

**SEMESTER-II**  
**CRIMINOLOGY AND CRIMINAL JUSTICE SYSTEM**

**Paper-V- Criminology and privileged Class deviance**

**Unit-I**

Theories of Crime Causation -Differential Association Theory of Crime- Biological, Environmental, Socio-Economic and Psychological factors affecting Crime- Schools of Criminology.

**Unit-II**

Different kinds of Criminals- Different Types of Crimes-Impact of Religion, Political parties, Media, Family etc. on Crime –Recidivism.

**Unit- III**

Different Forms of deviances -official deviance (deviance by legislators, judges and bureaucrats)- Professional deviance (Journalists, teachers, doctors, lawyers, engineers, architects and publishers) -Trade Union deviance (including teachers, lawyers and urban property owners) Landlord deviance (class/caste based deviance) - police deviance Deviance on electoral process (rigging, boot capturing, impersonation, corrupt practices)- Gender based aggression by socially, economically and politically powerful – official deviance-police deviance.

**Unit- IV**

Response of Indian legal order to the deviance of privileged classes-vigilance commission-public Accounts Committee- ombudsman-commissions of Enquiry-Prevention of Corruption Act. 1947- The Antulay case.

**Suggested Readings:**

1. Sutherland and Cressey: Principles of Criminology, 6h Edn 1968: The Times of India press, Bombay.
- 2 W.A. Bongar : An introduction to Criminology, 1936, Methuen & Co., Ltd., London.
3. H.E.Barnes and N.K. Teeters: New Horizons in Criminology, 3<sup>rd</sup> Ed, 1966. Prentice Hall of India Pvt, Ltd, New Delhi.
4. Ahmed Siddiqui: Criminology, Problems and Perspectives, 3rd Ed., 1993, Eastern Book Company, Lucknow.
5. NV, Paranjape: Criminology and Penology, 9<sup>th</sup> Ed, 1996, Central Law Agency, Allahabad.
- 6.Katherine S Williams, Text Book on Criminology (1997), Blackstone, London.

7. Manheim, H. Comparative Criminology: A Text Book (1965).

8. J.M. Sethna, society and the Criminal (1980).

9. Upendra Baxi: The Crises of the Indian Legal System (1982). Law and Poverty Essays (1988), Liberty and corruption: The Antulay Case and beyond (1989).

10. A.G. Noorani: Minister's Misconduct (rev. 2nd ed., 1974).

11. B.B. Pande: "The Nature and Dimensions of Privileged class Deviance" in the other side of Development 136 (1987, K.S. Shukla ed.)

## **Paper-VI- PENOLOGY AND CORRECTIONAL METHODS**

### **Unit -I**

Concept of Punishment: Its history and development, Religious and Punishment. Types and Forms of Punish and Ancient, Medieval and Modern India. Its classification whether death penalty is necessary? Its merits and demerits.

### **Unit -II**

Theories of Punishment: Deterrence, Retributive, Expiation, Reprobation, Probation, Classical and utilitarian view on punishment. Punishment advantages and disadvantages: critical analysis in the righting in purpose scale and provisions of criminal law and pardon, social necessity of law and order.

### **Unit -III**

History of penal system in development of India, Types of Prisons and Prisoners - Basic principles for the treatment of prisoners - National and International Rights of Prisoners under our Constitution and the Prisoners Act, 1900.

### **Unit -VI**

Probation and Parole: Its nature, origin and advantages, The Provision of Probation of offenders Act, 1958 Comparison between Probation and parole: Its effects in Rehabilitation of Prisoners Power and jurisdiction of police under Cr.P.C. U/S 302, 55, 161, 36, 156, 160, 174, 102 and 166

Criminal Justice Process, Organizational structure of jails and police in India- Provisions related to custodial death, torture, etc.

### **Suggested Readings:**

1. P.K.Sen- Penology old and new.
2. Gillian JL- Criminology and Penology.
3. Flexvor & Baldwani- Juvenile Court and Probation.
4. Bhattacharya-Prisons.
5. M.Ponnanian- Criminology and Penology.
6. J.C.Chaturvedi-Penology & Criminal Procedure Code.



