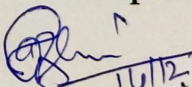
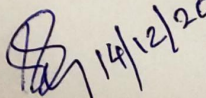


**PROPOSED SYLLABUS
FOR
B.A.LLB (Hons.) Program**

Prepared by:


(Dr Ghulam Yazdani)

Associate Professor


(Dr Subhradipta Sarkar)

Associate Professor

COMPUTER TECHNOLOGY FOR LAW

(The entire syllabus is divided into five units. Eight questions shall be set in all with two questions from first four units. The candidates shall be required to answer five questions in all selecting one from each unit. Question from the last unit will be based on practical aspect and viva-voce of twenty marks.)

Objectives: This paper introduces the fundamentals of the computer and electronic media in the contemporary time. It discusses the various ways in which computer, digital network, Information and Communication Technologies influences our daily well-being. The course aims to impart various essential skills to the students to be industrial ready for the present work culture. Through a mix of technical instruction and discussion of case studies, this course empowers students to be informed contributors to technology-driven conversations. In addition, it prepares students to formulate technology-informed legal arguments and opinions. Students emerge from this course with a first-hand appreciation of how digital world operates and all the more confident in the factors that should guide their legal skills, management of courts, informed decision-making as a law professional.

UNIT- I

FUNDAMENTALS OF COMPUTER

- **Concept of Computer and Digital World:** Electronic Revolution, Growth of Computer Science and Technology, Recent Trends in Computer Application.
- **Disruptive Technologies:** Understanding Data Mining, Machine Learning, Artificial Intelligence and Internet-of-Things, Cloud Computing. Impact of High speed internet revolution.
- **Innovations in Computer Sciences:** Present International Scenario and national trends in computer science application.

Proposed Syllabus

UNIT- II

ARTIFICIAL INTELLIGENCE AND COMPUTATION THINKING

- **Fundamentals of Artificial Intelligence:** Prospects and Challenges to Artificial Intelligence. Computational Thinking, Algorithms, Data Structures, Programming Languages
- **Challenges from AI:** Technical and Legal Issues, Deepfake videos, digital fraud, appropriation.

UNIT- III

BIG DATA, ARTIFICIAL INTELLIGENCE AND INTERNET GIANTS

- **From Desktop to Smart phones:** Microsoft and Desktop computer revolution, Emergence of Google and new trends in web world. Smartphones and contemporary world.
- **Use and Abuse in the Modern Commercial World-** Use of Artificial Intelligence and Big Data in modern world. From DBMS to Data Mining and Analysis.
- **Online Teaching-Learning Methodologies:** MOOCs, Podcasts, Online Streaming and Data Transfer

UNIT- IV

IMPACT OF DISRUPTIVE TECHNOLOGY ON LEGAL SYSTEM

- **Solving Complex Legal Problems-** Legal Information Retrieval Systems, Jurimetrics, Legal Analytics, AI in criminal investigation and forensics, patent information systems.
- **Management of Courts:** Role of Computer in Judiciary, Legal Practice and Disruptive Technologies, e-courts, e-investigation and adjudication challenges. Use of suitable Legal System Software.

UNIT- V

CASE STUDIES

- **Practical aspects in the Use of Computers for Legal Studies-** This unit shall be evaluated on the basis of demonstration of practical knowledge of the student by the subject-concerned teacher along with an expert in computer and technology domain.

Suggested Readings

- Markandey Katju, Law in Scientific Era (2000), Universal Publications, New Delhi.
- John Zinian et al. (eds.), World of Science and Rule of Law (1986), Oxford University Publications
- Cees J. Hamelink, The Ethics of Cyberspace (2001), Sage Publications
- Ann Johnston et al. (eds.), New Technologies and Development (1986), UNESCO

B.A.LL.B. (Hons.) Semester-III

LAW OF CRIMES – I

(The Bharatiya Nyaya Sanhita, 2023)

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective : The course of Law of Crimes has been so designed as to enable students to understand the general principles of criminal liability, to identify the ingredients of an offence, understand the range of states of mind required for different offences, as well as to sensitize students about the inherent biases of criminal law against certain groups of people despite its claim of universality, neutrality and equality. Students will gain a greater understanding of the changes and developments in this field through the course. Students will learn the basic concepts of criminal law and crime in this course. Students are also exposed to the various mental states that constitute mens rea. All in all, this course will provide students with a comprehensive understanding of criminal law and crime.

