

MAHATMA GANDHI UNIVERSITY

School of Indian Legal Thought

OBE Syllabus for One Year LLM

2020

FACULTY OF LAW

BRANCH - CRIMINAL LAW

MAHATMA GANDHI UNIVERSITY
School of Indian Legal Thought

VISION

Vision of Mahatma Gandhi University

“Mahatma Gandhi University envisionsexcellingin the field of higher education and catering to the scholastic and developmental needs of the individual, through continuous creation of critical knowledge base for the society’s sustained and inclusive growth a sense of social justice”

MISSION

M1	<ul style="list-style-type: none">• To conduct and support undergraduate,postgraduate and research-level programmes of quality in different disciplines of legal studies
M2	<ul style="list-style-type: none">• To foster teaching, research and extension activities for the creation of new knowledge for the development of law and society
M3	<ul style="list-style-type: none">• To help in the creation and development of humanpower that would provide intellectual leadership to the community specifically marginalised section in the society.
M4	<ul style="list-style-type: none">• To provide skilled humanpower to the professional, industrial, administrative, hospital management and service sectors in the country so as to meet global demands and standards.
M5	<ul style="list-style-type: none">• To help promote the diverse cultural heritage of the nation and preserve the environmental sustainability, plurality and quality of life
M6	<ul style="list-style-type: none">• To cater to the holistic and comprehensive development of the region through legal interventions and academic leadership

GRADUATE ATTRIBUTES OF MAHATMA GANDHI UNIVERSITY

Graduate Attribute 1: Interdisciplinary Knowledge, Skills and Attitude

MGU graduates should be able to acquire interdisciplinary and cross disciplinary knowledge base, skills and attitudes as a consequence of the learning they engage with their programme of study. These qualities should equip students to live and work in a rapidly changing and complex globalized world.

Graduate Attribute 2: Equity, Sustainability, Diversity and Inclusiveness

MGU graduates should acquire the spirit of equity, sustainability, diversity and inclusiveness during their course of study. They should acquire all the core ethical values to enable them to act as compassionate and dignified citizens

Graduate Attribute 3: Societal Interaction/Community Service

MGU graduates should have the ability to acquire knowledge to disseminate it and actively engage with the world through community service.

Graduate Attribute 4: Net Working and Collaboration

MGU graduates should acquire skills to be able to collaborate and build academic network with educational institutions, research organizations and industrial units in India and abroad.

Graduate Attribute 5: Lifelong Learning

MGU graduates should be lifelong learners for the pursuit of continuous knowledge upgrading for either personal or professional reasons. This should enhance social inclusion, active citizenship, personal development, self-sustainability as well as competitiveness and employability to adapt with transformability of the society.

Program Education Objectives (PEO)

PEOI	To make LL.M graduates conceptualize, critically analyze and acquire In-depth knowledge of law by imbibing in them the unique ability of synthesizing knowledge towards adding value in the areas law towards an advanced legal scholarship
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PEO2	To promote lateral thinking by way of enabling LL.M graduates to see at the things from different perspectives there by making them to come out with significant solutions to address the complex legal problems of the current world.
PEO3	To inculcate a spirit of enquiry, so that Law Graduates search for facts and truths by developing methodologies that supports critical analysis and decision making. Enables the students to develop new perspectives through new methodologies to improve their understanding of transformative potential of law in an unjust world.
PEO4	To ignite the passion for legal research by orienting them in the application of research methodology and instil ability to recognize cause-and-effect relationships, define problems, formulate hypotheses, test hypotheses, analyse, interpret and draw conclusions from data, establish hypotheses, predict cause-and-effect relationships; and make them learn to select and apply in complex decision making processes and develop their capacity to intervene fruitfully in the law making and law implementing processes
PEO5	To inculcate a spirit of Ethics and Social Commitment in the personal and professional life of law graduates so that they add value to the society and take a lead role to address the issues of the

	marginalised sections in the society through legal interventions
PEO6	Compare the jurisprudential aspects between various legal systems across the globe and to develop best legal practices for adaptable for the nation.

PEO to mission mapping

MISSION STATEMENTS	PEO 1	PEO2	PEO3	PEO4	PEO5	PEO6
M1	3	3	2	3	1	1
M2	1	2	2	3	3	2
M3	1	3	2	2	3	2
M4	3	1	3	2	3	2
M5	1	1	1	2	3	1
M6	3	3	2	3	1	3

Correlation: 3- High, 2-Medium, 1-Low

PROGRAM SPECIFIC OUTCOME

PO 1 Demonstrate a solid grounding in the preliminary understanding of the White Collar Crimes and socio-economic offences, and to have a comprehensive idea of the new development in criminalising various activities which are of recent origin but capable of causing social injury of great magnitude.

PO2 To construct a fundamental and systematic or coherent understanding of corporate criminal liability and its impact on the social structure.

PO3 Demonstrate a comprehensive understanding of the relevance and importance of mens

rea in socio-economic offences and white collar crimes and the difficulties in proving and establishing them before a court of law.

PO4 Identify complex situations that frequently demonstrate a conflicting and dangerous issues in the matter of rights of the accused and the interest of the society in dealing with the new generation crimes.

PO5 To acquaint, train and equip students with a comprehensive knowledge about crimes of recent origin, its bases and relationships with the human rights, constitutionality and the institutional agencies

PO 6: To Demonstrate the ability to use the knowledge in forensic science in the investigation and prosecution of these offences and the matters to be taken into considerations in this behalf.

PO7 To enhance the advocacy skills and to develop written and oral communication skills consistent with the conventions of the legal discipline and the high expectations of academic integrity.

