



SHRI VAISHNAV VIDYAPEETH VISHWAVIDYALAYA, INDORE

LL.M. (Criminal Law) CBCS

Semester-I

Name of Program: LL.M. (Criminal Law)

Subject Code	Category	Subject Name	TEACHING & EVALUATION SCHEME								
			THEORY			PRACTICAL		L	T	P	C
			End Sem University Exam	Two Term Exams	Teacher Assessment*	End Sem University Exam	Teacher Assessment*				
LLMFC 101	DC	Research Methods and Legal Writing	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

*Teacher Assessment shall be based on the components like: Quiz / Assignment / Project / Participation in Class. No component shall exceed 10 marks.

Objectives of the course: After studying this paper the students will know-

1. Concept of research and its methodology.
2. Research methods and various steps involved in a research.
3. Collection of data from various sources and their analysis.
4. Process of legal writing and writing for individual purposes.

Syllabus:

Unit I:

Research Methods

Research Definition, Objective of research, Types of research, Significance of research, Research Design, Various Steps in Research: Research Process, Research Problem: Identification and Formulation, Hypothesis, Use of Library, Use of Modern Technology/ Computer Assisted Research.

Unit II:

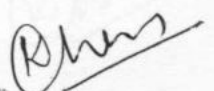
Tools & Techniques for Collection of Data

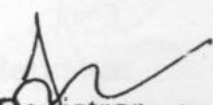
Primary and Secondary Sources, Literature Review, Observation Method, Questionnaire, Interview, Case study, Sampling, Jurimetrics

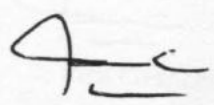
Unit III:

Analysis and Interpretation of Data

Use of Deductive and Inductive Methods in Research, Preparation of Research Report and Writing of Research report, Budgeting of Research, Ethical and Legal Issues: Plagiarism and Copyright Violation.


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Unit IV.

Legal Writing

Essentials of Good Legal Writing, Structured Legal Writing: Organization of Legal Materials, Framing of Write Up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion, Sources of Authority.

Unit V:

Writing Purposes

Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purposes; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial Writing, Citation, Reference and Footnoting, Editing and Proof reading, Writing of Research Proposal, Dissertation/ Thesis Writing.

Suggested Readings

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research –Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore :MacGraw Hill Book Co., 1985).
6. Harvard Law Review Association, *The Bluebook: Uniform system of Citation* (Harvard Law Review, Harvard).
7. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).
8. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
9. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* (Holt, Rinehart and Winston, New York, 1953).
10. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
11. S. K. Verma and Afzal Vani, *Legal Research and Methodology*, ILI, New Delhi Selltiz, Jahodaet.al., *Research Methods in Social Relations* (Holt, Rinehart and Winston, New York, 1964).
12. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetric Study)– Alternatives in Judicial Research* (Delhi : Kaveri Books, 1995). **Syllabus:**

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			End Sem University Exam	Two Term Exams	Teacher Assessment*	End Sem University Exam	Teacher Assessment*				
LLMFC 102	DC	Comparative Public Law / Systems of Governance	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;
***Teacher Assessment shall be based on the components like: Quiz / Assignment / Project / Participation in Class. No component shall exceed 10 marks.**

Objectives of the course: After studying this paper the students will know-

1. Meaning of constitution, its nature and goal.
2. Concept of constitutionalism and essential features of constitutionalism.
3. Rule of Law and separation of power.
4. Constitutional review.

Syllabus:

Unit I:


Concept of Constitution

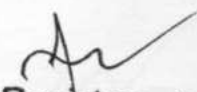
Meaning and Idea of Constitution, Nature and Goals, Living Constitution, Constitution as Supreme Law, Relevance, Problems and Concerns in Using Comparison, Concept of constitutionalism, Distinction between Constitution and Constitutionalism, Essential features of Constitutionalism -Written Constitution

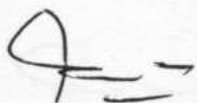
Unit II:

Separation of power

Separation of Powers, Fundamental Rights, Independence of Judiciary and Judicial Review, Supremacy of Legislature in Law Making, Rule of law; Dicey's Concept of Rule of Law, Modern Concept of Rule of Law, Social and economic rights as part of rule of law, Concept of Separation of Powers, Checks and Balances, Separation of Powers or Separation of Functions


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Unit III:

Forms of Governments

Federal and Unitary Forms; Features, Advantages and Disadvantages, Models of Federalism and Concept of Quasi-federalism, Role of Courts in Preserving Federalism, Parliamentary and Presidential Forms of Government

Unit IV:

Constitutional Review

Methods of Constitutional Review; Judicial and Political Review, Concentrated and Diffused Review, Anticipatory and Successive Review, Concept and Origin of Judicial Review, Limitations on Judicial Review

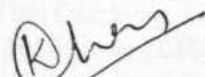
Unit V:

Amendment of Constitution


Various Methods of Amendment, Limitations on Amending Power: Comparative Perspective, Theory of Basic Structure: Origin and Development

Suggested Readings

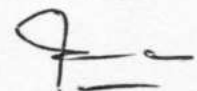
1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
2. D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
3. David Strauss, The Living Constitution (Oxford University Press, 2010)
4. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)
5. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008).
6. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006)
7. M.V. Pylee, Constitution of the World (Universal, 2006)
8. Mahendra P. Singh, Comparative Constitutional Law (Eastern Book Company, 1989).
9. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford University Press, 2010)
10. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).
11. Sudhir Krishna Swamy, Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine (Oxford University Press, 2009)
12. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, Comparative Constitutionalism in South Asia (Oxford University Press, 2013).
13. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009).
14. Zachery Elkins, Tom Ginsburg, James Melton, The Endurance of National Constitutions (Cambridge University Press, 2009).


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ARTICLES

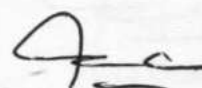
1. Anan Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) South Asian Studies 299-309 (July-December 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) International and Comparative Law Quarterly 867-894 (2011 October).
3. Bruce Ackerman, "The New Separation of Powers" 113 (3) Harv. L. Rev. 634-729 (2000)
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November)
5. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) Madras Law Journal 8-16 (2010)
6. Daniel B. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) Penn State Law Review 1073-1098 (Spring 2011).
7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).
8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) Virginia Law Review 1685-1726 (November 2011).
9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)
10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)
11. Glen Staszewski, "Political Reasons, Deliberative Democracy and Administrative Law", 97(3) Iowa Law Review 849-912 (2012 March):
12. Ishwara Bhat, "Why and how Federalism matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights", 54(3) Journal of the Indian Law Institute 324-363 (July-Sept 2012).
13. Jessica Bulman, "Federalism as a safeguard of the Separation of Powers", 112(3) Columbia Law Review 459-506 (2012 April)
14. Jonathan Siegel, "Institutional case for Judicial Review" 97(4) Iowa Law Review 1147-1200 (2012 May).
15. K.K. Venugopal, "Separation of Power and the Supreme Court of India", Vol. 2 No. 2 Journal of Law and Social Policy 64-82 (July 2008).
16. Linda Bosniak, "Persons and Citizens in Constitutional Thought" 8 (1) International Journal of Constitutional Law 9-29 (January 2010).
17. Mark Tushnet, "The Possibilities of Comparative Constitutional Law", 108 Yale L.J. 1225 (1999).
18. Nathan Chapman, "Due Process as Separation of Powers", 121(7) Yale Law Journal 1672-1807 (2012 May).
19. Quinn Rosenkranz, "Subjects of the Constitution" 62 (5) Stanford Law Review 1209-1292 (May 2010)
20. Rajvir Sharma, "Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India", 58(2) Indian Journal of Public Administration 264-286 (2012 April-June).
21. Rebecca Brown, "Assisted Living for the Constitution" 59 (4) Drake Law Review 985-1000 (2011 Summer).
22. Schapiro, "Judicial Federalism and the Challenges of State Constitutional Contestation", 115(4) Penn State Law Review 983-1006 (2011 Spring).
23. Tom Ginsburg, Eric Posner, "Sub Constitutionalism" 62 (6) Stanford Law Review 1583-1628 (June 2010).


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Semester-I

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Subject Code	Cate gory	Subject Name	TEACHING & EVALUATION SCHEME								
			THEORY			PRACTICAL		L	T	P	C
			End Sem University Exam	Two Term Exams	Teacher Assessme nt*	End Sem University Exam	Teacher Assessme nt*				
LLMFC 103	DC	Law and Justice in a Globalizing World	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

*Teacher Assessment shall be based on the components like: Quiz / Assignment / Project / Participation in Class. No component shall exceed 10 marks.

Objectives of the course: After studying this paper the students will know-

1. Meaning and forms of globalization.
2. Impact of globalization on sovereignty of states.
3. Impact of globalization on human right and trade law.
4. Globalization and social justice.