UNIT – 1

INTRODUCTION

- Concept and Nature of Crime
- Elements of Crime – Mens rea and Actus Reas
- Stages of Crime - Intention, Preparation, Attempt and Completion
- Applicability and Territorial Jurisdiction of Bhartiya Nyaya Sanhita, 2023

UNIT – 2

PUNISHMENT

- Concept and Theories of Punishment
- Kinds of Punishment - Death Penalty, Community Service, Solitary Confinement, Imprisonment, Fine
- Commutation of Sentence, Imprisonment for Default of Community Service and Non-Payment of Fine
- Enhanced Punishment

UNIT – 3

GENERAL EXCEPTIONS – I

- Defence of Mistake of Fact and Judicial Acts
- Defence of Accident
- Defence of Necessity
- Defence of Infancy

UNIT - 4

GENERAL EXCEPTIONS – II

- Defence of Unsoundness of Mind
- Defence of Intoxication.
- Defence of Consent
- Private Defence.

UNIT – 5

INCHOATE CRIMES AND ORGANISED CRIMES

- Attempt.
- Abetment
- Criminal Conspiracy
- Organized Crimes

Prescribed Legislation:

The Bharatiya Nyaya Sanhita, 2023

Suggested Readings:

1. Ratan Lal & Dhirajlal, *Indian Penal Code*, (Lexis Nexis XXXV ed. 2023)
2. K.D Gaur, *Textbook on the Bharatiya Nyaya Sanhita, 2023*, (Lexis Nexis Ninth ed. 2024)
3. S.N Mishra, *The Indian Penal Code* (Central Law Publications 22nd ed. 2018)

4. PSA Pillai's *Criminal Law* (Lexis Nexis Butterworths Wadhwa 15th ed. 2023)
5. K.A Pandey, B.M. Gandhi's *Indian Penal Code* (EBC publications 4th ed. 2018)
6. K.D Gaur, *Criminal Law: Cases and Materials*, (Lexis Nexis 9th ed. 2019)
7. S.P Sen Gupta, *Sarkar on Indian Penal Code, 1860* (Kamal Law House, 4th ed. 2022)

B.A.LL.B. (Hons.) SEMESTER – IV

LAW OF CRIMES – II

(Bharatiya Nyaya Sanhita, 2023)

The course of Law of Crimes has been so designed as to enable students to understand the general principles of criminal liability, to identify the ingredients of an offence, understand the range of states of mind required for different offences, as well as to sensitize students about the inherent biases of criminal law against certain groups of people despite its claim of universality, neutrality and equality. Students will gain a greater understanding of the changes and developments in this field through the course. Students will learn the basic concepts of criminal law and crime in this course. Students are also exposed to the various mental states that constitute mens rea. All in all, this course will provide students with a comprehensive understanding of criminal law and crime.

UNIT - 1

OFFENCES AGAINST HUMAN BODY - I

- Culpable Homicide
- Murder
- Death Caused by Rash and Negligent Act

UNIT - 2

OFFENCES AGAINST HUMAN BODY - II

- Hurt, Grievous Hurt, Assault and Criminal Force
- Wrongful Restraint and Wrongful Confinement
- Kidnapping and Abduction

UNIT - 3

OFFENCES AGAINST WOMEN AND CHILD

- Rape
- Criminal Force and Assault Against Women
- Offences relating to Marriage
- Selling/Buying of Child for Prostitution

UNIT - 4

OFFENCES AGAINST THE PROPERTY

- Theft, Extortion, Robbery, Dacoity.
- Criminal Misappropriation of Property and Criminal Breach of Trust.
- Mischief, Cheating

UNIT - 5

LIABILITY AND SPECIFIC OFFENCES AGAINST STATE

- Constructive Liability under S. 3 (5) to 3 (9) and S. 190 read with S.189
- Offences against Public Tranquility - Riots and Affray
- Act Endangering Sovereignty, Unity and Integrity of India

Prescribed Legislation:

The Bharatiya Nyaya Sanhita, 2023

Suggested Readings:

1. Ratan Lal & Dhirajlal, *Indian Penal Code*, (Lexis Nexis XXXV ed. 2023)
2. K.D. Gaur, *Textbook on the Bharatiya Nyaya Sanhita, 2023*, (Lexis Nexis Ninth ed. 2024)
3. S. N. Mishra, *The Indian Penal Code* (Central Law Publications 22nd ed. 2018)
4. P. S. A. Pillai's *Criminal Law* (Lexis Nexis Butterworths Wadhwa 15th ed. 2023)
5. K. A. Pandey, B.M. Gandhi's *Indian Penal Code* (EBC publications 4th ed. 2018)
6. K.D. Gaur, *Criminal Law: Cases and Materials*, (Lexis Nexis 9th ed. 2019)
7. S. P. Sen Gupta, *Sarkar on Indian Penal Code, 1860* (Kamal Law House, 4th ed. 2022)

