



Central University of Kerala

DEPARTMENT OF LAW

B S N L Arcade

Thiruvalla, Kerala 689101

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Meeting of the Board of Studies in Law is held on 13-04-2018 at the Dept. of Law, Central University of Kerala, Thiruvalla Campus at 11.00 am.

Present

1. Prof. K.C Sunny- Professor and Dean , Department of Law, CUK (Chairman) -
2. Dr. Gireesh Kumar .J – Asst: Prof: HoD(i/c), Dept. of Law, CUK. (Member)
3. Dr. David Ambrose - (Member)
4. Dr. Balakrishnan K - (Member)
5. Dr. Lakshmi G.R - (Member)
6. Dr Bismi Gopalakrishnan

Dr. David Ambrose intimated his inconvenience and meeting was held in his absence.

#### **Agenda of the meeting**

1. Preparation and approval of regulations, course structure and syllabus of P.G Diploma in laws (NRI) proposed to be introduced in the 2018-19 academic session. (Appendix-2)
2. Revision and introduction of new courses and approval of syllabus for LLM Curriculum from 2018 June session onwards. (Appendix-1)
3. Any other item with the permission of the chair.

#### **Deliberations**

##### **AGENDA 1**

Prof. K.C Sunny has welcomed all the members and briefed the agenda items to the house.

Dr. Gireesh Kumar J has detailed the first agenda item, i.e. preparation and approval of course structure and syllabus of PG Diploma in Laws (NRI Laws) with the following explanations.

**Course title-** Post Graduate Diploma Programme- One Year Post Graduate Diploma in Law PGDI NRI Laws

**Academic Year-** 2018-19

**Eligibility for Admission-** Any Degree

**Intake-** 40

**Course Structure-** Two Semesters having 26 credits with 5 papers

Name of the paper	Semester
<b>Paper 1-</b> Introduction to Legal Process	<b>FIRST SEMESTER</b>
<b>Paper2-</b> Introduction to NRI Laws	
<b>Paper 3-</b> Immigration Laws	

<b>Paper 4 –</b> NRI and Family Laws	<b>SECOND SEMESTER</b>
<b>Paper5-</b> Laws relating to NRI Investment	
<b>Paper 6-</b> Project Work	

The house has approved the rules, course structure and syllabus of the above PG Diploma and resolved to place it before the Academic Council.

#### **AGENDA 2**

Prof. K.C Sunny briefed the house about the agenda item 2, i.e. revision and introduction of new courses and approval of syllabus for LL.M curriculum from 2018 June session onwards.

Courses to be introduced to the LL.M curriculum from 2018 June session onwards

Name of the Course	Papers to be approved	Semester
Intellectual Property Rights	General Principles of Intellectual Property	First
	Law of Copy Rights, Industrial Design and Layout Design of Integrated Circuit	Second
	Law of Patents with Law on Protection of Bio Diversity, Farmers Rights and Traditional Knowledge	Third
	Law of Trademarks	Third
Constitutional Law	Constitution and Governance	Third
	Centre State Relations	Third
Criminal Law	Jurisprudence of Punishment	Third
	Crime Against Women and Children	Third

Dr. Bismi Gopalakrishnan has suggested some modifications in the syllabus Centre State Relations and Intellectual Property Rights.

Dr. Lakshmi G R pointed out that since a course on IPR is introduced for the first time in the Department, it shall be made a bit lighter.

Prof.K.C. Sunny has suggested inclusion of Geographical Indication also within the components of Traditional Knowledge and IPR.

Dr. Bismi has pointed out the need for the inclusion of emerging rights in IPR also along with the area of Trademark

Dr Gireesh Kumar highlighted the importance of the detailed analysis of judicial decision within and beyond the prepared syllabus of the courses mentioned above particularly in the course on Centre State Relations to make the students more familiar with the judicial perspective.

Dr. Lekshmi made a suggestion for including topics such as Prostitution and Child Pornography as crimes under Unit 2 and 3 respectively for the course Crime against Women and Children.

Dr. Bismi suggested for including Feminist Jurisprudence and concept of gender Justice in Unit 1 of the Course Crime against women and children. She has also pointed out that topics such as assertion of rights of women in India by looking into its development from ancient period to Pre and Post independence era should also be included under Unit 1 of the said course.