FIRST SEMESTER LL.M

BRANCH – CRIMINAL LAW

Sl.no	Course code	Course	Poe	Credits	Ca	Esa	Total
1		Research method, teaching and legal writing	LL.M	3	40	60	100
2		Comparative public laws/systems of governance	LL.M	3	40	60	100
3		Law and	LL.M	3	40	60	100

		justice in a globalizing world					
4		GENERAL PRINCIPLES OF CRIMINAL LAW	LL.M	3	40	60	100
5		Criminal law in Action	LL.M	3	40	60	100
6		Socio-Economic offences	LL.M	3	40	60	100

Part B- Structure Structure of the Curriculum SILT

Second SEMESTER .LL.M

Sl.no	Course code	Course	Poe	Credits	Ca	Esa	Total
1		Compulsory /Elective	LL.M	3	40	60	100
2		Criminal Justice Administration	LL.M	3	40	60	100
3		Penology and Sentencing Process)	LL.M	3	40	60	100

4		Dissertation and Viva Voce	LL.M	6	175	25	200
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1. SILT - RESEARCH METHOD, TEACHING AND LEGAL WRITING SEMESTER I

(Common Compulsory Paper)(CREDITS - 3)

Introduction and Course Objective

The course objective is to familiarize the research methods used in legal research. Research methodology includes the philosophy and practice of the entire research process and use of the legal source material. The course also includes different types of research methods and different legal research and legal writing techniques in order to equip students for further legal research. In addition, the course covers the processing and presentation techniques of primary and secondary data in socio-legal research and the development of research topics for LL.M. Master's thesis.

Course Outcomes (CO)

On successful completion of this Course, the students will be able to:

- CO1 - Present a complex socio legal issue in a coherent and engaging manner and also to create the proper ways of citation, put away evaluate and create Blue Book, ILI Format and OSCOLA etc.
- CO2 - Conduct effective doctrinal as well as empirical legal research by using fundamental tools of legal research.
- CO3 - Understand and create accurate research methods for a legal health care issue.
- CO4 - structure a research proposal to write a dissertation and to design research process.
- CO5 - Write research papers/notes and case comments.

Mapping of course outcomes with program outcomes

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	Po7
CO 1				✓	✓		
CO 2				✓	✓		
CO 3				✓	✓		
CO 4				✓	✓		
CO 5					✓		

Course Content

<p>Module: I -</p>	<p>Research as a social science and scientific research Qualities of scientific research, meaning of research – nature and utility of research - pure and applied research - value of research – problems of objectivity in research – the research process – multidisciplinary approach to research - Notion of Research and knowledge -Specific Characteristics of Research - Types of Research - Doctrinal, Non-Doctrinal -Exploratory, Descriptive, Experimental -Qualitative, Quantitative -Longitudinal-Impact -Case Study - Attitude Measurement - Projective</p>
<p>Module: II</p>	<p>Formulation of problem in research Research problem identification- validation of research problem - formulation of research question - hypothesis, their nature and role – concepts and their role in investigation - research design- Hypothesis difference between proposition, hypotheses and theory. Types of</p>

	hypotheses. Testing of hypothesis, and Operationalisation of the Hypotheses-Objectives of Study
Module: III	Doctrinal research - data collection Doctrinal sources – primary and secondary sources –case study method – observation and interview - case books – writings – international documents – judgments of international bodies and superior courts of different countries–legislation – statutory instruments and judicial decisions
Module: IV	Non-doctrinal research Empirical research – census method of data collection – Methodology - Sampling, Estimation: Types of sampling; Sampling distribution; Estimation; Confidence intervals for means; Confidence intervals for proportions.– optimum sampling – different methods for collection of data – interview, preparation of questionnaires – classification of data
Module: V	Statistical analysis of data and reporting Tabulation and graphical presentation of data – Use of Statistics in Social Sciences - Drawing of Inferences -Analysis/Interpretations – Jurimetrics - What is Impact? -Measuring of Impact— standard deviation – elements of probability study and its use in research – presentation of research reports – style of presentation - practical experience in collection of data and analysis of data using computer and internet.

Core Readings:

1. Pauline V. Young, *Scientific Social Survey and Research*, Prentice Hall,(1966).
2. William J. Grade and Paul K. Hatt, *Methods in Social Research*, McGraw-Hill Book Company, London (1952).
3. H.M.Hyman, *Interviewing in Social Research*, University of Chicago, (1965).
4. Payne, *The Art of Asking Questions*, Princeton Univrsity Press (1980).
5. Erwin C. Surrency, B.Felf and J. Crea, *A Guide to Legal Research*, Oceanea Publications, (1966).
6. Morris L. Cohan, *Legal Research in Nutshell*, West Publishing Co., (1996).
7. *The Blue Book: A Uniform System of Citations*, Havard Law Review Association, (2000).
8. *Legal Research and Methodology*, ILI Publication, (2001).
9. Manheim, *Sociological Research: Philosophy and Methods*, Doresy Press, (1997),Chs.6-17.
10. Morris L. Cohen, *How to Find the Law*, University of Michigan, (1989) Chs.1,13,17&18.
11. Peter Goodrich, *Reading the Law*, B. Blackwell, (1986) Ch.2.
12. John A Yogis, *Michalelosipeaea*, Philip. W. Whitehead, *Legal Writing and Research Manual*, Lexis NexisButterworths, (2004).

Suggested Readings:

1. A.K. Phophalia, *Modern Research Methodology*, Paradise Publishers, 2010.
2. *Action Research in Crime Prevention*”, Report on an International Seminar on Use of Research as a Basis for Social Defency Policy and Planning, Denmark 20-23 Aug. 1973, pp. 28-37, 59-62, United Nations (1975).
3. Anwarul Yaqin, *Legal Research and Writing Methods*, LexisNexis Butterworths Wadhwa, Nagpur, 2008
4. Bailey, *Methods of Social Research*, pp. 18, 31-66 (1978)
5. Bakshi, P.M. “Legal research of Law Reform” in *Legal Research and Methodology*,121, 217 (1983).
6. Baxi, U., “The Travails of Stare Decesis in India in” *Legal Change: Essay in Honor of Professor Julius Stone* (1983, A .R. B lack S hield E dn.) Butterworths, Sydney Australia.