LAW RELATING TO WOMEN AND CHILDREN – BLW 705

B.A. LL.B. (HONS.) – SEMESTER VII

Course Outline

Course Instructor: Dr. Subhradipta Sarkar, Associate Professor, Faculty of Law, JMI

I. Introduction: Aims and Purposes

The course aims at making students learn about the laws relating to women, how women are being empowered through the instruments of law, and what are the lacunae which are to be discussed and dealt with. The course provides a platform for discussion on feminism, several women-centric laws, international law relating women and court judgments dealing with the protection of women. The course further focuses on the analysis of the laws relating to child in the light of court judgments and policy initiatives taken in India along with international instruments safeguarding the rights of child. It also intends to provide hands-on experience to the students in drafting complaints/petitions to the appropriate authorities including the National Commissions. The issue areas will include, but not be limited to: feminist movements, education, family, violence, criminal law, and equality theory; and the laws, cases, current statutes and legislative proposals that apply to and affect women and children.

As the course is being offered at a higher level, therefore, the students are expected to critically engage with the course. Accordingly, readings have been prescribed to suit the requirements of the course. The list is not exhaustive and the students are encouraged to bring any relevant materials to the notice of the course co-ordinator. It is expected that students would read the materials and engage in classroom discussions rather than only be passive listeners in monologues.

II. Structure of the Course

UNIT – I

INTRODUCTION TO FEMINISM AND FEMINIST THEORIES

1. Conceptualizing Patriarchy & Sexuality: Feminism and Feminist Theories

2. Feminist Movements in the West
3. Background & Status of Women in India: Pre & Post Independence, Socio-legal Position of Women and the Law
4. Gender Equality & Constitution of India: Political Right, Economic Right and Social Justice

UNIT – II

PROTECTION OF WOMEN UNDER NATIONAL LAWS

1. Important legislation relating to the Protection of Women:
 - a. Prostitution and Trafficking of Women – Immoral Traffic (Prevention) Act, 1956
 - b. Menace of Dowry – Dowry Prohibition Act, 1961
 - c. Obscenity – Indecent Representation of Women (Prohibition) Act, 1986
 - d. Curse of Sati – Commission of Sati (Prevention) Act, 1987
 - e. Domestic violence – Protection of Women from Domestic Violence Act, 2005
 - f. Sexual Harassment of Female employees – Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

UNIT – III

PROTECTING WOMEN’S RIGHTS: INTERNATIONAL LAW & HUMAN RIGHTS

MECHANISMS

1. Principle of Non-Discrimination on the basis of Sex enshrined in International Law
2. UN Convention on the Elimination of All forms of Discrimination against Women, 1979 – Implementation of the Convention – Working of the CEDAW Committee
3. Commission on the Status of Women
4. UN Women
5. International Women Rights Conferences
6. National Commission for Women – its Role and Challenges in Protecting Women’s Rights

UNIT – IV

CHILD RIGHTS, INTERNATIONAL LAW & NCPCR

1. Concept of Child Rights – Emergence of Child Rights
2. Convention on the Rights of the Child, 1989 and Optional Protocols
3. CRC Committee and India
4. ILO-Conventions regarding the rights of children
5. United Nations Children’s Fund (UNICEF)
6. National Commission for Protection of Child Rights (NCPCR)

UNIT – V

RIGHTS OF CHILD & NATIONAL LAWS

1. Child Education – Right of Children to Free and Compulsory Education (RTE) Act, 2009
2. Child Marriage – Prohibition of Child Marriage Act, 2006
3. Prohibition of Employment of Children – Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
4. Sexual Abuse of Children – Protection of Children from Sexual Offences Act, 2012
5. Children in need of care and protection – Juvenile Justice (Care and Protection of Children) Act, 2015

III. Suggested Readings

1. Mamta Rao, *Law Relating to Women and Children*, Eastern Book Co., Lucknow.
2. Nuzhat Parveen Khan, *Textbook on Women and Child Related Laws*, LexisNexis, New Delhi.
3. Sarah Gamble (ed.), *The Routledge Companion to Feminism and Post feminism*, Routledge, London & New York.
4. Ursula Kilkelly Ton Liefaard (eds.), *International Human Rights of Children*, Springer,
5. *Women and Law in India – An Omnibus*, OUP, New Delhi
6. Geeta Chopra, *Child Rights in India: Challenges and Social Action*, Springer India.
7. S. C. Tripathi & Vibha Arora, *Law Relating to Women and Children*, Central Law Publications, Allahabad.