Dr. Bismi made another suggestion regarding the inclusion of the topics such as PNDT, Female foeticide and infanticide under Unit2. An additional suggestion has also made by her regarding the inclusion of the topics such as sensitization regarding crimes against women- Role of Universities, UGC, other educational institutions and NGOs

### **Resolutions**

The syllabus of the new courses to be introduced in the LL.M curriculum has been prepared and submitted by the faculty members as follows.

1. Constitution And Governance-Dr.K.C.Sunny
2. Centre State Relations –Dr.Gireesh Kumar .J
3. Jurisprudence of Punishment-Dr.Jayasankar.K.I
4. Crime against Women and Children-Dr.Meera .S
5. General Principles of Intellectual Property-Mrs.Aathira Raju

The above courses and syllabus are discussed in detail in the meeting and approved with modifications by the members

The house has also approved the syllabus and course plan of proposed PGDL to be introduced as above with modifications and suggestions put forward by the Board of Studies. Further, the house resolved that the proposed courses and syllabus as modified by the suggestions of the esteemed members may be sent to the University for placing it before the Academic Council for approval.

The meeting ended at 12.30 pm

Prof. K.C Sunny

Dr Gireesh Kumar J

Dr. Lakshmi G.R

Dr Balakrishnan K

Dr Bismi Gopalakrishnan

## Appendix-1

### Syllabus of Two Courses in Constitutional Law

#### **Title: Centre State Relations**

This course aims at giving the students an insight into the federal features of the Constitution of India and focuses on the Legislative, Administrative and Financial relations between the Centre and the States, Role of the Governor and Impact of Emergency on Centre state Relations

#### **Unit-1. General Features**

- 1.1. Historical evolution of federal features in India
- 1.2. Nature of Indian Federalism –Dominant features of the Union over the States
- 1.3. Judicial Perspective over the Indian federalism
- 1.4. Position of the Governor
- 1.4. All India Services

#### **Unit-2. Legislative Relations**

- 1.1. Doctrine of Territorial Nexus
- 2.2. Scheme of distribution of legislative powers between Union and States
- 2.3. Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation
- 2.4. Residuary Powers
- 2.5. Parliament's power to legislate on the State List
- 2.6. Inconsistency between laws passed by Parliament and State legislature

#### **Unit-3. Administrative Relations**

- 3.1. Distribution of executive powers
- 3.2. Inter-governmental delegation of powers
- 3.3. Centre's directive to State & other Constitutional provisions
- 3.4. All India services
- 3.5. Co-operative federalism; disputes relating to waters, Inter-State Council

#### **Unit-4. Financial Relations**

- 4.1. Introduction to Allocation of taxing powers-Central taxes, State Taxes, Concurrent Taxes, No tax outside the tax entries
- 4.2. Funds-Consolidated and Contingency funds
- 4.3. Public Accounts
- 4.4. Tax and Fees
- 4.5. Restrictions on taxing powers
- 4.6. Inter-Government Tax immunities
- 4.7. Tax-sharing
- 4.8. Grants-Grants-in-lieu; Grants-in-aids; Specific Purpose Grants
- 4.9. Finance Commissions
- 4.10. Borrowing Powers

