

**Two Years LL.M Syllabus 2022-23**

**CRIMINAL LAW**

**PAPER VII: COMPARATIVE CRIMINAL PROCEDURE**

**Objectives:**

Criminal Procedure is being taught as a compulsory paper at the level of LL.B.today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students to comparatively evaluate and appreciate the effectiveness of respective criminal procedures. The paper is taught with reference to India, England and France.

**Course content:**

**Unit I**

**Organization of Courts and Prosecuting Agencies:**

1. Hierarchy of criminal Courts and their jurisdiction in India;
2. NyayaPanchayats in India
3. Panchayats in tribal areas
4. Organization of prosecuting agencies for prosecuting criminals,
5. Prosecutors and the police;
6. Withdrawal of prosecution.

## **Unit II**

### **Pre-trial Procedures:**

1. Arrest and questioning of the accused;
2. Rights of the accused;
3. The evidentiary value of statements / articles seized / collected by the police;
4. Right to counsel;
5. Role of the prosecutors and the judicial officers in investigation.

## **Unit III**

### **Trial Procedures:**

1. The accusatory system and the inquisitorial system of trial;
2. Role of the judges, the prosecutors and defence attorney in the trial;
3. New kinds of evidence (a) DNA, (b) Finger print, (c) Brain mapping, legal status of Narco Analysis etc.
4. Admissibility and inadmissibility of evidence;
5. Expert evidence;
6. Quantification of punishment;
7. Plea bargaining.

## **Unit IV**

### **Correction and aftercare services:**

1. Institutional correction of the offenders;
2. General comparison - aftercare services in India and France;
3. The role of Court in correctional programmes in India.

## **Unit V**

### **Preventive measures in India:**

1. Provisions in the Criminal Procedure Code;
2. Provisions under Special enactments Police Act
3. National Investigation Agency Act 2008 (NIAA) Arms Act etc.
4. Directions for criminal prosecution through Public Interest litigation

### **Select Bibliography:**

1. Celia Hampton, Criminal Procedure Sweet & Maxwell Ltd;
2. Cross and Wilkins, Outline of the Law of Evidence, Butterworths
3. Archbold, Pleading, Evidence and Practice in Criminal Cases, Sarkar Law of Evidence
4. Ratanlal and Dhirajlal, the Code of Criminal Procedure, Lexis Nexis
5. Patric Devlin, The Criminal Prosecution in England.
6. John N. Ferdico, Criminal Procedure for the Criminal Justice Professional,
7. West Sanders Van Den Wyngart, Criminal Procedure Systems in European Community,
8. Joel Samaha, Criminal Procedure (1997),
9. Criminal Procedure Code, 1973
10. The French Code of Criminal Procedure
11. 14<sup>th</sup> and 41<sup>st</sup> Reports of the Law Commission of India

The Paper will be taught with reference, wherever necessary, to the procedures in India, England and France.