

GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- To analyze the general principles of Criminal law.
- In-depth study of theories of punishment.
- Analyzing judicial trends on rights of accused.

OUTCOME

- Expert knowledge in Criminal Jurisprudence.
- Helps the students to evaluate the criminal justice system.
- Deep understanding about enforcing agencies of criminal justice system.

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

OBJECTIVE

- Forward deliberation to the students on various aspects of crime, criminal laws and criminal justice.
- Acquainting them to understand the issues relating to the notion of “group liability” in a crime.
- Acquainting students with the notions of private defense
- Acquainting students with the constitution and functioning of International Criminal Court.
- To inculcate students to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

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

- The program provides great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law. Assisting them to understand the nature and various issues regarding criminal administration.
- The program enucleates research oriented aptitude in students with regard to various topics under criminal legal system in India.
- Sensitizing students specifically issues and challenges relating to effective implementation of laws under criminal jurisprudence. .

Module-I (1 Credit)

- 1. Crime, Criminal Law and Criminal Justice**
- 2. Administration of Criminal Justice – Meaning, Necessity and Growth**
- 3. Doctrine of Mens Rea and Exceptions :**
 - Negligence
 - Physical Element in Crime- Actus Reus
- 4. Stages in Commission of Crime :**
 - Inchoate Crimes
 - Abetment and Criminal Conspiracy

Module- II (1 Credit)

- 5. Principle of Group Liability in Crime.**
- 6. Fundamental Principles of Criminal Jurisprudence :**
 - Test of Criminality /Legality
 - Presumption of Innocence
 - Double Jeopardy
 - De Minimus Non Curat Lex
 - Mistake of Law and Mistake of Fact
 - Jus Necessitas

- 7. General Exceptions.**
- 8. Right of Private Defense**

Module – III (1 Credit)

- 9. Theories and kinds of punishment**
- 10. Right of Protection of the accused**
- 11. Strict Liability**

Module – IV (1 Credit)

12. International Criminal Court

13. Concept of Decriminalisation

References :—

- Glanville Williams : Criminal Law (The general part)
Jarome Hall : General Principles of Criminal Law
Fitz Gerald : Criminal Law and punishment
Moberly : Ethics of Punishment
Ram Chandra Nigam : Criminal Law
Tapas Kumar Banerjee : Back ground to Indian Criminal Law
Commission of India, Forty Second
Report Chapter 3 (1971) Criminal
Procedure Code, 1973 14th and 41st Report
of Indian Law Commission

PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

OBJECTIVES

- To have in-depth knowledge of Penal laws in India.
- An comparative study of Indian and International Penal laws.
- Legal awareness about Cyber crime and Information Technology, Act.

OUTCOME

- To suggest reforms in the Penal laws in India.
- Help the students to understand the laches and lapses in the existing Penal laws
- To suggest reforms in Juvenile law.

Module-I (1 Credit)

1. Offences under Indian Penal Code :

Offences Against the State
Offences Relating to Elections
Offences Relating to Religion
Offences Affecting the Public Health, Safety,
Convenience, Decency and Morals
Reforms in I.P.C.

Module-II (1 Credit)

2. The Maharashtra Control of Organised Crime Act, 1999

3. The Prevention of Terrorism Act, 2002

Module-III (1 Credit)

4. Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

5. The Juvenile Justice (Care and Protection of Children)

Act, 2000 :

The Basic Concepts
Determining Factors of Juvenile Delinquency
Legislative Approaches
Indian Context Juvenile Delinquency
Judicial Contribution
Implementation
Preventive Strategies

References :—

The Indian Penal Code, 1860
Ratanlal & Dhirajlal – Law of Crime
Smith & Hogen – Criminal Law

PAPER III - CRIMINOLOGY – (TOTAL 4 CREDITS)

OBJECTIVE

- To understand criminology as a science.
- To avail deep knowledge of various theories of criminology.
- To have in depth study of victimology.