7. Baxi, U., Crisis of Indian Legal System, 244-288 (1982).
8. Baxi, U., Socio-Legal Research in India: A programmschrift, Occasional Monograph (1975). Department of Law, University of Delhi.
9. Baxi, U., Towards Sociology of Indian Law (1986).
10. Blue Book the Uniform System of Citation, (17th Ed. 2000).
11. C.R. Kothari, Research Methodology: Methods & Techniques, New Age International Publishers, 2006.
12. Eherlich, Ugen, Fundamental Principles of the Sociology of Law, 1-36.
13. Frederic Schauer, Thinking like a Lawyer, Harvard University Press, 2009
14. Friedman and Macaulay, Law and the Behavioral Sciences, pp. 308 -315, 372 - 399(1969)
15. George, Gadbois J r, (ii) “ Indian Supreme Court Judges: A Portrait”, 3 Law and Society Review, 317-335 (1963).
16. George, Gadbois J r, (iv) The Supreme Court of India: A Preliminary Report of an Empirical Study” 4 Jr. of Constitutional and Parliamentary Studies, 53-54 (1970).
17. George, Gadbois Jr, (i) “Participation in Supreme Court Decision Making” 24 JILI p. 1 (1982).
18. Gerald D .Berreman, “ Ethnography: Method and Product” in V .K. Srivastava, Methodology and Fieldwork (Edit) 2004 Oxford.
19. Gibson, Colin S., “ Legal Impact Analyses: The Ideal and the Practicable” in Legal Research and methodology, ILI, at 663.
20. Gupta and Deepa Gupta, Research Methodology, PHI, 2013
21. Jain, S.N., “ Doctrinal and Non-doctrinal Research” in Legal Research and Methodology, ILI, 167 (1983)
22. Jain, S.N., “Legal Research and Methodology” in 14 JILI 487 (1972)
23. Jones, Ernest M., “Some Current Trends in Legal Research” in 15 J our Leg. Edn. 21 (1962-63).
24. Lindsay Prior, Using Documents in Social Research, Sage Publication, 2003.
25. M.N. Borse, Handbook of Research Methodology, Modern Methods And New Techniques, Srinivas Publication,2005.
26. Manual of Style for authors, Editors and Copy Writers, University of Chicago (13th ed. 1982).
27. Mark Abrahamson, Social Research Methods pp 197-331 (1983).

28. Michael G. Maxfield and Earl Babbie, *Research Methods for Criminal Justice and Criminology*, Thompson Learning, 2001.
29. Nanlin, *Foundations of Social Research*, pp. 15-4 (1976).
30. Pedekar, V.H. *How to Write Assignments Research Paper, Dissertations and Thesis*, (1982).
31. Peter Clough and Cathy, But Brown, *A Students' Guide For Research Methodology*, Sage Publication, 2002.
32. Price and Bitner, *Effective Legal Research*, 311-380.
33. Ram Ahuja, *Research Methods*, pp 52-91 (2001).
34. Robert Watt, *Concise Legal Research*, (4th Edt.) 2001.
35. Sadhu and Singh, *Research Methodology in Social Sciences*, (1983).
36. Sadhu and Singh, *Research Methodology in Social Sciences*, pp 1-34 (1983).
37. Stone, J., *Social Dimensions of Law and Justice*, 91-93.
38. Ullaman, W., *The Medieval Idea of Law*, 1-6 (1946).
39. Winston Jackson, *Research Methods: Rules for Survey Design and Analysis*, P HI, 1988

2. SILT - PUBLIC LAW/SYSTEM OF GOVERNANCE

(Semester – 1) (Common Compulsory Paper- 3)(Credits 3)

Course Objective:

Public Law was first defined by Romans as res publica which meant Public Good. Public Law regulates the relationship between individual and the State. The three Constitutions identified for the comparative study (Constitution of United States of America, 1787, the Constitution of India, 1950, and the Constitution of South Africa, 1996) have differences as well as similarities in various aspects.

The aim of the course is to develop an in-depth understanding of Constitutions of the United States of America, India and South Africa in theory and practice. A comparative study of the fundamental constitutional doctrines of various legal systems will help the student to appreciate the strength and weakness of a particular legal system.

Course Outcome:

After completing this paper the students will be able to:

CO 1 - Understand the evolution of basic doctrines and its transformation into the foundations of the given Constitutions.

CO 2 - Understand about various forms of state and forms of government in theory and in practice.

CO 3 - Understand theoretically the methodology of comparing various legal systems in order to appreciate the strength and weakness of that system from its socio-economic and political background.

CO 4 - Evaluate the role of judiciary in interpreting and upholding constitutional rights.

CO 5 - Analyse the role of public law in the era of globalisation.

Mapping of Learning Outcomes with program outcomes

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2		✓					
CO 3			✓				
CO 4					✓		
CO 5						✓	

Course Content:

Module 1	Origin and development; Nature and Scope of Public Law- Distinction between Public Law and Private Law- Relevance, Significance and
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	Types of Constitutions- § Comparative Study of Constitutions: Advantages & Problems in comparison
Module II	Constitutions of the United States, India and South Africa: An Overview- Constitutionalism – Essential Features-Doctrine of Separation of Powers – Application in US, India and South Africa- Rule of Law – Application in US, India and South Africa
Module III	Federalism- Models of Federalism- Application in US, India and South Africa-Constitutional Amendments in US, India and South Africa- Theory of Basic Structure- Origin and Development-Modes of Constitutional Review – Judicial Review – Limitations
Module IV	Constitutional Rights and Duties- Remedies for the violation of Constitutional Rights- Role of Judiciary in upholding Constitutional Rights- Growth and Development of Social Action Litigations
Module V	Implementation of International Obligations-Application of international law in the municipal-Legal systems of India, USA and South Africa-Role of Constitutions in the transformation of the society- Changing Role of Public Law in the era of Globalisation

Suggested Readings:

1. D. D. Basu, Comparative Federalism, (Wadhwa, 2008).
2. D. D. Basu, Comparative Constitutional Law, (Wadhwa, 2008).

3. Prof.Dr.A.Lakshminath, Comparative Law and Select Legal Systems, (Hind Law House,2011).
4. Granville Austin, The Indian Constitution: Cornerstone of a Nation, (Oxford University Press, 35th Impression, 2019).
5. Hilaire Barnett, Understanding Public Law,(Cavendish,2010).
6. Elisabeth Zoller, Introduction to Public Law: A Comparative Study, (MartinusNijhoff,2008).
7. Christopher Forsyth, et. al., Effective Judicial Review: A History of Indian Experience, (Oxford University Press, 2010).
8. Granville Austin, Working A Democratic Constitution: Cornerstone of a Nation, (Oxford University Press, 14thImpression, 2019).
9. David Strauss, The Living Constitution (Oxford University Press, 2010).
10. Dr.Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004).
11. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
12. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006).
13. M.V. Pylee, Constitution of the World (Universal, 2006).
14. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
15. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010).
16. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A Study of the BasicStructure Doctrine (Oxford University Press, 2009).