8. Asha Bajpai, *Child Rights in India: Law, Policy, and Practice*, OUP, New Delhi.
9. Supreme Court of India, *Handbook on Combating Gender Stereotypes*, SC, New Delhi
10. Suman Rai, *Law Relating to Protection of Women from Domestic Violence*, Orient Publishing Company, New Delhi.
11. Indira Jaising, *Sexual Harassment at Workplace*, Universal Law Publishing Co Ltd., New Delhi.
12. Vidhi Centre for Legal Policy, *A Decade of POCSO*, Vidhi, New Delhi



Semester - VII

LAW OF EVIDENCE

(The Bharatiya Sakshya Adhiniyam, 2023)

(The entire syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit.)

Objective: Law of evidence is a procedural law and guides us as to how process of proving facts in legal proceedings is regulated. Teaching focuses on what evidence may properly be used to persuade a Court of the truth of a party's claims, the extent of a judge's powers to exclude some forms of evidence, and the rationale for exclusion. The students get an insight into how the law of evidence provides the parameters for determining facts within the adjudicative process, and the manner in which the adjudicative process defines truth. These facts are the basis of findings of liability in civil and criminal proceedings. Hence the students are made to understand how the objective of the Bharatiya Sakshya Adhiniyam, 2023 is to prevent laxity and negligence in the admissibility of evidence and to introduce a full-proof and uniform rule of practice than what was previously used and it more focuses on the admissibility of digital/electronic evidence. The course structure is designed to introduce the substantive law of evidence and identify principles of fairness and conceptualizations of justice underlying the law of evidence.

UNIT-I

- **Introduction and General Conceptions in Law of Evidence:** Importance and Necessity of the Rules of Law of Evidence- Its Relationship with the Substantive Law and Procedural Law-Main Features of The Bharatiya Sakshya Adhiniyam, 2023.
- **Definition (Section 2):** Facts-Facts in Issue and Relevant Facts-Evidence and its Kinds-Proved-Disproved and Not Proved-Presumptions
- **Relevancy and Admissibility:** Relevancy of Facts (Section 3)- Doctrine of *Res-Gestae* (Section 4)-Facts Constituting Occasion-Cause of Effect (Section 5)-Facts Constituting Motive, Preparation and Conduct (Section 6)-Facts-Introductory and Explanatory (Section 7), Facts Reflecting upon Common Intention (Section 8)- Facts not otherwise Relevant becomes Relevant (Section 9)-Facts Showing

B.A.LL.B. (Hons.) Semester-VII

State of Mind (Section 12)-Facts bearing on the Question Whether an act was Accidental or Intentional (Section 13)

UNIT-II

- **Admissions & Confessions:** Admission and its Kinds (Section 15)-Admission by Party to Proceeding or his Agent (Section 16)-Admission by Persons Expressly Referred to by Party to Suit (Section 18)-Admission in Civil Cases, when relevant (Section 21)-Confession and Admission-Problem of Non- Admissibility of Confession caused by Inducement, Threat or Promise (Section 22)-Confession to Police Officer (Section 23)- Confession by Co-Accused (Section 24)-Retracted Confession
- **Dying Declarations:** Justification for Relevance of Dying Declarations (Section 26)- Judicial Standards for Appreciation of Evidentiary Value of Dying Declarations-Distinction between Indian and English Law of Dying Declaration
- **Relevance of Judgments:** General Principles (Sections 34-38)-Admissibility of Judgements in Civil and Criminal Cases (Section 37)-Fraud and Collusion (Section 38)

UNIT-III

- **Expert Testimony (Section 39-41):** General Principles Relating to Expert's Testimony-Who is an Expert? -Types of Expert Evidence-Opinion as to Handwriting and Signature when Relevant (Section 41)-Evidence of Character in Civil and Criminal Cases (Sections 46-50)-Judicial Notice (Sections 51-52),

FACULTY OF LAW

- **General Principles concerning Oral Evidence (Section 54-55):** Rule against Hearing- Primary and Secondary Evidence regarding Documents (Sections 56-63)
- **Documentary Evidence:** Principles regarding Exclusion of Oral by Documentary Evidence (Section 94-100)

UNIT-IV

- **Burden of Proof** (Sections 104-113)
- **Presumptions (Sections 115 -120):** Presumption Regarding Discharge of Burden of Proof
- Doctrine of Estoppels (Sections 121-123)