Syllabus:

Unit I:

Globalization: Meaning, Reach and Form, Social, Political, and Economic Dimensions of Globalization, Emergence of Transnational Law in a Globalizing World

Unit II:

Impact of Globalization on Sovereignty of States, Impact of Globalization on Federalism and Democratic Law Making, Impact of globalization on Human Rights and Trade Law

Unit III:

Globalization and Free Market, Impact on welfare state, Natural Resources, Environment, Displacement for Development, Problem of Unemployment

Unit IV:

Concept of Justice in a Globalizing World, Globalization and Universal Values, Concept of Global Justice, Cosmopolitanism


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Unit V:

Globalization and Social Justice/ Global Distributive Justice, Impact of Globalization on Judicial Process and administration of Justice

Suggested Readings

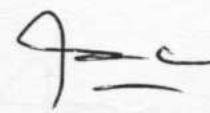
1. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006).
2. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance* (Polity Press, 2002).
3. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), *Law and Globalization from Below* (Cambridge University Press, 2005).
4. David B. Goldman, *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority* (Cambridge University Press, 2008).
5. David Held, *A Globalizing World? Culture, Economics, Politics* (2004).
6. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009).
7. David Schneiderman, *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise* (Cambridge University Press, 2008).
8. Jean-Marc Coicaud, Michael W. Doyle et al (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003).
9. John Baylis, Steve Smith, et al (eds.) *The Globalization of World Politics: An Introduction to International Relations* (OUP, 2008).
10. Karl-Heinz Ladeur (ed.), *Public Governance in the Age of Globalization* (2004).
11. Laura Valentini, *Justice in a Globalizing World: A Normative Framework* (OUP, 2011).
12. M. Abouharb, David Cingranelli, *Human Rights and Structural Adjustment* (Cambridge University Press 2007).
13. Pablo De Greiff and Ciaran Cronin (eds.), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (MIT Press, 2002).
14. Percy E. Corbett, *The Growth of World Law* 184 (1971).
15. Rosalyn Higgins, *Development of International Law through the Political Organs of the United Nations* (1963).
16. Simon Coney, *Justice Beyond Borders: A Global Political Theory* (Oxford University Press, 2005).
17. Upendra Baxi, *The Future of Human Rights* (OUP, 2002).
18. Warner Menski, *Comparative Law in Global Context: The Legal Systems of Asia and Africa* (Cambridge University Press, 2006).
19. Wenhua Shan, Penelope Simons et al., *Redefining Sovereignty in International Economic Law* (Hart Publishing, 2008).
20. William Twining, *General Jurisprudence: Understanding Law from a Global Perspective* (Cambridge University Press, 2009).
21. World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004).


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ARTICLES

1. Ajit Pal Singh, "Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions" 42 (1-2) *Journal of Constitutional and Parliamentary Studies* 62-78 (2008).
2. Amit Kumar Sinha, "Human Rights in the Era of Globalization" 245 (6) *Madras Law Journal* 124-136 (2010).
3. Anupam Hazra, Indians in Need of Rehabilitation, 8 (3) *Indian Journal of Public Administration* 29-35 (2009).
4. Avani Bansal, "Comparative Study of Special Economic Zones and Land Acquisition: Magical Similarity or Mere Eyewash" 4 (2) *Company Law Journal* 49-58 (2010)
5. B. S. Chimni, "A Just World Under Law: A View From South" 22 (2) *Am. U. Int. Law. Rev.* 199- 220 (2007).
6. B.S. Chimni, "International Institutions Today: An Imperial Global State in the Making" 15 *E.J.I.L.* 1 (2004).
7. Benedict Kingsbury, Nico Krisch, et al., "The Emergence of Global Administrative Law" 68 *Law and Contemporary Problems* (2005).
8. Boutros and Branislav, "Global Leadership and Global Systematic Issues: South, North and United Nations in a 21st Century World II 46 (44&45) *Economic and Political Weekly* 23-35 (April 2011).
9. Cameron and Gunningham, "Natural Resources, New Governance and Legal Regulation: When Does Collaboration Work" 24 (3) *New Zealand Universities Law Review* 309-336 (June 2011).
10. Hiren Gohain, "Livelihood Losses and National Gains" 45 (51) *Economic and Political Weekly* 79-80 (2010).
11. Ismail Farooqi, Changing Paradigms of Development: Assessment 28 *IASSI Quarterly* 5-26 (2009).
12. James Kraska, "Global and Going Nowhere: Sustainable Development, Global Governance and Liberal Democracy" 34 (2) *Denver Journal of International Law* 1127-1200 (Summer 2006).
13. James Thuo Gathii, Neoliberalism, Colonialism and International Governance..., Vol.98: 1996 *Michigan Law Review* 1996-2065 (May 2000).
14. Judge Hisashi Owada, "Some Reflections on Justice in a Globalizing World", 97 *American Society of International Law – Proceedings of the 101st Annual Meeting* (April 2-5, 2003).
15. Julian Ku and John Yoo, Globalization and Structure, 53(2) *William and Mary Law Review* 431-480 (2011 November).
16. Madhav Khosla, "Inclusive Constitutional Comparison: Reflections on India's Sodomy Decision" 59 (4) *American Journal of Comparative Law* 909-934 (2011 Fall).
17. Martina Piewitt, "Participatory Governance in the WTO: How Inclusive is Global Civil Society" 44 (2) *Journal of World Trade* 467-488 (April 2010).
18. Michael Levien, "Rationalizing Dispossession: Land Acquisition and Resettlement Bills 46 (11) *Economic and Political Weekly* 66-71 (March 2011).
19. Micheal Hoffman, "Job Losses and Perceptions of Globalization" 44 (5) *Journal of World Trade* 967-984 (October 2010).
20. Michelle Adams, "Is Integration a Discriminatory Purpose" 96 (3) *Iowa Law Review* 837-884 (2011 March).