#### **Unit V- Emergency Provisions**

- 5.1. National Emergency
- 5.2. State Emergency

### 5.3. Financial Emergency

### 5.4. Imposition of President Rule In States

#### **Text Books And Reference Books**

1. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley Saehney Programme for Training, 1972.
2. Ashok Chandra, Federalism in India.
3. De Jatindra Ranjan, Development of Federalism in India, Gauhati :Bani Prakashani, 1974.
4. Desai, Justice D.A. Prasad Anirudh, Centre And State Powers Under Indian Federalism.
5. Dr. Subhash C. Kashyap, The Framing of India's Constitution- A study & Constitution making since 1950- An Overview.
6. Dr. Subhash C. Kashyap, Constitution of India: Review and Reassessment.
7. Dr. Subhash C. Kashyap, Indian Constitution-Conflicts and Controversies.
8. Dr. Subhash C. Kashyap, Commentary on Constitution of India.
9. Dr. Subhash C. Kashyap, Our Constitution-An Introduction to India's Constitution and Constitutional Law, 5th edition reprint 2014.
10. G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
11. Glanville Austin, The Indian Constitution: Cornerstone of a nation, Delhi; Oxford University Press.
12. H.M. Seervai, Constitutional Law of India – Vol.I&II.
13. K.C. Wheare, Federal Government.
14. K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
15. K. Subba Rao, the Indian Federation.
16. Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004.
17. Keith A.B. , Constitutional History of India.
18. L.M Singhvi, Union-State Relations in India.
19. M.P Jain, Outlines of Indian Legal History.
20. M.P. Jain, Indian Constitutional Law.
21. M.V Pylee, Constitutional History of India.
22. Monica David, Indian Legal and Constitutional History, 1600-1949, Vimala Publications, 1968. New Delhi: Deep & Deep Publications, 1981.
23. Seetalvad's Lectures on Constitutional law.
24. Setalvad M.C, Constitutional History of India.
25. Shubh Narayan Singh, Centre state relations in India: major irritants & post-Sarkaria review.
26. Subba Rao G C V Indian Constitutional law.
27. Subbarao's Lectures on Constitutional law.
28. Telang's Lectures on Constitutional Law.
29. Tope T K ,Constitutional law of India by Justice Sujata Manohar, Eastern book company.
30. V.D. Sebastian, Indian Federalism: the Legislative Conflict.

#### **Title Constitution and Governance**

This course aims at giving the students an insight into the forms of government and basic principles governing organisation of government. The course focuses on the organisation of

legislature, executive and judiciary, judicial review and electoral reforms and decentralisation.

### **Unit I- Basic Principles of Organisation of Government and Forms of Government**

- 1.1 Presidential and Parliamentary forms of Government
- 1.2 Government under the U.S. Constitution
- 1.3 Basic principles underlying Government in France
- 1.4 Nature of Government in U.K.
- 1.5 Comparative and differentiating features of governance in India, U.K., U.S.A. and France.
- 1.6. Rule of Law and Governance
- 1.7 .Separation of Powers

### **Unit II-Organisation of the Legislature and the Executive**

- 2.1 Organization of Legislature
- 2.2 Nature of Legislative Process
- 2.3 Extent of Executive Powers
- 2.4 Emergency powers
- 2.5 Relation between Legislative and Executive powers

### **Unit III- Judiciary System**

- 3.1. Organization of the judiciary
- 3.2. Independence and accountability of Judiciary
- 3.3. Appointment of and Removal Judges and Enquiry against Judges
- 3.4. Creative role of Judiciary
- 3.5 Evolution and functioning of Tribunals

### **Unit IV- Judicial Review**

- 4.1. Significance of Judicial Review
- 4.2. Judicial Review of Legislation and Delegated Legislation
- 4.3. Judicial Review of administrative action
- 4.4. Judicial Review of Constitutional Amendments
- 4.5 .Parliamentary Privileges ,Fundamental Rights and Judicial Review

### **Unit V- Electoral Process and Democratic decentralization**

- 5.1. Relevance of elections in Democracy
- 5.2. Constitutional Provisions Relating to Elections
- 5.3. Measures to prevent defection
- 5.4 .Concept of democratic Decentralisation
- 5.5.Constitution and Local Governance

### **Text Books and Reference Books**

1. A.V.Dicey, Introduction to the Study of Constitution.
2. Brandt, E.M.; An Introduction to Constitutional Law ; Oxford University Press.
3. Bernard Schwartz Commentāry on American Constitution.
4. BhagwanVishnoo, BhushanVidya, World Constitutions.
5. Cane, Peter; Administrative Law ; Oxford University Press.
6. Dauglus W.O, Studies in Indian and American Constitutional Law.

7. Finer, S.E.; Comparative Government ; Penguin Books.
8. Godfrey and Blondel, The French Constitution and Government.
9. Jain, M.P.; Indian Constitutional Law ; LexisNexis.
10. K.C.Wheare, Modern Constitutions.
11. Loughlin, Martin; The Idea of Public Law; Oxford University Press
12. Mason and Beany, American Constitutional law.
13. Rodney Brazier, Constitutional Practice.
14. Rotunda and Nowak, Treatise on American Constitution.
15. Singh, M. P.; V.N Shukla's Constitution of India; Eastern Book Company.
16. Tom Ginsburg, Rosalind Dixon, Comparative Constitutional Law.
17. H.M. Seervai, Constitutional Law of India ( Fourth Edition, NM. Tripathi).
18. Vicki C. Jackson, Mark V. HYPERLINK  
["http://www.google.co.in/search?tbo=p&tbm=bks&q=inauthor:%22Mark+V.+Tushnet%22"](http://www.google.co.in/search?tbo=p&tbm=bks&q=inauthor:%22Mark+V.+Tushnet%22)Tushnet, Comparative Constitutional Law.