3. SILT - JUSTICE IN A GLOBALISED WORLD

Common Compulsory Paper

(Semester – 1) (Credits 3)

Introduction and Course Objective

In the era of globalization, no country of this world is untouched with its effect. This course builds on the understanding of law, justice and international law gained by students at the undergraduate level and this paper intent to provide them as an advanced knowledge. This

course will discuss the debates surrounding globalization, justice, its changing meaning and the impact that it has on many fields of law. It will provide an understanding of how law and legal institutions have to change in order to maintain pace with the global rules. The shrinking policy space at the national level is also be discussed. The course will end with the demand for possible change in international law and global institutions heard from different quarters

Course Outcomes

After the successful completion of the course, the students will be able to:

CO1. Analyse the concept of Globalization and Its Impacts.
CO2. Understand the process of globalization and its impact on international as well as municipal law.
CO3. Analyse the concept and emerging issues of Law and Justice in a globalizing world
CO4. Evaluate the effect of globalization on law and justice nationally and internationally.
CO5. Analyse and suggest the reform in international law and working modalities of international institutions

Mapping of Learning Outcomes with program outcomes

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2	✓						
CO 3					✓		
CO 4				✓			
CO 5							✓

COURSE CONTENT

MODULE I	<p>GLOBALIZATION: MEANING, REACH AND FORM</p> <p>Concept of state- different phases of growth- The concept of globalization – historical perspective- phases of colonialism- contemporary globalization- features, reach -specific emphasis on legal changes in the areas of environmental justice, labour, finance and trade, emergence of transnational law.</p>
MODULE II	<p>LAW AND GLOBALIZATION</p> <p>The impact of globalisation on nation states and their sovereignty- Treaty making power in India-legal changes in India and globalisation- Indian judicial process and globalization - Impact of Federalism and Democratic Law Making. Impact of globalization on Human Rights, Economic, social and cultural rights, human rights and human development, Trade Law Globalization and Free Market Impact on welfare state - Natural Resources Environment Displacement for Development Problem of Unemployment.</p>
MODULE III	<p>INTERNATIONAL INSTITUTIONS AND GLOBALIZATION</p> <p>Growing role of international institutions; globalization and the free market- democratic deficit in international institutions; international financial institutions, ILO, WTO; Environmental organizations, Global Administrative law, erosion of sovereignty- International Rule of Law</p>
MODULE IV	<p>GLOBALIZATION AND UNIVERSAL VALUES</p> <p>Concept of Global Justice, Cosmopolitanism Globalization and Social Justice/ Global Distributive Justice. Poverty and global justice, climate justice, economic justice labour justice, fair trade and marginalized group, justice delivery and globalization; Global constitutionalism</p>
MODULE V	<p>ENSURING JUSTICE IN A GLOBALIZED WORLD.</p> <p>Access to justice- legal literacy, legal aid, lokadalats, role of law commission, public opinion -lobbying subject committees and select committees</p>

REFERENCES

1. ANDHYARJUINA T.R. JUDICIAL ACTIVISM AND CONSTITUTIONAL DEMOCRACY (Tripathi 1992)
2. ANTHONY MCGREW, DAVID HELD (EDS.), GOVERNING GLOBALIZATION: POWER, AUTHORITY AND GLOBAL GOVERNANCE (Polity Press 2002).
3. CARDOZO THE NATURE OF JUDICIAL PROCESS (Yale University Press 1995)
4. FRIEDMAN- LAW IN A CHANGING SOCIETY (2nd Ed UIVERSAL BOOK TRADERS 1996)
5. ISHWARA BHATT-LAW AND SOCIAL TRANSFORMATION (EBC, 2012)
6. JAYAKUMAR N.K. JUDICIAL PROCESS IN INDIA (APH Publishing Corporation 1997).
7. JULIUS STONE SOCIAL DIMENSIONS OF LAW AND JUSTICE (Universal Law Publishing Company 1999)
8. LAKSHMI NATH, PRECEDENT IN INDIAN LEGAL SYSTEM EBC (3rd ed, Lexis Nexis, 2009).
9. RUPERT CROSS PRECEDENT IN ENGLISH LAW (4th ed Oxford 1991)

4. SILT -GENERAL PRINCIPLES OF CRIMINAL LAW

(Semester – 1)(Branch Core)(Credits 3)

Course Objective

In the course **GENERAL PRINCIPLES OF CRIMINAL LAW** we will examine the concept, historical experience, relation between criminal law, morality, and ethics, development into a concrete legal system, essentials of a crime, parties to crime and defences from a comparative perspective. The course seeks to reveal how the organization of societies facilitates or mitigates the rule of law and administration of criminal justice. It also asks how do populations and groups of individuals go about securing and order in the society? The course provides a historical interpretation of how the theory and practice of criminal law in today's world has come to be what it is. . A thematic rather analytical structure will be adopted so that comparisons can be made across the centuries and between different parts of the globe.