UNIT- V

- **Law Relating to Witnesses:** Competency to Testify (Section 124)-Parties to Civil Suit and their Wives and Husbands-Husband or Wife of Person under Criminal Trials (Section 126)-Judges and Magistrates (Section 127)
- **Privileged Communications:** Communication during Marriage (Section 128)- Evidence as to Affairs of State (Section 129)-Professional Communications (Sections 132); Confidential Communications (Section 134); Accomplice Evidence: Nature and Evidentiary Value-Apparent Contradiction between Section 138 and Section 119 (Illus. B) BSA 2023 and their Reconciliation.
- **Examination of Witness:** Order of Production and Examination of Witnesses (Sections 140-141)-Examination in Chief, Cross Examination and Re- Examination (Sections 142-143)-Leading Questions (Sections 146)- Evidence as to matters in Writing (Sections 147-148); Cross-Examination: 'Lawful' Questions in Cross-Examinations (Section 149)-Protection to Witnesses in Cross-Examination (Sections 150-156)- Hostile Witness (Section 157)-Impeaching the Credit of Witnesses (Section 158)-Production and Inspection of Documents (Section 165)

Suggested Readings:

1. Batuk Lal: *Law of Evidence in India*, Central Law Agency, Central Law Agency, Allahabad.
2. C. D. Feild: *Commentary on Law of Evidence (In India, Pakistan, Bangladesh, Burma, Ceylon, Malaysia and Singapore)*, Delhi Law House, New Delhi.
3. Dr. Avtar Singh: *Principles of the Law of Evidence*, Central Law Agency, Allahabad.
4. Dr. Mukund Sarada & Prof. D.S. Chopra: *Cases and Materials on Evidence Law*, Thomson Sweet & Maxwell, London.
5. Dr. V. Krishnamachari & Surender K. Gogia: *Law of Evidence*, S. Gogia & Co., Hyderabad.
6. Justice M. Monir: *Textbook on the Law of Evidence*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
7. Justice M. Monir & A. C. Moitra: *Law of Estoppel and Res-Judicata*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
8. Justice M. Monir & Shrinivas Gupta: *Law of Evidence*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
9. Justice U.L. Bhat: *Lectures on the Indian Evidence Act*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
10. Stephen Mason: *Electronic Evidence*, LexisNexis India, Gurgaon.

SYLLABUS

B.A LL.B. (Hons.) 8th Semester (4th year)

The BharatiyaNagarikSurakshaSanhita 2023 (BNSS)–I

Faculty of Law, JamiaMilliaIslamia, New Delhi

(The entire Syllabus is divided into five units. Ten questions shall be set in all with two questions from each unit. The candidate shall be required to answer five questions in all selecting one from each unit. All questions carry equal marks)

The BharatiyaNagarikSurakshaSanhita, 2023 (hereinafter referred as BNSS) has replaced the Criminal Procedure Code, 1973 (CrPC) and the bill was passed by the Lok Sabha on December 20th and by Rajya Sabha on December 21st and the President gave her assent on December 25, 2023. It has 531 sections, 39 chapters and two schedules and came into effect from July 01, 2024. It aims to modernize and streamline India's criminal justice system and it sets specific timeframes for various legal procedures to address delays in investigation and trial.

The BNSS makes extensive use of technology across all stages (from e - FIR to investigation to submission of documents to trials and sentencing) and it will be helpful in delivering speedy, fair and transparent justice.

Objectives: The paper will make the student aware with the BharatiyaNagarikSurakshaSanhita, 2023 (BNSS) that has replaced the Code of Criminal Procedure, 1973 (CrPC). The procedural aspects of criminal law including the scope, extent of the BharatiyaNagarikSurakshaSanhita 2023 and classification of offences along with the functionaries involved in criminal justice administration and their powers. In addition to this the concerned teacher will try to familiarize the students about arrest, FIR, Remand, Forensic Investigation, Confession, Bail, Trial *etc.* and key changes introduced in the BNSS as compared to the CrPC.

UNIT-I

INTRODUCTION

- The BharatiyaNagarikSurakshaSanhita 2023 -General Introduction and Object extent and scope of BNSS
- Functionaries in criminal justice administration

- Definitions and Classification of offences
- Criminal Courts-Their Hierarchy and Sentencing Powers
- Public Prosecutors
- Powers of Senior Police Officers
- Duty of Public to assist Magistrate

UNIT-II

POWER TO ENSURE ACCUSED PRESENCE FOR THE PURPOSE OF INVESTIGATION, INQUIRY AND TRIAL

ARREST OF PERSONS

- Meaning and purpose of arrest
- Powers of Arrest, Procedure of Arrest and Rights of Arrested Persons
- Arrest of a woman
- Preventive Arrest
- **Steps to ensure accused's presence at trial**
- Issue of process
- Summons and Warrants
- Proclamation and Attachment of Property
- Attachment, forfeiture or restoration of property.