### **Titles of Courses in Intellectual Property Rights**

#### **Course I- Introduction to Intellectual Property Rights**

#### **Course II- Law of Copyright, Industrial Design and Layout Design of Integrated Circuit**

#### **Course III- Law relating to Patents, Geographical Indications, Traditional Knowledge and Plant Varieties**

#### **Course IV: Law of Trademarks and other emerging Intellectual Property Rights**

This course intends to give students an insight into various aspects of intellectual property rights thereby enabling them to have a thorough understanding of this emerging area

#### **Syllabus of Courses I and II**

##### **Course I- Introduction to IP**

1. Introduction to Intellectual Property - Concept of Intellectual Property - Origins and development of intellectual property rights- nature, need and importance of the concept of IP-Contextualizing IP- Kinds of Intellectual Property - Economic justification of Intellectual Property- Philosophical Justification of Intellectual Property - Locke's Labour Theory of Property - Hegel's Personality Theory of Property - Marxian Theory on Private Property and IP – Indian/ Gandhian Theory on Private Property - Constitutional Aspects of Property - Constitutional dimensions of IP- comparative study of IP with traditional notion of property
2. Concept, of patent, copyright, Trademark, Design, Semiconductor and Geographical Indication, TK - scope – Standards and Rights-
3. Historical development of IP- Patent, Copyright, Design, Trademark, GI , TK, Semiconductor chips- Historical development of International Treaties, International Scenario Introduction to the leading international instruments concerning intellectual property rights: Convention establishing the World Intellectual Property Organization (WIPO) 1967-WTO Agreement on the Trade Related Aspects of Intellectual Property (TRIPS) 1994-The Uruguay Round-



- Implementation and Review- Practical implications of the TRIPS Agreement- Paris Convention for the Protection of Industrial Property 1883
4. Patent Cooperation Treaty (PCT)1970-Hague Agreement Concerning the International Deposit of Industrial Designs1925- Madrid Agreement Concerning the International Registration of Marks1891- Trade Mark Law Treaty 1994- Madrid and Lisbon Agreement on Geographical Indications-Berne Convention for the Protection of Literary and Artistic Works 1886-WIPO Copyright Treaty 1996- International Convention for the Protection of New Varieties of Plants 1961
  5. Economic Development and IPR Protection- Globalisation and Indian Economy, TRIPS and India - IPR Policy of India- The Guiding Principles of Rational and Humane Intellectual Property Policy

### Suggested readings

- Alexandra George, Constructing Intellectual Property (Cambridge University Press 2012).
- Alfredo Ilardi And Michael Blakeney-International Encyclopaedia Of IpTreaties(Oxford University Press., 2004)
- Annabelle Lever, New Frontiers In The Philosophy Of Intellectual Property (Cambridge University Press 2013)
- ButterworthsWadhwa, (2005)
- Copinger&Skone James on Copyright, Sweet & Maxwell, (latest edition)
- Douglas A. Irwin, The Genesis Of GATT. (Cambridge University Press 2012)
- G.W.F. Hegel, The Philosophy of Rights, Cosimo Inc., (2008)
- HolgerHesterneyer, Human Rights And The Wto( Oxford University Press,2008)
- John Locke, Two Treatises on Government, Industrial Systems Research, (1970)
- Karl Marx – Private Property and Communism, Hackett Publishing CO., (1844); Wage, Labour
- Kerly's Law of Trademarks and Trade Names, Sweet & Maxwell, (latest edition)
- Latha R. Nair and Rajendra Kumar, Geographical Indications: A Search for Identity,
- Laura J Murray, S. Tina Piper, Kristy Robertson, Putting Intellectual Property In Its Place: Rights Discourses, Creative Labor, And The Everyday (Oxford University Press, 2014)
- M.K.Gandhi, Village Swaraj; Trusteeship, Navajivan Publishing house
- Manthan D Janodia, Basic concepts of Intellectual Property Rights
- Mario Cimoli, Giovanni Dosi, Et.Al, Intellectual Property Rights (Oxford University Press, 2014)
- Matthew Fisher, Fundamentals Of Patent Law- Interpretation And Scope Of Protection (Hart Publishing Company 2010)
- N.S Gopalakrishnan& T.G Ajitha, Principles of Intellectual Property Rights, Eastern Book Co.
- Paul.L.C.Torremans, IpAnd Human Rights (Wolters Kluwer 2008)
- Penner, The Idea of Property in Law, Clarendon Press, Oxford (1997)
- PrabuddhaGanguli, Geographical Indicators, its Evolving Contours, MVIRDC, World Trade Centre, Mumbai, (2009)
- R.S. Bhalla, The Institution of Property : Legally, Historically and Philosophically Regarded,Eastern Book Co., (1984)
- Rajshree Chandra, Knowledge As Property (Oxford University Press, 2012).
- Robert P.Mergers, Justifying Intellectual Property (Harvard University Press) (2011)