COURSE OUTCOMES

CO1 .To examine general principles of criminal law through its historical context
CO2.To understand the concept and purpose of criminal legal system and use the information in the international sphere into the application of Indian criminal legal system
CO3.To Identify the basic tools of administration of criminal justice in the light of judicial process
CO4.To Analyse constituent elements of crime, ith a distinction of strict liability offences and vicarious liability
CO5.To discuss the liability of parties to the crime
CO6.Discuss the stages of crime
CO7.Specify how society ill be affected by terrorism, drug abuse, food adulteration and the like and suggest legal remedies

MAPPING OF COURSE OUTCOMES WITH PROGRAM OUTCOMES

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2		✓					
CO 3			✓				
CO 4				✓			
CO 5						✓	

Course Content:

Main Topic	Sub Topic
MODULE 1	CRIME- <ul style="list-style-type: none"> • Nature, • Meaning of crime • impact on society • Elements of crime • Study in the light of common law

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	<ul style="list-style-type: none"> • Moving towards inquisitorial scheme • Relevant statutes and judicial process
MODULE II	<p>MENTAL ELEMENT IN CRIMES-</p> <ul style="list-style-type: none"> • Mens Rea • Intention • Recklessness • Negligence • Transferred malice • Exclusion of mensrea • Statutory crimes
MODULE III	<p>SPECIAL CASES</p> <ul style="list-style-type: none"> • Corporate responsibility • Vicarious responsibility <p>responsibility - exc</p>
MODULE IV	<p>GENERAL EXCEPTIONS OF CRIMINAL LAW</p> <ul style="list-style-type: none"> • excuses and justifications • Right of private defense • necessity • accident • defense of superior orders • executive and judicial acts • Consent • Defense of mistake of fact • mistake of law • ignorance of law • Infancy • insanity • alcoholic insanity
MODULE V	<p>PARTIES TO CRIME-</p> <ul style="list-style-type: none"> • Joint responsibility • Common Intention • Common Object • Inchoate Crimes • attempt, • abetment • conspiracy

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The latest editions of the following books are the suggested readings

K.N.C.Pillai, *General Principles of Criminal Law Through Cases*, 2 nd edn, Eastern Book Co, Lucknow (2011)-

Ashworth, *General Principles of Criminal Law*, 7 th edn, Oxford University Press, Oxford (2012)

C M V Clarkson; H M Keating; Dr S R Cunningham, *Criminal Law: Text and Materials*, 7th Edition, Sweet & Maxwell, London (2010)

Alan Reed; Ben Fitzpatrick; Peter Seago, *Criminal Law: Sweet & Maxwell's Textbook Series* 4th edn, Sweet & Maxwell, London (2009)

Michael Allen; Simon Cooper, *Elliott & Wood's Cases and Materials on Criminal Law*, 11th Edition Sweet & Maxwell, London (2013)

Dr Dennis Baker, *Glanville Williams Textbook of Criminal Law*, 3rd Edition, Sweet & Maxwell, London (2012)

Mark Findlay, *Criminal Law: Problems in Context*, Second Edition, Oxford University Press, Oxford (2006)

George P. Fletcher, *Basic Concepts of Criminal Law*, Oxford University Press, Oxford (1998) 27

R. D. Mackay, *Mental Condition Defences in the Criminal Law*, Oxford University Press, Oxford (1995)

Janet Loveless, *Complete Criminal Law: Text, Cases, and Materials*, Fourth Edition, Oxford University Press, Oxford (2014)

Richard Card, *Card, Cross, and Jones: Criminal Law*, Twenty-first edition, Oxford University Press, Oxford (2014)

Heather Keating; Sally Kyd Cunningham; Mark Austin Walters; Tracey Elliott, *Criminal Law: Text and Materials*, 8th edn, Sweet & Maxwell, London (2014)

Christina McAlhone; Natalie Wortley, *Criminal Law: The Fundamentals*, 3rd edn, Sweet & Maxwell, London (2013)

James Chalmers; Dr Fiona Leverick, *Criminal Defences*, W. Green, London (2006)

Michael Allen, *Textbook on Criminal Law*, 12th edn, Oxford University Press, Oxford 2013

David Ormerod, *Smith and Hogan Criminal Law: Cases and Materials*, Tenth Edition, Oxford University Press, Oxford (2009)

Victor Tadros, *Criminal Responsibility*, Oxford University Press, Oxford (2007)

Stephen Shute, Andrew Simester, *Criminal Law Theory: Doctrines of the General Part*, Oxford University Press, Oxford (2002)

Janet Dine, James Gobert (Eds), *Cases and Materials on Criminal Law*, 6th edn, Oxford University Press, Oxford (2010)

Douglas Husak, *The Philosophy of Criminal Law: Selected Essays*, Oxford University Press, Oxford (2010)

David Ormerod, *Smith and Hogan's Criminal Law*, 13th edn, Oxford University Press, Oxford (2011)

R.A. Duff, Lindsay Farmer, *The Boundaries of the Criminal Law*, Oxford University Press, Oxford

Andrew Ashworth, Jeremy Horder, *Principles of Criminal Law*, 7th edn, Oxford University Press, Oxford (2013)

R.A. Duff, Stuart Green, *Philosophical Foundations of Criminal Law*, Oxford University Press, Oxford (2013)

R.A. Duff, Lindsay Farmer *The Constitution of the Criminal Law*, Oxford University Press, Oxford (2013)

David Ormerod, Karl Laird, *Smith and Hogan Criminal Law: Text and Materials*, 11th edn, Oxford University Press, Oxford (2014)

5 SILT - CRIMINAL LAW IN ACTION

(Semester – 1)(Branch Core)(Credits 3)

Course Objective

In the course INVESTIGATION we will examine the meaning of investigation, the difference with inquiry, who can conduct investigation, the purpose of investigation, the sanctity of investigation and its purpose. The course seeks to reveal how the police and the other agencies of investigation functions and particularly the scientific method of investigation, its constitutionality and the problem of delay in investigation. It also tries to identify the rights of the accused during investigation and how these rights are protected. The course also analyses the interest of various stake holders like the victim, the media, political parties and the society and the barriers of investigation. The pre-trial detention of the accused during investigation is to be discussed vigorously during the course.

COURSE OUTCOMES

CO1. To examine investigation and purpose through a comparative study.
CO2. To understand the transparency in evidence collection and the sanctity of investigation.
CO3. To examine the arrest procedures and the rights of the arrested persons.
CO4. To familiarise the scientific method of investigation and the importance of forensic science.
CO5. To discuss the victim's role in the investigation and the role of media and political parties and also the barriers of investigation.
CO6. To analyse the pre-trial detention of the accused during investigation and the human rights issues arising there from.
CO7. To specify how an ideal investigation system can be brought forth.