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21. Nikhil Varshney, Devaditya Chakravarti, Displacement Policies: Issues and People's Responses, Vol. 1 No.1 *Vitasta Law Journal* 157-176 (2011).
22. Pierrick Le Goff, "Global Law: A Legal Phenomenon Emerging from the Process of Globalization", 14 *Ind. J. Global Legal Studies* 119 (2007).
23. Rebecca Brown, "Assisted Living for the Constitution" 59 (4) *Drake Law Review* 985-1000 (2011 Summer).
24. S. Adam, "Distributing Justice" 86 (2) *New York University Law Review* 500-572 (May 2011).
25. S.N. Sangita and T.K. Jyothi, "Globalization, Participatory Democracy and Inclusive Governance: Experiences in India" 55:4 *Indian Journal of Public Administration* 813-828 (2009).
26. Shivani Singh, "Globalization and the Issue of Social Citizenship" 55:2 *Indian Journal of Public Administration* 145-151 (April-June 2009).
27. Shyam Krishan Kaushik, "Of Sovereignty: Fresh Look" 52 (1) *Journal of the Indian Law Institute* 60-79 (2010).
28. Surya Deva, "Globalization and its Impact on the Realization of Human Rights: Indian Perspective on a Global Canvas" in C. Raj Kumar, K. Chockalingam (eds.) *Human Rights, Justice and Constitutional Empowerment* 237 - 263 (OUP, 2003).
29. Susan Marks, "Human Rights and Root Causes" 74 (1) *Modern Law Review* 57-78 (January 2011).
30. Swapna Banerjee, "Contemporary Globalization and the Politics of Space" 46:52 *Economic and Political Weekly* 41-44 (December 2011).
31. T.N. Dhar, "Special Economic Zones and Impacts on Land Resources and Socioeconomic Implications" 57 (1) *Indian Journal of Public Administration* 15-25 (Jan-March 2011).
32. Usha Ramanathan, "Land Acquisition, Eminent Domain and the 2011 Bill" 46(44&45) *Economic and Political Weekly* 10-14 (November 2011).

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			THEORY			PRACTICAL		L	T	P	C
			End Sem University Exam	Two Term Exams	Teacher Assessment*	End Sem University Exam	Teacher Assessment*				
LLMCL 101	DC	Juvenile Delinquency (Child in Conflict with Law)	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

*Teacher Assessment shall be based on the components like: Quiz / Assignment / Project / Participation in Class. No component shall exceed 10 marks.

Objectives of the course: After studying this paper the students will know-

1. Basic concept of Juvenile Delinquency.
2. Juvenile Delinquency in Indian perspective.
3. Juvenile Delinquency act and constitutional provisions.
4. Preventive measures for Juvenile Delinquency.

Syllabus:

Unit I:

The Basic Concepts & Determining Factors of Juvenile Delinquency:

The conception of 'child' in Indian Constitution and Penal Code, Delinquent juvenile, "Neglected" juvenile, The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children), Different association, Anomie, Economic pressure, Peer group, influence, Gang sub-culture, Class differentials.