Silke von Lewinski (ed.) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore*, Kluwer International, (2008)  
Terrel on Patents, Sweet & Maxwell (latest edition)  
William R. Cornish, *IP In The New Millennium* (Cambridge University Press., 2005)

## **Course II- Law of Copyright, Industrial Design and Layout Design of Integrated Circuit**

1. Copyright – Introduction to Copyright- International Treaties and Conventions- Fundamentals of Copyright- Subject matter and ownership of copyright – India, UK and USA – comparative perspective – classes of work – Author – ownership in the course of employment – terms of copyright – copyright and public interest- exceptions- idea/expression dichotomy- copyright as a bundle of rights – Exclusive Rights– Ownership of Copyright and Rights of the Owner- Term of Copyright - Assignment, Transmissions and Licensing of Rights.- Copyright Registration – Copyright Register- Copyright Bodies –Registration Of Copyright Societies-Rights And Liabilities- International Copyright- Power To Extend Copyright To Foreign Works- Powers Of Central Government.
2. Infringement and Remedies-Offences, Civil Remedies and Appeals- Limitations on Copyright – Permitted Usages – Fair Dealing – Compulsory Licenses- Statutory Exceptions. Copyright in Software and Database- Digital Copyright- Infringement of Copyright and Remedies- Challenges in the context digital technology,
3. Copyright And Design – Registrable Design – What Is Not Design – Register Of Design – Publication – Transmission, Licensing And Assignment – Infringement Of Copyright On Designs – Remedies –The Semi Conductor Integral Circuits Layout Design Act, 2000
4. Conflict between copyright and design- Trademark –distinctiveness (relevance of confusion and deception) – Excluded items- Rights- Term– Trademark dilution- overlapping intellectual property rights.

### **Suggested Readings**

Alka Chawla, *Copyright and Related Rights : National and International Perspectives* (Macmillan India Ltd., Delhi, 2007).  
Bently, Davis And Ginsburg, *Copyright And Privacy* (Cambridge University Press, 2010)  
Caso, Giovanella, *Balancing Copyright Law In The Digital Age* (Springer, 2014)  
Copinger And Skone James *On Copyright* ( Sweet And Maxwell, 2013)  
Gillian Davies, *Copyright Anf The Public Interest, International Copyright And Access To Knowledge* (2nd Ed. Sweet And Maxwell, 2002 )  
Goldstein, Hugenholtz, *International Copyright* (3rd Ed. Oxford University Press 2012)  
Holyoak&Torreman, *Intellectual Property Law* , Oxford University Press, New York, 2010  
Isabella Alexander, 'Copyright Law And The Public Interest In The Nineteenth Century' (Hart Pubishing Ltd, 2010)  
J.A.L. Sterling, *World Copyright Law* (Sweet & Maxwell, London, 2009).