## **PAPER-VII**

### **Law and Justice in Globalization**

#### **UNIT- I -Introduction**

- Concept of Law & Justice
- Law making power of different organs of the State
- Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees
- Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.
- Perspective on Social Justice:
  - Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self-governance, Trusteeship theory, Sarvodaya, Antyodaya
  - Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards at State Socialisms.
  - Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine

#### **UNIT – II - Globalization - its Process**

- Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.
- Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State Third World Perspectives.
- Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women

#### **Unit – III - The Doctrine of Law and Precedent – An Indian Perspective**

- The Rule of Law in Globalizing World
- Role of Precedent in the development of Law and Society
- Judicial Creativity, Judicial Activism and Judicial over - Activism
- Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)
- Role of dissent in the development of law and society

#### **Unit - IV: International Organizations vis-a-vis Globalization**

- Role of United Nations in the Globalization Process
- Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO
- MNCs & CSR

- Impact of Globalization on Judicial Process and administration of Justice
- Impact of globalization on Human Rights with special reference to Gender Equality
- Feminism, Sexual Violence, UNO and Women Rights, CEDAW and Violence against Women Impact of globalization on free market and related notions
- Globalization vis-a-vis Environment and development .

#### References books

1. Acharya N.K., Text Book on Intellectual Property Rights, Asia Law House, Hyderabad (2001).
2. Agarwala V.K., Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999)
3. Anaya James, Indigenous Peoples in International Law, Oxford University Press, New York (1996).
4. Bhatnagar J. P, Women and Their Rights, Ashoka Law House, 2<sup>nd</sup> Edn, 1998, New Delhi.
5. Bimal N. Patel, *"Responsibility of International Organizations"* Eastern book Company.
6. Bryan Horrigan, Adventures in Law and Justice, Universal Law Publishing Co. Pvt. Ltd, 1<sup>st</sup> Indian Reprint, 2005, New Delhi.
7. Chakrabarthy, N.K., (Dr.) Gender Justice, V edition 2006, R. Cambray & Co. Private Ltd, Kolkata.
8. Christine Chorine, Women and the Law, Vol-2, Socio-Legal Information Centre, 1999, Bombay.
9. Das J.K., Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi (2001).
10. Das J.K., Indigenous Peoples, Sustainable Development and Human Rights, Ganga Kaveri Publishing House, Varanasi (1997).
11. Dev. Raj (2003). Globalisation and Decentralized Economic Development, New Delhi; Raj at Publications.
12. Devinder Sharma (1994). GATT and India. The Politics of Agriculture, New Delhi: Konark Publishers Pvt. Ltd.
13. Dipankar Sengupta, Debashis Chakraborty and Pritain Benergee (ed) (2006). Beyond the Transition Phase of WTO: An Indian Perspective on Emerging Issues, New Delhi: Academic Foundation.
14. Falendra. K. Sudan (2005). Globalisation and Liberalization. Nature and Consequences, New Delhi: Serials Publications.
15. Kenneth W. Abbott, *"The Law and Politics of International Organizations"* Edward Elgar Publishing.
16. Rosalyn Higgins, Development of International Law through the Political Organs of
17. Sixty Years of the Multilateral Trading System: Achievements and Challenges, published by WTO Publications.
18. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy), published by WTO Publications
19. the United Nations (1963)
20. Tom Campbell and Alejandra Mancilla, "Theories of Justice" ASHGATE.
21. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2002.
22. William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009).
23. World Commission on Social Dimension of Globalization, A Fair Globalization: Creating Opportunities for All (2004).



## **PAPER-VIII**

### **COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

#### **Unit - 1. Introductory**

Notions of "force", "coercion", "violence" Distinctions: "symbolic" violence, "institutionalized" violence, "structural violence" Legal order as a coercive normative order Force - monopoly of modern law "Constitutional" and "criminal" speech: Speech as incitement to violence "Collective political violence" and legal order Notion of legal and extra-legal "repression"

#### **Unit - 2. Approaches to Violence in India**

Religiously sanctioned structural violence: Caste and gender based Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India, Gandhi's approach to non-violence - Discourse on political violence and terrorism during colonial struggle -Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period -Incidence of Atrocities Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities

#### **Unit - 3. Agrarian Violence and Repression and communal violence**

The nature and scope of agrarian violence in the 18-19 centuries India Colonial legal order as a causative factor of collective political (agrarian) violence - The Telangana struggle and the legal order - The Report of the Indian Human Rights Commission on Arwal Massacre

#### **Unit - 4. Communal Violence**

Incidence and courses of "communal" violence Findings of various commissions of enquiry - The role of police and para-military systems in dealing with communal violence -Operation of criminal justice system tiring, and in relation to, communal violence

#### **Select bibliography**

1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
6. Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba, (ed, ) Subaltern Studies Vol. 1-6 (1983-1988)
7. T. Honderich, Violence for Equality (1980)
8. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
9. Rajni Kothari, State Against Democracy (1987)
10. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
11. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)