OUTCOME

- Students get the comparative study of ancient and modern criminology.
- Help in critical study of causes of crimes.
- It helps to study the socio economic rehabilitation of criminals.

Module-I (1 Credit)

1. Concept of Crime. Criminal Law, Criminology as a Science :

1.2. Development and Crime

2. Criminology From – Ancient to Modern thought :

Pre-classical – classical – Neo classical

Cartographic School

Socialist School

Dr. Lombroso theory

Approach of Radical Criminologist

Module-II (1 Credit)

3. Multiple Factor theory.

4. Causes of Crimes :

Socio–Cultural

Physical

Economic

Psychological

Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order :

Notion of Privileged Class Deviance
White Collar Crimes
Official Deviance
Police Deviance

6. Professional Deviance of Lawyers, Teachers, Judges, Journalists, Doctors, Technocrats, etc. :

Unethical Practices at the Indian bar
The Lentin Commission Report
The Press Council on unprofessional and unethical Journalism
Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order :

Vigilance Commission
Public Accounts Committee
Ombudsman
Commission of Enquiry
Prevention of Corruption Act ,1988

References :—

A.S. Siddique - Criminology (1984) Eastern, Lucknow
Dr. Sethana - Society and the Criminal, Southern and Cresscy -
Principles of Criminology Law Commission of India 42 Report Chap.3
(1971)
Sutherland & Cressey - Principles of Criminology Barnes & Teeters
- New Horizons in Criminology
Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.
Tapaskumar Banerjee - Background to Indian Criminal Law (1990) R.
Company & Co., Calcutta.
Tapan - Crimes, Justice and Correction

PAPER – IV COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM – (TOTAL 4 CREDITS)

OBJECTIVES

- Forward deliberation to the students regarding notions of force, coercion and violence.
- Acquainting them to understand the concept of Force Monopoly of modern laws.
- Acquainting students with the notions of Collective political violence and legal order.
- Acquainting students with the nature scope of agrarian violence in 18th & 19th centuries in INDIA.
- To inculcate students to evaluate critically the contemporary criminal justice system in India with specific reference to collective violence.

OUTCOME

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

- The program provide great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law
- The program enucleates research oriented aptitude in students with regard to various topics under criminal law system in India.
- Sensitizing students specifically issues and challenges relating to law and crime in Global arena.

Module - I (1 Credit)

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
Freedom of speech and incitement to violence
'Collective political violence' and legal order
Notion of legal and extra-legal repression"

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.
Gandhiji'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

Module - II (1 Credit)

3. Agrarian Violence and Repression :

The nature and scope of agrarian violence in the 18-19 Centuries in 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

Module - III (1 Credit)

4. Violence against the Weaker Sections :

- Notion of Atrocities
- Incidence of Atrocities
- Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- Violence Against Women and Children

Module - IV (1 Credit)

5. Caste/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, trial in relation to communal violence

NOTE: Choice of further areas will have to be made by the teacher and taught.

References :—

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

PAPER V - PENOLOGY : TREATMENT OF OFFENDERS -
– (TOTAL 4 CREDITS)

OBJECTIVE

- Forward deliberation to the students on definitions pertaining to penology, various theories of punishment.
- Acquainting them to understand the issues relating to capital punishment.
-
- Acquainting students with the notions and approaches of sentencing.
- Acquainting students with the nature
- To inculcate students to evaluate critically the contemporary criminal justice system in India with specific reference to imprisonment.

OUTCOME

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

- The program provides great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law. Assisting them to understand the nature and theories of punishment
- The program enunciates research oriented aptitude in students with regard to various topics under criminal legal system in India.

- Sensitizing students specifically issues and challenges relating to effective implementation of laws under criminal jurisprudence.