MAPPING OF COURSE OUTCOMES WITH PROGRAM OUTCOMES

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						

CO 2		✓					
CO 3			✓				
CO 4				✓			
CO 5						✓	

COURSE CONTENT

MODULE I	INVESTIGATION: The Meaning and purpose of investigation, the provisions in the Cr.P.C, the role of various agencies,-Importance and sanctity of investigation- Different methods of investigation -Delay in investigation.
MODULE II	A comparative study of the Investigation procedure under inquisitorial system and Under Accusatorial systems - Transparency in evidence collection – Arrest – Procedure of arrest – Rights of the arrested.
MODULE III	Scientific methods of evidence collection - Importance of forensic science - Constitutionality of new investigative mechanisms - The rights of the accused.
MODULE IV	Victims role in investigation- Barriers for a proper investigation- Media- Political interference and lack of infrastructure and the remedies for these barriers.
MODULE V	Pre-trial detention- Police custody- Detention in jail-Right to bail- Human rights of the under trial prisoners.

REFERENCES

1. Michael Birzer, Cliff Roberson, *Introduction to Criminal Investigation*, CRC press
2. Richard Saferstein, *Criminalistics: An Introduction to Forensic Science*, Pearson publishers

3. James W. Osterburg and Richard H. Ward, *Criminal Investigation - A Method for Reconstructing the Past*, Elsevier Publishing Co Inc
4. Christine Hess Orthmann, *Criminal Investigation*, Cengage publishing
5. [Michael D. Lyman](#), *Criminal Investigation, the Art and the Science*, Prentice Hall
6. [Max M. Houck](#), [Jay Siegel](#), *Fundamentals of Forensic Science*, Elsevier Publishing Co Inc
7. Tim Newburn and Richard Sparks, *Criminal Justice and Political Cultures National and International Dimensions of Crime Control*, Willan publishing.
8. Sybil Sharpe, *Judicial Discretion and criminal investigation*, Sweet and Maxwell

6. SILT SOCIO – ECONOMIC OFFENCES

(Semester – 1)(Branch Core)(Credits 3)

Course Objective

In this course, we will examine the meaning of white collar crimes and socio-economic offences, the origin and development of such offences the causes of such offences according to various theories of criminology, mensrea and its application in these offences. The course seeks to identify corporate criminal liability and its problems of fixing such liability on non natural persons and the problem of awarding conventional punishments on corporations. It also tries to identify the rights of the accused during investigation, prosecution and trial of such offences, the burden of proof and special rules of evidence and how the deviation from the principles of criminal law can be justified. The course also analyses the corruption among public persons various statutes, agencies, commissions of inquires, ombudsman etc, for irradiating the evil of corruption and the role of judiciary, media and other organisations in this behalf.

COURSE OUTCOMES

CO1. To examine the nature, extend, causes and growth of white collar crimes and socio-economic offences.

CO2. To understand the explanation of such offences according to various criminological theories.

CO3. To examine the need for deviation from the general principles of criminal law in

such offences particularly in the area of mensrea.

CO4. To familiarise the concept of corporate criminal liability and the problem of fixing criminal liability on corporations and the problem of appropriate punishment.

CO5. To discuss the rights of the accused in such offences and the problem of burden of proof and special rules of evidence in such offences.

CO6. To analyse the fixing of minimum punishment, mandatory imprisonment and the denial of various other rights to those who are charged with such offences in a human rights perspective.

CO7. To examine corruption among public persons and to find out a suitable solution for it and the measures adopted in this behalf.

MAPPING OF COURSE OUTCOMES WITH PROGRAM OUTCOMES

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2		✓					
CO 3			✓				
CO 4				✓			
CO 5						✓	

COURSE CONTENT

MODULE I	<p>WHITE COLLAR CRIMES AND SOCIO – ECONOMIC OFFENCES</p> <p>White Collar Crimes Explanations-Differential Association Theory-Scope, Extent and Limitation- Concept of socio economic offence and white collar crimes – Distinction –Causes and growth of socio-economic offences-mensrea - Need for deviation from general principles of criminal law</p>
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MODULE II	Corporate Criminal Liability - mens rea – Liability of the corporation – Liability of individuals - punishment – Corporate Manslaughter-Environmental Damage-Fixation of Liability-Role of Criminal Law-
MODULE III	Right of the Accused in Socio Economic Offences – Admissibility of confessions – Provisions for search and seizure – bail – Need for new investigative mechanism. Burden of proof – special rules of evidence – minimum punishment – mandatory imprisonment. Denial of parole-
MODULE IV	Investigation, special machinery for investigation of socio-economic offences-Trial and punishment of socio-economic offences - special rules of evidence and treatment
MODULE V	Corruption among Public Persons-Response of Indian Legal Order to Deviance of Privileged Classes-Vigilance Commission-Ombudsman-Commissions of Inquiry-Statute on Prevention of Corruption-Prevention of socio-economic offences - role of judiciary, mass media and social organisation

REFERENCES

1. Neal Shover, JohnPaul Wright, *Crimes of Privilege, Readings in White-Collar Crime*, Oxford University Press, Oxford (2000).
Stuart P. Green, Lying, Cheating, and Stealing, *A Moral Theory of White-Collar Crime*, Oxford University Press, Oxford (2007)
2. Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond*, Eastern Book Co, Lucknow (1989)
3. Surendranath Dwevedi and G.S. Bbargava, *Political Corruption in India* (1967)
4. Amanda Pinto, QC; Martin Evans, *Corporate Criminal Liability*, 3rd Edition, Sweet & Maxwell, London (2013)
5. Rudi Fortson, *Misuse of Drugs and Drug Trafficking Offences*, 6th edn, Sweet & Maxwell, (2012)
6. Paul H Cohen; Arthur Marriott, *International Corruption*, Sweet & Maxwell, London (2010)
7. Edwin H Sutherland, *White Collar Crimes*, Yale University Press, New York

8. M.Mahesh Chandra,*Socio – Economic Crimes*, N. M. Thripathi, Bombay
9. Michael L Benson & Sally S Simpson,*White Collar Crimes on Opportunity Perspective*, Routledge, New York
10. Lacy Wells and Quick,*Restructuring Criminal Law*, Cambridge University Press, Washington

7. SILT CRIMINAL JUSTICE ADMINISTRATION

SEMESTER 2

CRIMINAL JUSTICE ADMINISTRATION

(Semester – 2)(Branch Core)(Credits 3)

Course Objective

In this course, we will examine the prosecutorial system the types of prosecutors, their role, functions and discretion, the independence and accountability of prosecutors, and a comparative study of prosecutors under various legal systems. The course seeks to identify various features of fair trial, particularly the presumption of innocence, independence and impartiality of criminal courts, and burden of proof. Prejudices occur in criminal trial and the trial by media shall also be looked into during the course. It also tries to identify the process of appreciation of evidence by courts, particularly scientific, technological and expert evidences, and the use of technologies for the same. The course also analyses the procedure for plea bargaining and the decision making process and various factors affecting the decision making process.