Unit II:

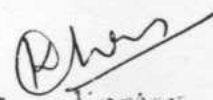
Legislative Approaches:


Legislative approaches during the late colonial era, Children's Act, Legislative position in various States, The Juvenile Justice Act, Constitutional aspects, Distinction between "Neglected" and "delinquent" juveniles, Competent authorities, Processual safeguards for juveniles, Powers given to government, Community participation as envisaged under the Act

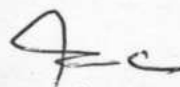
Unit III:

Indian Context of Juvenile Delinquency:

The child population percentage to total sex-ratio, urban/rural/rural-urban, Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants, Laborers, In organised industries like zari, carpet, bidi, glass, In un-organised sector like domestic servant, shops and establishments, rag-pickers, family trade, Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background, Drug addicts, Victims, of violence - sexual abuse, battered, killed by parents, of criminal activities like bootlegging, drug pollution as a response of protective, approach.


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SHRI VAISHNAV VIDYAPEETH VISHWAVIDYALAYA, INDORE

LL.M. (Criminal Law) CBCS

Unit IV:

Judicial Contribution:

Social action litigation concerning juvenile justice, Salient judicial decisions, Role of legal profession in juvenile justice system.

Unit V:

Implementation & Preventive Strategies:

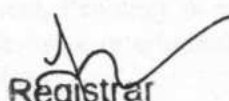
Institutions, bodies, personnel, Recruiting and funding agencies, Recruitment qualifications and salaries or fund, Other responsibilities of each agency/person, Coordination among related agencies, Accountability-annual reports and accessibility of public to juvenile justice Institution, Preventive Strategies, State Welfare programmes health, nutrition, ICWS, grants-in-aid, State Welfare programmes health, nutrition, ICWS, grants-in-aid, Compulsory education Role of community, family, voluntary, bodies, individuals.

Suggested readings:

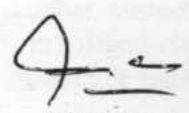
1. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
2. K.S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF periodic materials


Coordinator

Shri Vaishnav School of Law
SVV, INDORE (M.P.)


Registrar

Shri Vaishnav Vidyapeeth Vishwavidyalaya
INDORE (M.P.)


Vice Chancellor

Shri Vaishnav Vidyapeeth
Vishwavidyalaya, Indore



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Semester-I

Name of Program: LL.M. (Criminal Law)

Subject Code	Category	Subject Name	TEACHING & EVALUATION SCHEME								
			THEORY			PRACTICAL		L	T	P	C
			End Sem University Exam	Two Term Exams	Teacher Assessment*	End Sem University Exam	Teacher Assessment*				
LLMCL 102	DC	Penology and Treatment of Offenders	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

*Teacher Assessment shall be based on the components like: Quiz / Assignment / Project / Participation in Class. No component shall exceed 10 marks.

Objectives of the course: After studying this paper the students will know-

1. Theories of punishment and Indian approaches to penology.
2. Capital Punishment and their judicial attitude.
3. Different modes of sentencing.
4. Principal types of sentences in the Penal Code and special laws.

Syllabus:

Unit I:

Introduction

Definition of Penology, Theories of Punishment, Approaches to Sentencing, Alternatives to Imprisonment, The State of Institutional Incarceration in India: Jails and other custodial institutions, The problematic of Capital Punishment, Penology in relation to, privileged class deviance, Penology in relation to marginalized deviance or criminality, The distinctive Indian (historical and contemporary) approaches to penology

Unit II:

Theories of Punishment

Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural, prevention: Incapacitation, Behavioural prevention: Rehabilitation – Expiation; Classical Hindu and Islamic approaches to punishment.

Unit III:

The Problem of Capital Punishment

Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law, Law Reform Proposals

Unit IV:

Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective Labour, Fines, Collective fines, Reparation by the offender/by the court, 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


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Unit V:

Imprisonment

The state of India's jails today, 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

Suggested reading:

1. S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
2. H.L.A. Hart, Punishment and Responsibility (1968)
3. Herbert L. Packer, The Limits of Criminal Sanction (1968)
4. Alf Ross, On Guilt, Responsibility and Punishment (1975)
5. A. Siddique, Criminology (1984) Eastern, Lucknow.
6. Law Commission of India, Forty-Second Report Ch. 3 (1971)

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