UNIT-III

PROCESS TO COMPEL PRODUCTION OF THINGS

- Summons to Produce Documents
- Search with and Without Warrant and Power to Search with Warrant
- Recording of search and seizure through audio-video electronic means
- General provisions relating to searches
- Illegality in a search and its consequences
- Seizure

UNIT-IV

INVESTIGATION

INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE

- Information to the police, F I R (Zero FIR & E-FIR) and Preliminary Inquiry
- Evidentiary value of F.I.R.
- Police officer's power to investigate cognizable case
- Procedure for Investigation and Forensic aid in heinous crime investigation
- Police Interrogation and Recording of Statements by Police during Investigation
- Evidentiary Value of Statements
- Recording of confessions and statements
- Police Report/Closure Report

UNIT-V

Remand & Bail

- Remand and Default Bail
- Bail: Concept and Purpose
- Anticipatory Bail
- Cancellation of Bail

Note:

- The topics and cases given in the syllabus are not exhaustive and the teachers teaching the course shall be at liberty to add new topics and cases.
- The concerned teacher will teach comparatively BNSS and Cr.P.C

CASES

- Abdul Khader v State of Kerala, 2024 LiveLaw (Ker) 450
- Achpal @ Ramswaroop & Another v. State of Rajasthan, (Criminal Appeal No. 1218 of 2018 @ Special Leave Petition (Criminal) No.6453 of 2018 Decided on Sep. 24, 2018)
- Adambhai Sulemanbhai Ajmeri v. State of Gujarat (2014) 7 SCC 716
- Amitabhail Anilchandara Shah v. Central Bureau of Investigation, AIR 2013 SC 3794

- Arnesh Kumar v. State of Bihar (2014) 8 SCC 273
- Awadesh Kumar Jha V. State of Bihar, (2016) 3 SCC 8
- Bhagyan Das v. The State of Uttrakhand, decided on March 11, 2019 (SC)
- Bhim Singh v. Union of India Writ Petition(s) (Criminal) No(s). 310 of 2005, decided on 05.09.2014
- Central Bureau of Investigation v. RathinDandapat and others, AIR 2015 SC 3285
- Chandra Babu v. State, (2015) 8 SCC 774
- Dharam Pal v. State of Haryana, 2016 SCC OnLine SC 91
- Dhariwal Industries Ltd. v. Kishore Wadhvani, 2016 SCC OnLine SC 935,
- DevendraKishanlalDagalia v. Dwarkesh Diamonds Pvt. Ltd. & others; (2014) 1 SCC (Cri) 800)
- Gurbax Singh Sibbia v. State of Punjab AIR 1980 SC 1632
- Gurcharan Singh v. State (Delhi Administration) AIR 1978 SC 179
- HemantYashwantDhage v. State of Maharashtra, (2016) 6 SCC 273
- Kerala Asstt. Public Prosecutors Assn. v. State of Kerala, (2018) 7 SCC 314
- Krishna Joshi v State of Rajasthan &Ors., 2024 LiveLaw (Raj) 155
- LalitaKumari v. State of U.P (2014) 2 SCC 1
- Moti Ram v. State of M.P AIR 1978 SC 1594
- M/s KG Marketing India v. Ms. RashiSantoshSoni&Anr., Delhi High Court (July 2024)
- Naman Singh v. State of U.P., (2019) 2 SCC 344
- NandiniSatapathy v. P.L Dani AIR 1978 SC 1025
- Research In Human Dna. It vs Unknown, Case No: WPA/22702/2011 (July 2024)
- RiniJohar v. State of MP, 2016 SCC OnLine SC 594
- RomilaThapar v. Union of India, (2018) 10 SCC 753
- Sharif Ahmed and others vs State of Uttar Pradesh, Vakil Ahmad &ors. vs. State of Uttar Pradesh Through Secretary, Department of Home &anr., 2024 LiveLaw (SC) 337,
- SushilaAggarwal v. State (NCT of Delhi), , (2018) 7 SCC 731
- State of Gujarat v. Afroz Mohammed Hasanfatta decided on Feb. 05, 2019 (SC)
- State of Madhya Pradesh v. Pradeep Sharma, 2014 (2) SCC 171
- State of Madhya Pradesh v. Kalyan Singh, 2019 SCC OnLine SC 7
- Youth Bar Association of India Vs. Union of India, 2016 SC
- VikasYadav v. State of U.P., 2016 SCC OnLine SC 1088 ,

