile of international market for psychotropic substances.
5. **The Indian Regulatory System:** Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage, The penal provisions (under the IPC and the Customs Act), India’s role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse. the Narcotic Drugs and Psychotropic Substances Act, 1985, Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.
6. **Human Rights Aspects:** Deployment of marginalized people as carrier of narcotics, the problem of juvenile drug use and legal approaches, Possibilities of misuse and abuse of investigative prosecutory powers, Bail, The problem of differential application of the Ugal Regimes, especially in relation to the resource less.
7. **The Role of Community in Combating Drug Addiction:** Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare), The role of educational systems, The role of medical profession, The role of mass media, Initiatives for compliance with regulatory systems, Law reform initiatives.

Paper II: CRIMINAL LAW IN INDIA.

1. Crime and Criminal Law
2. Elements of Crime: External and Internal Intention, Recklessness, Negligence; Relevance of Motive; Strict Liability.
3. Joint and Constructive Liability

4. Preliminary offences: Attempt; Criminal conspiracy; Abetment
5. Defences:
 - i) Mistake
 - ii) Necessity
 - iii) Intoxication
 - iv) Unsoundness of mind
 - v) Consent
 - vi) Compulsion by Threat
 - vii) Superior order
 - viii) Private Defence
6. Offences Against Human Body
 - i) Culpable Homicide and Murder
 - ii) Kidnapping and Abduction
7. Offences Against Property:
 - i) Theft
 - ii) Robbery
8. Offences Against Marriage:
 - i) Bigamy
 - ii) Adultery
9. Offence against Morals: Obscenity.
10. Offence against state: Sedition.

OR

Paper II: PRIVILEGED CLASS DEVIANCE

1. Introduction:
 1. Conceptions of white-collar crimes
 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
 5. Official deviance (deviance by legislators, judges, bureaucrats)
 6. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers
 7. Trade union deviance (including teachers, lawyers/urban property owners)
 8. Landlord deviance (class/caste based deviance)
 9. Police deviance
 10. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
 11. Gender-based aggression by socially, economically and politically powerful.
2. Official Deviance
 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.
3. Police Deviance
 1. Structures of legal restraint on 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.
 7. Reform suggestions especially by the National Police Commission
4. Professional Deviance
 1. Unethical practices at the Indian bar
 2. The Lentin Commission Report
 3. The Press Council on Unprofessional and Unethical journalism
 4. Medical malpractice.
 5. Response of Indian Legal Order to the Deviance of Privileged Classes
 - a. Vigilance Commission
 - b. Public Accounts Committee
 - c. Ombudsman
 - d. Commissions of Enquiry
 - e. Prevention of Corruption Act, 1947
 - f. The Antulay Case.

Paper III: CRIMES AGAINST SOCIAL & ECONOMIC SECURITY AND PROBLEMS OF THEIR CONTROL.

1. The concept of Social and Economic Offences.
2. The Distinction between Traditional Offences and the Socio Economic Offences.
 - a. Principles of Traditional Criminal Jurisprudence.
 - b. Special features of Socio-Economic
 - c. Offences. Socio Economic offences and white collar crimes.
3. Prevention of Socio Economic Crimes and Major constraints in the Implementation of Law Relating to Socio Economic Offences.
4. Dowry as a Social Evil.
 - i. Origin and Social causes of Dowry in Indian Subcontinent.
 - ii. Post-Independence phenomenon. Expansion and growth of Dowry system in India.
 - iii. Criminal off shoots of Dowry – Dowry Crimes.
5. The Dowry (Prohibition Act 1961.)
 - i. Definition of Dowry
 - ii. Offence of Giving and Taping Dowry
 - iii. Offence of Demanding Dowry
 - iv. Offences of Non-transfer of Dowry
 - v. Dowry Agreements,
 - vi. Nature of Dowry Offences under the Act.

6. Dowry Prohibition (Gift to Bride & Bride Groom) Rules 1985.
7. Problems of Control of Dowry System in India
 - (1) Socio Economic Factors
 - (2) Failure of Legislative Enactments.

OR

Paper III: CYBER CRIMES

1. Meaning, Definition, Nature of Cyber crimes
2. Historical Genesis and Evolution of Cyber Crimes
3. Statutory Laws pertaining to Cyber Crimes in India:
 - a) Indian Penal Code
 - b) Indian Evidence Act.
 - c) Information Technology Act.
4. Cyber Crimes Laws of USA, U.K. and Canada: A Comparative Study.
5. Specific Cyber crimes
 - a) Cyber Stalking
 - b) Cyber Terrorism
 - c) Child Pornography
 - d) Computer viruses
6. Investigation and Jurisdiction over Cybercrimes.

OR

Paper III: COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

1. Introductory
 - a. Notions of "force", "coercion", "violence"
 - b. Distinction: "Symbolic" violence, "Institutionalized" violence, "Structural violence"
 - c. Legal order as a coercive normative order
 - d. Force-monopoly of modern law
 - b. "Constitutional" and "criminal" speech: Speech as incitement to violence
 - c. "Collective political violence" and legal order
 - d. Notion of legal and extra-legal "repression"
2. Approaches to Violence in India
 - a. Religiously sanctioned structural violence: Caste and gender based.
 - b. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India.
 - c. Gandhiji's approach to non-violence
 - d. Discourse on political violence and terrorism during colonial struggle
 - b. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.
3. Agrarian Violence and Repression

- a. The nature and scope of agrarian violence in the 18-19 centuries India.
 - b. Colonial legal order as a causative factor of collective political (agrarian) violence
 - c. The Telangana struggle and the legal order
 - d. The Report of the Indian Human Rights Commission on Arwal Massacre
 - b. Violence against the Scheduled Castes
4. Violence against the Scheduled Castes
- a. Notion of Atrocities
 - b. Incidence of Atrocities
 - c. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
 - d. Violence Against Women.
5. Communal Violence
- a. Incidence and courses of “communal” violence
 - b. Findings of various commissions of enquiry
 - c. The role of police and para-military systems in dealing with communal violence
 - d. Operation of criminal justice system tiring, and in relation to, communal violence.

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