Module - I (1 Credit)

1. Introductory :

Definition of Penology

2. Theories of Punishment :

2. Theories of Punishment

Retribution

Utilitarian prevention: Deterrence

Utilitarian: Intimidation

Behavioural prevention : Incapacitation

Behavioural prevention: Rehabilitation - Expiation

Classical Hindu and Islamic Approaches

Module - II (1 Credit)

3. The Problems of Capital Punishment :

Constitutionality of Capital Punishment

Judicial Attitudes Towards Capital Punishment in India

– An inquiry through the statute law

Law Reform Proposals

Module – III (1 Credit)

4. Approaches to Sentencing :

Alternatives to Imprisonment

Probation

Corrective labour

Fines

Collective fines

Juvenile Institutions

Rehabilitative Programmes

5. Sentencing :

- Principal types of sentences in the Penal Code and special laws
- Sentencing in white collar crime
- Pre-sentence hearing
- Sentencing for habitual offender
- Summary punishment
- Plea-bargaining

Module - IV (1 Credit)

6. Imprisonment :

- The State of India's jails today
- Prison Reforms in India
- The disciplinary regime of Indian prisons
- Classification of prisoners
- Rights of prisoner and duties of custodial staff
- Deviance by custodial staff
- Open prisons
- Judicial surveillance – basis – development reforms

References :—

Law Commission of India, Forty-Second Report Ch.3(1971)
Responsibility and Punishment (1975)
Siddique A.S.- Criminology (1984) Eastern, Lucknow
S. Chhabra - The Quantum of Punishment in Criminal Law (1970).
S.K. Shukla - "Sociology of Deviant Behaviour" in 3 ICSSR
Survey of Sociology and Social Anthropology 1969-179 (1986)
Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),
R. Campray & Co., Calcutta.

**PAPER VI - FORENSIC SCIENCE AND SCIENTIFIC
INVESTIGATION OF CRIME. - (4 CREDITS)**

OBJECTIVE

- It is a in-depth analysis of forensic science and criminal justice system.
- To study the modern scientific methods of crime control.
- To study the problem of International crime.

OUTCOME

- It helps the students to understand the role of forensic science in criminal justice system.
- It motivates the students to do research in field of forensic science and law.
- It gives students the international exposure about forensic science and criminal law.

Module – I (1 Credit)

- 1. Forensic Science – An Integral component of Criminal Justice system – Scope**
- 2. Development of Forensic Science in India**

Module – II (1 Credit)

- 3. An Introduction to :**
 - Forensic Laboratories
 - Forensic Biology
 - Forensic Toxicology
 - Forensic Anthropology
 - Forensic Ballistics
 - Forensic Documents
 - Forensic Medicine

Module – III (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention :

Electrical Traps to catch thieves, burglars
Truth Telling Drugs
Lie Detector
Atomat
Breathalyser
Traffipax Camera
Magnetic Gun
Night Vision Binoculars
Portable Bomb Sniffer
Detection of Note Forgery by use of ultra violet rays

Module - IV (1 Credit)

5. Inter state crimes and Criminals :

The problem of International Crime
International Co-operation
International Criminal Police Organisation (Interpol)

References :—

R. Deb. - Criminology, Criminal and Investigation.
Soderman And O'Connell - Modern Criminal Investigation
Dr. J.P. Modi - A Text Book of Medica Jurisprudence and Toxicology.
Nigel Morland -Science in Crime Detection.
The Indian Police Journal
International Criminal Police Review Journal.

Semester – IV Topics for Choice Based Credits (Four credits)

Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva-presentation of 20 marks (4 credits). For the balance 100 marks the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

Law of defamation & Freedom of speech.
Study of Criminal behavior vis-à-vis increasing criminality.
Tackling Collective Violence vis-à-vis Innovative Policing Techniques.
Ethical Issues & Medical Profession.
Cyber Crimes & Remedies.
Juvenile Justice System in India & Juvenile Psychology.
Corruption Laws & Elections in India.
White Collar Criminality & Corporate Crimes.

References :—

Dr. Sethna: Society & The Criminal.
Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology
Moberly : Ethics of Punishment
S K Shukla: Sociology of Deviant Behaviour.
U. Baxi: Dissent, Development & Violence