- V.L.S. Finance Ltd. v. S.P. Gupta, (2016) 3 SCC 736
- Wasim Ahmed v. The State of West Bengal decided on May 20, 2019 (SC)

Essential Readings:

- Ratanlal&Dhirajlal, *The Code of Criminal Procedure*, Lexis NexisButterworthsWadhwa, Nagpur, 2017
- S.C. Sarkar, *The Law of Criminal Procedure*, Wadhawa& Co. , Nagpur, (Reprint 2009)
- K.N. ChandrasekharanPillai, *R.V. Kelkar's Lectures on Criminal Procedure*, Eastern Book Company, 2017
- Dr. VageshwariDeswal, SaurabhKansal, ShrutiGoyal, Taxmann's Editorial Board, *Law and Practice Series – BharatiyaNyayaSanhita (BNS) / BharatiyaNagarikSurakshaSanhita (BNSS) / BharatiyaSakshyaAdhiniyam (BSA)* (Taxmann Publications)

Suggested Readings

- The BharatiyaNagarikSurakshaSanhita, 2023
- The BharatiyaNyayaSanhita, 2023
- The BharatiyaSakshyaAdhiniyam, 2023
- K.N. ChandrasekharanPillai, *Criminal Procedure*, Eastern Book Company, 2008
- Aiyer, Mitter, *Law of Bails- Practice and Procedure*, Law Publishers(India) Pvt. Ltd., 2012
- Justice P.S. Narayana, *Code of Criminal Procedure*, ALT Publications, 2012
- Justice C.K. Thakker, M.C. Thakker, *Takwani Criminal Procedure*, (LexisNexis) 2016

SYLLABUS

B.A. LL.B. (Hons.) 9th Semester (5th Year) Syllabus The BharatiyaNagarikSurakshaSanhita 2023 (BNSS) –II

Faculty of Law, JamiaMilliaIslamia, New Delhi

(The entire syllabus is divided into five units. Ten questions shall be sent in all with two questions from each unit. The Candidate shall be required to answer five questions in all selections from each unit. All questions carry equal marks)

The BharatiyaNagarikSurakshaSanhita 2023 (Hereinafter referred as BNSS) replaced the Code of Criminal Procedure 1973 and the bill was passed by the Lok Sabha on December 20th and by Rajya Sabha on December 21 and the President gave her assent on December 25, 2023. It has 531 sections, 39 chapters and two schedules. It aims to modernize and streamline India's criminal justice system and it sets specific timeframes for various legal procedures to address delays in investigation and trial.

The BNSS also makes extensive use of technology across all stages (from e - FIR to investigation to submission of documents to trials and sentencing) and it will be helpful in delivering speedy, fair and transparent justice.

Objectives: The aim of this paper is to give knowledge to the students regarding the territorial jurisdiction of criminal court and their powers of taking cognizance and also make them aware about the procedure to be followed in different trials along with review procedure. The course will acquaint the students how the pretrial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The students will also undertake the study of two related Acts as a part of this course viz; the Juvenile Justice (Care and Protection) Act, 2015 and the Probation of Offenders Act, 1958.

UNIT-I

TRIAL PROSESS – I

- Venue of Trial
- Cognizance of offences and Limitation for taking cognizance
- Procedure in Complaints to Magistrate
- Issue of Process

- Charge

UNIT – II

TRIAL PROCESS – II

- Concept of fair Trial
- Trial and proceedings to be held in electronic mode
- Common Provisions relating to Trials
- Conditions under which trial may end without completion

UNIT – III

Types of Trials

- Timelines for various stages of Trial under BNSS
- Use of Technology
 - Trial before Court of Session
 - Trial of Warrant Cases before Magistrates
 - Trial of Summons Cases before Magistrates
 - Summary Trial)
- Trial in-absentia of Proclaimed Offender
 - Post-Conviction Orders
 - Victim Compensation
 - Witness Protection

UNIT – IV

- Various Types of Review Procedures
 - Appeal
 - Right of Appeal
 - Reference
 - Revision
- Transfer of Cases
-

UNIT – V

- Concept of Probation
 - Probation of Offender's Act, 1958
- Concept of Juvenile Justice
 - Inquiry & Trial of Child in Conflict with Law under the Juvenile Justice Act, 2015 viz-a-viz BNSS 2023 – Specially in Context of Heinous Offences (Only Section 10 – Section 24 of JJ Act, 2015).

