

BRANCH-XCRIMINOLOGY AND CRIMINAL JUSTICE SYSTEM
SEMESTER-I

PAPER-I SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW
(Common Paper for All the Branches)

UNIT-I: Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools- Salient features of Analytical, Historical, Philosophical and Sociological Schools.

UNIT-II: Meaning of Positivism-Analytical positivism of Bentham and Austin• Kelsen's Pure Theory of Law-Hart's Concept of Law-Dworkin's criticism-Hart-Fuller controversy-Hart-Devlin's debate-Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

UNIT-III: Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist-Contribution of Henry Maine; Economic theory of law-Views of Karl Marx and Friedrich

Engles; Sociological theories of law• Contribution of Ihering- Contribution of Ehrlich-Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests-American and Scandinavian Realism-Critical Legal Studies Movement.

UNIT-IV: Theories of Natural Law-Meaning of Natural Law-History of Natural law –Greek origins-Medieval period-View of St.Thomas Aquinas-Period of Renaissance/Reformation-Grotius and International Law• Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories- Stammler and Natural Law with variable content-Fuller and the Morality of Law- Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

Suggested Readings:

1. G.W.Paton: A Text book of Jurisprudence, 4th Edition; Clarendon Press, Oxford, 1972.
2. R.W.M. Dias, Jurisprudence. 5th Edition; Aditya Books Private Ltd., New Delhi, 1994.
3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6th Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated General Publications Pvt.Ltd.Sydney.
6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
7. S.N.Dhyani: Fundamentals of Jurisprudence: The Indian Approach, 2nd Edition, Central Law Agency, Allahabad, 1997.
8. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
9. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
10. Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

PAPER-II Comparative Criminal Law

UNIT -I

Principles of Liability - classification of offences kinds of punishments- General defence (Infancy, insanity consent, necessity and private defence)- abetment and attempt, recidivism and euthanasia

UNIT II

Culpable homicide and murder -rape and unnatural offences- theft and robbery - defamation- offences relating to marriage

UNIT- III

Hierarchy of criminal courts and their jurisdiction - police, power and functions -judicial officer in investigation - prosecuting agencies role of public prosecutor- Law of arrest and procedure - rights of arrested and accused - evidentiary value of statements - bail procedure sentencing process.

UNIT- IV

Accusatorial and inquisitorial system - presumption of innocence types of trial - speedy justice - role of judge, prosecution and defense attorney during trial - victims role in penal process- plea bargaining appeal procedure legal aid-public participation in criminal justice.

Bibliography:

1. Kenny's: Outline of Criminal Law, Edited by J.W. Cecil Turner, 19th Century (1966), Cambridge University Press, Reprint (1980) N.M. Tripathi Pvt. Ltd.
2. J.C. Smith and Brian Hogan: Criminal Law 5th Edn. (1984, ELBS/Butterworths & Co., London)
3. Glanville Williams: Text Book on Criminal Law, 2nd Edn. (1983), Stevens & Sons, London (Eastern Law House, N.M. Tripathi in India).
4. Hari Singh Gaur: The Penal Law of India (Vol. 1), 10th Edn., (1982), Law Publishers, Allahabad.
5. Nelsen's: The Indian Penal Code- Revised by S.N. Mulla & G.L. Gupta 7th Edn. (1981).
6. K.D. Gaur : Criminal Law : Cases and Material, 2nd Edn. (1985), N.M. Tripathi Pvt. Ltd. Bombay.
7. Ratanlal & Dhirajlal's: Law of Crimes, Revised by Justice D.A. Desai, Justice.
8. M.L. Jain and Dr. N.R. Madhava Menon, 23rd Edition (1995) Bharat Law House (Kautilya's Arthashastra).
9. K.N. Chandrasekharan Pillai (e.d.). E.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern Book Company, Lucknow.

PAPER – III LAW AND SOCIAL TRANSFORMATION

(Common Paper for All the Branches)

Unit I: 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. Law as the product of Traditions and Culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

Unit II: 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory

Commissions, statutory provisions.

Unit III: 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women’s Commission e. Empowerment of women; Constitutional and other legal provisions

Unit IV: Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: LokAdalats g. Democratic decentralization and Local Self-government.

BIBLIOGRAPHY:

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), Tripathy, Bombay
5. Manushi: A Journal about Women and Society.
6. Duncan Derret: The State, Religion and Law in India(1999), Oxford University Press, New Delhi
7. H. M. Seervai: Constitutional Law of India (1996)
8. D. D. Basu: Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta: Law and Menace of Child Labour (2000) AnmolKiranDestha Publications, Delhi.
10. SavitriGunasekhare: Children, Law and Justice (1997), Sage
11. Indian Law Institute: Law and Social Change: Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani: Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, 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.

PAPER-IV

Legal Research Methodology (Common Paper for All the Branches)

Unit-I:

Meaning of Research-Types of Research-Scientific Method-Social Science Research-Scope and importance of Legal Research-Concepts-Variables Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

Unit-II:

Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

Unit-III:

Research tools and techniques for collection of data-Observation Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

Unit-IV:

Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-Types of Research needed for Law Reforms-Analytical Research, Historical Research.

Suggested Readings:

- Goode & Hatt: Methods in Social Research: McGraw-Hill Book Company, Singapore 1981
- C.R. Kothari: Research Methodology: Methods and Techniques, 2nd Edition, Wishwa Prakashan, New Delhi, 1995.
- Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, 9th Edition, Himalaya Publishing Housing, Bombay- Delhi-Nagpur 1994.
- Pauline V Young: Scientific Social Survey and research, 3rd Edition, Prentice Hall, New York, 1960.
- B.N. Ghosh, Scientific Method and Social Research, 4th Edition Sterling Publishers Private Limited, New Delhi, 1987.
- S.K. Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi, Hans Raj, Theory and Practice in Social Research; 4th Edition, Surjeet Publications, New Delhi, 1992

BRANCH – XI HUMAN RIGHTS AND SOCIAL JUSTICE**SEMESTER-I****PAPER-I SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW**

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