Jane C Ginsburg, Eduardo Treppoz, International Copyright Law, Text And Cases (Edward Elgar Publishing, 2015)

Jeremy Philips and Alison Firth, Introduction to Intellectual Property Law, LexisNexis, Butterworths, UK, 2001

Mira T. SundaraRanjan, Moral Rights, Oxford University Press, New Delhi, 2011

Nimmer On Copyright, Indian Reprint (Lexis Nexis2014 )

Richard Arnold, Performers' Rights, Sweet & Maxwell, London, 2004

SrikanthVenkataraman, Understanding Design Law,(Universal Law Publishing Co. Pvt. Ltd, New Delhi, 2008

V K Ahuja, Law Of Copyright And Neighbouring Rights (Lexis Nexis, 2015)

W. R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights,Universal Law Publishing Co. Pvt. Ltd, Delhi, 1999.

## Unit II: Violence against Women and Children

Individual responsibility of Women-Rape and Murder-Was Child rape and Women and Domestic Violence- Sexual Harassment at Work Place-Honour Killing-Child Abuse-Kidnapping in India and their Children-Violence relating to Dowry

## Unit III- Issues Relating to Children

Definition and Meaning of Child-Child Abuse-Child Labour-Child Marriage-Child Sexual Offences-Child in Distress-Child mapping and Child trafficking-Child Child Labour and Child Crime.

## Unit IV- Juvenile Delinquency

Definition and Meaning- Causes and Conditions- Types of delinquency- Child Labour- Juvenile Delinquency- Offences by delinquents- Role of police in Juvenile Justice- Law on Juvenile Justice and Administration of the law- Juvenile Justice Board

## Unit V- International Arrangements

Universal Periodic Review (UPR)-Universal Periodic Review- Convention on International Child's Rights

## **CRIME AGAINST WOMEN AND CHILDREN**

This course helps to understand the various issues faced by women and children in the society. The alarming rate in crime against women and children reminds more concentration on this subject with due care.

This course requires five hours per week in the semester. Transactions are through lecture assignments, classroom seminars, special lectures by outside experts, classroom discussion and tutorials. End semester examination is written examination of three hours duration.

### **Unit I- History of Women in India**

Ancient Period- Women's Movement- Freedom Movement —Post Colonial Period- Crime against women as an impediment to Women's empowerment- Crime against women as an impediment to Development of a Nation- Origin and Development of theories of Feminism

### **Unit II- Violence against Women and Children**

Indecent representation of Women- Rape and Murder-War Crime against Women and children Domestic Violence- Sexual harassment in Work Place-Honor Killing-Cyber Bullying-Acid Attack-Mothers in Prison and their Children- Violence relating to Dowry

### **Unit III- Issues Relating to Children**

Definition and Meaning of Child -Child Abuse-Child Labour- Child begging-Child in War and Armed conflicts- Child in Disaster-Child missing and Child trafficking- Girl Child- Child victims of Cyber Crimes

### **Unit IV- Juvenile Delinquency**

Definition and Meaning- Causes and Conditions-Theories of delinquency and Crime-Difference between crime and Juvenile Delinquency- Offences by delinquents- Role of police, Probation officers, NGO's, Lawyers, Media- Judiciary and determination of the term 'Juvenile'- Bail-Special Home-Juvenile Justice Board

### **Unit V- Institutional Arrangements**

National Human Rights Commissions-Women's Commission -National Commissions for the Protection of Child's Rights

## Suggested Readings

Desai, Neera and Maithrey Krishnaraj Women and Society in India: Ajantha, (1987)

Women in Contemporary India (Ed) Alfred De Souza, Ajantha (1987)

Women's Studies in India: A reader (Ed.) Mary John Penguin publications, New Delhi, 2008

Savitha Bhakray, Children in India and their Rights (NHRC publication, 2006)

- Rosemary Tong, Feminist Thought – A Comprehensive Introduction Routledge; 4<sup>th</sup> edition (July 30, 2013)

Valerie Bryson Feminist Political Theory: An Introduction, Palgrave Macmillan; 2nd edition (September 6, 2003)

K.D Gaur, The Indian Penal Code, Universal Law Publishing (2009)

M.webb, Our Stories of Domestic Abuse, Magical moon (2002)

Mary L. Boland , Crime Victim's Guide to Justice (Self-Help Law Kit With Forms) Paperback – October 1, 1997 (Sourcebooks Inc, 1997)

Vera Anderson , A Woman Like You: The Face of Domestic Violence, Seal Press (1997)

Linda Fairstein Sexual Violence: Our War Against Rape, Berkley Books (1995)

Elaine Cassel and Douglas A. Bernstein Criminal Behavior Second Edition Lawrence Erlbaum Associates, London (2007)