COURSE OUTCOMES

CO1.To examine various types of prosecutors under different legal systems, their role and functions.
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CO2. To understand the independence, discretion and accountability of prosecutors.
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CO3. To examine the Independence and impartiality of criminal courts and the application of Presumption of innocence,Burden of proof and other features of fair trial.
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CO4. To familiarise the process of appreciation of evidence by criminal courts particularly in scientific, technological and expert evidences.
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CO5. To discuss the precautions to be taken in assessing the evidentiary value of evidences collected in violation of human rights of the accused.

CO6. To understand the process of plea bargaining and the merits and demerits of plea bargaining through a comparative study

CO7. To understand the process of decision making and the factors influencing the same and the judicial accountability.

MAPPING OF COURSE OUTCOMES WITH PROGRAM OUTCOMES

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2		✓					
CO 3			✓				
CO 4				✓			
CO 5						✓	

COURSE CONTENT

MODULE I	THE PROSECUTORS: The role and functions of prosecutors Discretion of prosecutors, The accountability and independence of prosecutors –Prosecutors under various legal systems.
MODULE II	THE COURTS: Independence and impartiality of criminal courts - Burden of proof - Presumption of innocence - Other features of fair trial - Prejudices in offences against women and children - Trial by media.-
MODULE III	Appreciation of evidence by courts - Evidentiary value of evidences collected in violation of human rights -

	Appreciation of evidence in scientific technological and expert evidences -Use of modern technologies in the production and appreciation of evidences- Acceptance and rejection of evidences on the ground of technicalities.-
MODULE IV	Plea bargaining – The merits and demerits of plea bargaining - A comparative analysis with other legal systems.
MODULE V	The decision making process - The factors influencing decision making process – Judicial discretion - Judicial accountability in criminal cases.

REFERENCES

1. Michael Tonry, *Handbook of Crime and Punishment*, Oxford University Press
2. Antony Duff, Lindsay Farmer, Sandra Marshal and Victor Tadros, *Trial on Trial Truth and Due Process*, Hart Publishing
3. Steve Uglow, *Criminal Justice*, Sweet & Maxwell
4. Mir Mehraj Uddin, *Crime and Criminal Justice System in India*, Deep and Deep Publications
5. M.A. DuPont Morales, Michael K. Hooper, Judy H. Schmidt, *Handbook of Criminal Justice Administration*, CRC Press
6. Ken J Peak, *Justice Administration: Police, Courts and Corrections Management*, Prentice Hall (Publisher)
7. K.I. Vibhute, *Criminal Justice A Human Rights Perspective of the Criminal Justice Process in India*, Eastern Book Company
8. [Andrew Ashworth, QC \(Hon\)](#); [Alison Macdonald](#); [Ben Emmerson, QC](#), *Human Rights and Criminal Justice*, [Sweet & Maxwell](#)
9. Cyndi Banks, *Criminal Justice Ethics*, Oxford University Press

8. SILT PENOLOGY AND SENTENCING PROCESS

SEMESTER 2

PENOLOGY AND SENTENCING PROCESS

(Semester 2)(Programme core)(3 credits)

Course Objective

In this course, we will examine the concept of punishment on a philosophical and jurisprudential perspective. It inquires into the history of punishment, purposes and kinds of punishment. It focuses on a system of punishment keeping the interests of the society, state, victim and the convict equilaterally. This course also examines the sentencing process on a comparative perspective.

COURSE OUTCOMES

CO1. To examine the concept and various types punishments under different legal systems, the role and functions of sentencing agencies.
CO2. To understand the independence, discretion and accountability of judges in sentencing process.
CO3. To examine the theories of punishment.
CO4. To familiarise with the process of sentencing.
CO5. To discuss the aspects of punishment and violation of human rights.
CO6. To understand the role and functions of institutions and agencies associated with punishment
CO7. To enable the aspirants to suggest on the sentencing system

MAPPING OF COURSE OUTCOMES WITH PROGRAM OUTCOMES

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7
CO 1	✓						
CO 2		✓					

CO 3			✓				
CO 4				✓			
CO 5						✓	

COURSE CONTENT

MODULE I	Concept of punishment- <ul style="list-style-type: none"> • need for punishment • origin and development • different forms of punishment • Schools of punishment.
MODULE II	Theories of punishment – <ul style="list-style-type: none"> • Retributive – Preventive- Deterrent- Expiatory- and Rehabilitative theories.
MODULE III	Sentencing system- <ul style="list-style-type: none"> • Factors influencing sentencing decision • Sentencing discretion • Pre-sentence hearing – • Availability of suitable sentencing options.
MODULE IV	Non-punitive methods of treatment of offenders – <ul style="list-style-type: none"> • Admonition • Probation • .Community service – • other methods of treatment of offenders • Determinate and Indeterminate sentencing.
MODULE V	The prison system, <ul style="list-style-type: none"> • merits and demerits, • increasing prison population • reformation of offenders in prisons • open prisons • half way houses, • juveniles, disabled and other vulnerable people in prisons.

REFERENCES

The latest editions of the following books are the suggested readings

Andrew Ashworth, *Sentencing and Criminal Justice*, Cambridge University Press

Martin Wasik, *Emmins on sentencing*, , Blackstone Press Ltd.