Note:

- The topics and cases given in the syllabus are not exhaustive and the teachers teaching the course shall be at liberty to add new topics and cases.
- The concerned teacher will teach comparatively BNSS and Cr.P.C

Cases:

- Santa Singh v. State Of Punjab AIR 1976 2386
- Hussainara Khatun v. State of Bihar, A.I.R. 1979 SC 1369
- Vineet Narain & Ors. v. Union of India & Anr. (1996) 2 SCC 199,
- Zahira Habibullah Sheikh and ors v. State of Gujarat and ors, (2006) 3 SCC 396.
- State of Madhya Pradesh v. Virender Kumar Tripathi (2009) 15 SCC 533
- Zahid Shaikh v. State of Gujarat (2011) 7 SCC 763
- Mona Panwar v. High Court of Judicature of Allahabad. (2011) 3 SCC 496.
- Dr. Mrs. Nupur Talwar v. C.B.I., Delhi and another, AIR 2012 SC 847
- Mohd. Hussain @ Julfikar Ali v. State (Govt. of NCT), Delhi, AIR 2012 SC 750.
- Mohd. Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra, (2012) 9 SCC 1.
- Salil Bali v. Union of India & ANR, (2013) 7 SCC 705
- Dharam Pal & Ors v. State Of Haryana & Anr, (2014) 3 SCC 306
- Hardeep Singh v. State of Punjab & Ors., AIR 2014 SC 1400.
- State of Gujarat v. Girish Radhakrishnan Varde (2014) 3 SCC 659
- Baba Ramdev Food Products v. State of Gujarat 2015 SC
- Jogendra Yadav v. State of Bihar, 2015 SCC Online SC 674,
- Anant Prakash Sinha v. State of Haryana, (2016) 6 SCC 105
- Balveer Singh & ANR. v. State of Rajasthan & ANR. May 10, 2016 SC
- L. Narayana Swamy v. State of Karnataka, 2016 SCC OnLine SC 908

- Prabhuchawla v. State of Rajasthan, 2016 SCC OnLine SC 905
- State of U.P. v. Anil Kumar, (2018) 9 SCC 492
- SwapnilTripathi v. Supreme Court of India, 2018 SCC OnLine SC 1667
- State of Gujarat v. Afroz Mohammed Hasanfatta [Criminal Appeal No. 224 of 2019] decided on 05.02.2019
- SK Miglani vs. State NCT of Delhi decided on April 30, 2019 (SC)
- Sukhpal Singh Khaira vs. State of Punjab CrI A. No. 885/2019, 2022 LiveLaw (SC) 1009
- Sharif Ahmed and others vs State of Uttar Pradesh, Vakil Ahmad &ors. vs. State of Uttar Pradesh Through Secretary, Department of Home &anr., 2024 LiveLaw (SC) 337,
- Mandeep Singh vsKulwinder Singh and another, P&H, High Court (July 2024)
- M/S KG MARKETING INDIA v. MS. RASHI SANTOSH SONI & ANR., Delhi High Court (July 2024)
- Research In Human Dna. It vs Unknown, Case No: WPA/22702/2011 (July 2024)
- The State of Punjab vs. Partap Singh Verka, 2024 LiveLaw (SC) 461
- Abdul Khader v State of Kerala, 2024 LiveLaw (Ker) 450

Essential Readings:

- Ratanlal&Dhirajlal, *The Code ofCriminal Procedure*, Lexis NexisButterworthsWadhwa, Nagpur, 2017
- S.C. Sarkar, *The Law of Criminal Procedure*, Wadhawa& Co. , Nagpur, (Reprint 2009)
- K.N. ChandrasekharanPillai, *R.V. Kelkar's Lectures on Criminal Procedure*, Eastern Book Company, 2017
- Prof. VedKumari, *Juvenile Justice System In India: From Welfare To Rights* (First Reprint Of 2nd Edition 2011)Oxford University Press,
- Prof. VedKumari, *Juvenile Justice (Care And Protection Of Children) Act 2015 : Critical Analyses* (Jan 2017)Universal Law Publishing, an imprint of LexisNexis
- Dr. VageshwariDeswal, SaurabhKansal, ShrutiGoyal, Taxmann's Editorial Board, *Law and Practice Series – BharatiyaNyayaSanhita (BNS) / BharatiyaNagarikSurakshaSanhita (BNSS) / BharatiyaSakshyaAdhiniyam (BSA)* (Taxmann Publications)

Suggested Readings

- The BharatiyaNagarikSurakshaSanhita, 2023
- The BharatiyaNyayaSanhita, 2023
- The BharatiyaSakshyaAdhinyam, 2023
- The Probation of Offenders Act. 1958
- The Juvenile Justice (Care and Protection of Children) Act, 2015