Clayton A. Hartjen , Youth, Crime, and Justice: A Global Inquiry Rutgers University Press (2008)

Justice for Kids: Keeping Kids out of the Juvenile Justice System By Nancy E. Dowd New York University Press, 2011

## **Criminal Law Course**

### **LLM- Third Semester**

#### **Paper IV Jurisprudence of Punishment(4 Credits)**

Objective of the course: This course offers an exclusive understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications. It includes the areas on the problematic discretion in the sentencing experience- of the developing societies, a focus normally absent in law curricula so far. This Course requires five hours per week in the semester. Transaction is through lectures, assignments, classroom seminars, special lectures by outside experts, classroom discussion, and tutorials. End Semester Examination is written examination of three hours duration.

##### **Unit 1:**

Concept of punishment – Origin of Punishment-Rationale of punishment-Need for punishment- Justification of Punishment- Authority of State to impose punishment- Imposition of Punishment by sovereign State and International Criminal Court- Punishment under common law and continental system

##### **Unit 2**

Jurisprudential Issues and Theories of Punishment-Transcendentalists' versus Utilitarians - Kelsonites versus Benthamites - Retribution - Limiting Retributivists - Rule Retributivists - Deterrence-General Deterrence and Specific Deterrence -Incapacitation: Behavior Prevention -Reformation and Rehabilitation-Traditional Hindu and Islamic Approaches- Expiation and Atonement-Western Ideas of Restorative Justice

##### **Unit 3**

Different forms of punishment-Corporal and Non-corporal Punishment- Death Penalty - Trend of Abolition world over -Retentionist Countries use it as a 'rarest of rare' sentence - Death Penalty and Judicial approaches -Imprisonment-Solitary Confinement

##### **Unit 4:**

Legislative and Judicial Regulation of Punishment -Right to Pre-sentence hearing –Limited Legislative Guidance on Sentencing -Maximum provided for a majority of offences- For few offences minimum also provided- Sentencing policy-Role of judges- Sentencing accords a wide discretion to judiciary without any kind of guidelines – Sentencing disparity – Subjective, judge-centric sentencing-Simple Imprisonment, rigorous imprisonment and life imprisonment -

##### **Unit 5:**

Prison as an Agency of Punishment -Prison as a system- History and evolution of Indian Prisons -Prisoners rights and duties -Prison Reforms – Various kinds of Prisons - open prisons-Prison Labour-Contribution of Judiciary in prison reforms

## Unit6:

Special Forms of Punishment/Sentencing- Probation-Probation under the Probation of Offenders Act 1958- Sections 3,4,6 &12- Probation under Cr.P.C.- Sections 360, 361, 256E(a) & (b)-Probation and Judicial Process

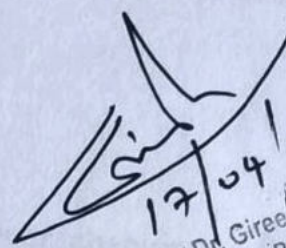
### Suggested Readings

- Michael Tonry, *The Handbook of Crime and Punishment*, Oxford University Press, Oxford (2000)
- 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)
- Neil Corre, David Wolchover, *Bail in Criminal Proceedings*, 3 rd edn, Oxford University Press, Oxford (2004)
- Hugo Adam Bedau, *The Death Penalty in America: Current Controversies*, Oxford University Press, Oxford (1998)
- Mike Maguire, Rod Morgan, Robert Reiner, *The Oxford Handbook of Criminology*, 5 th edn, Oxford University Press, Oxford (2012)
- Herbert L. Packer, *The Limits of Criminal Sanction*, 1968.
- S. Chhabbra, *The Quantum of Punishment in Criminal Law*, 1970.
- Siddique, *Criminology*, Eastern: Lucknow, 1984.

Andrew Ashworth, *The Sentencing Function*, OUP (2010)

Nigel walker, *Sentencing-Theory and Practice*, Butterworths London, 1996

Nigel walker, *Sentencing in a Rational Society*, 1972 Mehraj Uddin, *Crime and Criminal Justice System in India*, 1984



17/04/2018  
डॉ. गिरीश कुमार .जे / Dr. Gireesh Kumar J.  
सहायक आचार्य / Assistant Professor &  
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