

CRIMINAL AND SECURITY LAWS* (SEMESTER 1)

*proposed to begin from July 2019

Subject 1. CRIMINOLOGY AND PENOLOGY

Objectives: This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies. Much has been said against capital punishment and imprisonment as methods of preventing and control of crime.

UNIT	DESCRIPTION IN DETAIL
1	Concept, Nature and Scope of Punishment: (a) Concept and Nature of Punishment (b) Object and Purpose of Punishment (c) Forms of Punishment (d) Judicial Approach towards Capital Punishment in India; Principle of <i>Rarest of Rare case</i>
2	Theories of Punishment: (a) Deterrence Theory (b) Retributive Theory (c) Preventive Theory (d) Reformatory Theory
3	Sentencing: i. Principal types of Sentences in Penal Code ii. The Problems of Default Sentence (Imprisonment for nonpayment of fine) iii. Pre-Sentence Hearing iv. Sentencing for Habitual Offender v. Summary Punishment vi. Sentencing Process and Marginalized Accused vii. Plea Bargaining

4	<p>Sentencing and Imprisonment</p> <p>Approaches to Sentencing:</p> <ul style="list-style-type: none"> i. Alternatives to Sentencing ii. Probation & Parole iii. Corrective Labour iv. Fine v. Remission and Commutation of sentence <p>Imprisonment:</p> <ul style="list-style-type: none"> (a) Jail System & Jail Reforms (b) Classification of prisoners (c) Open Prisons (d) Rights of prisoners & Duties of custodial staff
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Suggested Reading:

1. Girjesh Shukla: Criminology, Lexis Nexis
2. Dr. N. Maheshwara Swamy: Criminology and Criminal Justice System, Asia Law House
3. Sutherland and Cressey, Principles of Criminology, Surjeet Publications
4. S Chhabra, *The Quantum of Punishment in Criminal Law*
5. H.L.A. Hart, *Punishment and Responsibility*
6. Herbert L. Packer, *The Limits of Criminal Sanction*
7. Alf Ross, *On Guilt, Responsibility and Punishment* Latest Edn. See also U. Baxi Review of this work in 21 J.I.L.I. 407 (1979)
8. A. Siddique, *Criminology*, Latest Edn. Law Commission of India, *Forty - Second Report Ch. 3* (1971)
9. K.S. Shukla, "*Sociology of Deviant Behaviour*" In 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979
10. Tapas Kumar Banerjee, *Background to Indian Criminal Law*
11. K.P. Malik- Penology and Victimology

Subject 2.CRIMINAL JUSTICE AND HUMAN RIGHTS

Objective: Criminal Justice and Human Rights has long been an important area for study and is still developing fast particularly in the international arena. There is increased worldwide interest in ensuring that criminal justice systems comply with human rights requirements in order to ensure that states' implementation and enforcement of the criminal law, through investigation, trial and punishment, respect the civil liberties of citizens accused of crime.

UNIT	TOPIC
1	Concept and Development of Human Rights <ul style="list-style-type: none">• Concept, Importance and Nature• U. N. Charter and its agencies• History, Evolution and Growth• Classification of Human Rights
2	Human Rights and Criminal Jurisprudence <ul style="list-style-type: none">• Rights of Accused• Rights of arrested persons

	<ul style="list-style-type: none"> • Rights of Fair and Speedy Trial • Rights of Free legal aid • Parole and Probation.
3	<p>Human Rights Problems in the Administration of Criminal Justice</p> <ul style="list-style-type: none"> • Police Atrocities and Custodial Torture • Violence against Women and Children • Terrorism and Insurgency
4	<p>Implementation of Human rights in India</p> <ul style="list-style-type: none"> • Role of NGO • Public Interest Litigation • Role of Judiciary • Role of National Human Rights Commission

Essential Case Law:

- M.M. Hoskot v. State of Maharashtra, AIR 1978 SC 1548
- Husainara Khaton v. State of Bihar, AIR 1979 SC 1360
- Khatri v. State of Bihar, AIR 1981 SC 928
- State of Maharashtra v. Manubhai Pragji Vasi (1995) 5 SCC 730
- D.K. Trivedi v. Union of India, AIR 1986 SC 1328
- Vishaka v. State of Rajasthan, AIR 1997 SC 3011
- State of Karnataka v. Appavalu Ingle, AIR 1995 SC 1126
- Superintendent of Remembrance of Legal Affairs, West Bengal v. S. Bhaumic, AIR 1981 SC 917

Suggested Readings:

1. Forest Martin et.al. (ed.) International Human Rights Law and Practice- Part I. and II of. cases, treaties and materials.
2. Vijay Chitinis, et.al (ed.)- Human Rights and the Law -National and Global Perspective.
3. Basu D.D. Human Rights in Constitutional Law.
4. Singh Sehgal B.P-Human Rights in India - Problems and Perspectives.
5. Protection of Human Rights in Criminal Justice administration-- A study by Prof. Upendra Baxi and Manjula Batra.
6. L.H. Leigh-Protection of Human Rights in Criminal Procedure. The British Experience.

Subject 3.VICTIMOLOGY

Objective: The objective of this paper is to discuss the various reasons for crime, victimization, criminal justice, treatment and compensation of criminals and victims in the various laws.

UNIT	TOPIC
1	Concept and Scope of Victimology: (a) Concept of Victimology (b) Historical Development of Victimology (c) Indian Experience (d) Victim and Criminal Justice: Emerging Trends and Policies
2	Theories of Victimology and Impact of Victimization: (a) The Precipitation Theory (b) Life-style Theory

	(c) Deviant Place Theory (d) Routine Activity Theory Impact of Victimization (a) Physical (b) Economical (c) Psychological
3	Concept of Restorative Justice: (a) Essential Elements of Restorative Justice i. Restoration ii. Accountability iii. Community Protection iv. Skill Development (b) Programmes of Restorative Justice
4	Compensatory Jurisprudence in the Field of Victimology: (a) Compensatory Relief under General/Procedural Laws (b) Compensation under Special Laws i. Compensation under the Probation of Offender Act, 1958 ii. Compensation under the Motor Vehicles Act, 1988 (c) Compensatory Reliefs under the Constitution of India (d) Compensation by Human Rights Commissions i. National Human Rights Commissions ii. State Human Rights Commissions iii. Human Rights Court

Suggested Readings

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
2. Dr. Mrinmaya Chaudhari, Languishing for Justice, A Critical Survey of the Criminal Justice System, DATTSONS, J. Nehru Marg, Sadar, Nagpur.
3. Malik P.L., Criminal Court Hand Book, 18thEdition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
4. Manjula Batra, Protection of Human Rights in Criminal Justice Administration, Deep and Deep Publication, New Delhi.
5. Parvesh K Atri, Readings in Criminal and Criminology, 1 edition 1998, Anmol Publication Pvt. Limited, New Delhi -2
6. Ahmed Siddiqui, Criminology, Problems and Perspectives, 4th edition 1997, Eastern Book Company, Lucknow -01
7. Clive Coleman and Clive Norris , Introducing Criminology, Edition 2000, Lawman (India) Pvt Limited, Lajpat Nagar, New Delhi-24
8. Bharat B Das, Victims in the Criminal Justice System, 1stEdition 1997, APH Publication Corporation, New Delhi 2