Andrew Von Hirsch and Andrew Ashworth, *Principled sentencing- Readings on Theory and Policy*, Hart publishing

Susan Easton and Christine Piper *Sentencing and Punishment The Quest for Justice-* Oxford

University Press

Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Vintage books

Shlomo Giora Shoham, Ori Beck and Martin Kett, *International Handbook of Penology and Criminal Justice*, CRC Press

Nigel Walker and Nicola Padfield, *Sentencing Theory- Law and Practice*, Butterworths, London

Rabindra K Mohanty and Satyajith Mohanty, *Text Book of Criminology Penology and Victimology*, Himalaya Publishing House

Joan Petersilia and Kevin R.Reitz, *The Oxford Handbook of Sentencing and Corrections* Oxford University Press

Michael Tonry, *Retribution has a past: Has it a Future?* Oxford University Press

John T Whitehead, Kimberly D Dodson, Bradley D Edwards and Mark Johns, *Corrections: Exploring Crime, Punishment and Justice in America*, Taylor and Francis Inc.

Clemens F Bartollas and Larry Seigal, *Corrections Today* Cengage publishing

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Franklin E. Zimring, *The Contradictions of American Capital Punishment: Studies in Crime and Public Policy*, Oxford University Press, Oxford (2003)

Andrew Ashworth, Martin Wasik, *Fundamentals of Sentencing Theory: Essays in Honour of Andrew von Hirsch-Oxford Monographs on Criminal Law and Justice*, Oxford University Press, Oxford (1998)

Matt Matravers, *Justice and Punishment: The Rationale of Coercion*, Oxford University Press,

Oxford (2000)

R.A. Duff, Lindsay Farmer, *The Constitution of the Criminal Law*, Oxford University Press, Oxford (2013)

Rowan Cruft, Matthew H. Kramer *Crime, Punishment, and Responsibility: The Jurisprudence*

of Antony Duff, Oxford University Press, Oxford (2011)

R.A. Duff, Lindsay Farmer, *The Structures of the Criminal Law*, Oxford University Press, Oxford (2011)

Douglas Thomson, *Prisons, Prisoners and Parole*, 2nd Edition, W. Green, London (2013)

Philip Whitehead, *Modernising Probation & Criminal Justice*, Sweet & Maxwell, London (2007)

Robert Banks, *Banks on Sentence*, Sweet & Maxwell, London (2013)

John Deigh, David Dolinko, *The Oxford Handbook of Philosophy of Criminal Law*, Oxford University Press, Oxford (2011)

Steven P. Lab, Marian Williams, *Explaining Criminal Justice*, Oxford University Press, Oxford

(2007)

H.L.A. Hart, John Gardner, *Punishment and Responsibility: Essays in the Philosophy of Law*, 2 nd edn, Oxford University Press, Oxford (2008)

Hugo Adam Bedau, *The Death Penalty in America: Current Controversies*, Oxford University

Press, Oxford (1998)

9. SILT CYBER CRIMES

CYBER CRIMES

(Semester 2)(Programme Elective)(Credits 3)

Course Objective

In the course **CYBERCRIMES** we will examine the concept, historical experience, application of general principles of criminal law and cyber crimes criminal law, in the cyber crimes frame work. The course seeks to examine how the organization of societies facilitates or mitigates the rule of law and administration of criminal justice, on the emergence of technology and internet.. It also asks how do populations and groups of individuals go about securing and order in the cyber society? The course provides modalities to curb cybercrimes. A thematic rather analytical structure will be adopted so that comparisons can be made between different parts of the globe. The issue of transnational nature of cyber crimes is also discussed.

COURSE OUTCOMES

CO1. To examine the concept and the general principles of cyber crime
CO2. To understand the concept and purpose of cyber law with a transnational framework
CO3. To Identify the basic tools of administration of criminal justice w.r. to cybercrimes in the light of judicial process
CO4. To Analyse constituent elements of cybercrimes, with a distinction of strict liability offences and vicarious liability
CO5. To discuss the liability of parties to the crime
CO6. Discuss the different types of cybercrimes
CO7. Specify how society will be affected by cybercrimes-modes of investigation-measures of cyber security

MAPPING OF COURSE OUTCOMES WITH PROGRAM OUTCOMES

	PO 1	PO 2	PO 3	PO 4	PO 5	PO6	PO7

CO 1	✓						
CO 2		✓					
CO 3			✓				
CO 4				✓			
CO 5						✓	

Course Content:

Main Topic	Sub Topic
MODULE 1	Concept of cyber crimes <ul style="list-style-type: none"> • Crimes on the Net • Mensrea • strict liability • problems of territoriality and jurisdictional issues. • International perspectives • National legislations • Judicial process
MODULE II	Crime Affecting Individuals <ul style="list-style-type: none"> • Infringement of privacy • identity theft • Cyber stalking. • Other offences • Relevant statutes
MODULE III	Crimes Affecting Economy <ul style="list-style-type: none"> • Online fraud • Financial crimes • Theft of IPR • Economic impact of cyber crimes
MODULE IV	Crimes Affecting National Security <ul style="list-style-type: none"> • Cyber Terrorism • Cyber Warfare. • Measures of Security of state assuring cyber security
MODULE V	Crimes Affecting Public Morals <ul style="list-style-type: none"> • Pornography –

- | | |
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| | <ul style="list-style-type: none">• .Cyber Crime Investigation• ,Methodology , Procedure and Challenges |
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The suggested readings:

Irini A Stamatoudi, Copyright & Multimedia Works & Copyright in Cyber space

Rosemary Jay, Data Protection Law& Practice, Sweet & Maxwell, 1999

Alan Williamset. AI, Digital media, 2ndEd. Sweet and Maxwell

Christopper Reed , Internet Law, Text & Materials, Butterworths

Ian J. Lloyd , Information Technology Law, Butterworths

David I. Bainbridge, software Copyright Law, 2nd Ed., Butterworths

S.V.Joga Rao, Law of Cyber Crimes and Information Technology Law, Wadhwa, New Delhi

Nagpal Rohas ,Cyber Crimes And Corporate Liability, Wolters Kluwer, New Delhi

Thomas Duglas , Loader Brian D, Cyber Crime Law Enforcement, Security and Surveillance in the Information Age, Routledge, London

Richard James R ,Transnational Criminal Organizations, Cyber Crime and Money Laundering, CRC Press, Florida

Yee Fen Lin, Cyberspace Law: Commentaries and Materials, 2 nd edn, Oxford University Press, Oxford (2007)