

SCHEDULE-B
DETAIL SYLLABUS - SEMESTER WISE
I SEMESTER 80201

6831

Law and Social Transformation in India

Unit-I Law and social Change

Law as an instrument of social change, Law as the product of traditions and culture, Modernization and the law, Reform of court Process.

Unit-II Law Relating to Religion and Community

Religion as a divisive factor, Secularism, Religious minorities and law, Reservation Policy, Provisions and Commissions.

Unit-IV Law of Women and Children

Gender injustice and law, Crimes against woman, child Labour and Sexual exploitation, Adoption and education of children.

Unit-V Alternative Approaches to Law

Jurisprudence of Sarvodaya, Socialist thought on law and justice, Indian Marxist critique of law and justice, Naxalite movement : causes and cure.

6832

Indian Constitutional Law : The New Challenges

Unit- I Federalism

Meaning and Scope, Federal Principle, Essential Characteristics, Position in India

Unit-II Fundamental Rights

State, Right to equality, Empowerment of women, Right to Freedom with reference to freedom of speech and right to broadcast and telecast., Right to Strikes, Hartal and Bandh. (Closure).

Unit-III Emerging Regime of New Rights and Remedies

Directive Principles and Fundamental Duties, Right to education and commercialiation of education, Right to minorities to establish educational institutions, Secularism and religious fanaticism.

Unit-IV Separation of Powers : stresses and Strain

Judicial Activism, PIL implementation, Judicial independence, Tribunals

Unit-V Democratic Process

Nexus of Politics with criminals and the business, Election and Election Commission, Democracy and Coalition Government.

6833

Judicial Process

Unit-I Nature of Judicial Process

An instrument of social ordering, Creativity in Law- Legal Reasoning & Growth of Law- Change and stability, precedent, Development and reasoning under statutory and codified system.

Unit-II Dimensions of judicial process and adjudications

Aspect of Judicial Reviews, Role and Theories of Constitutional Adjudication, Judicial activism and Varieties. Judicial Law-making and Problems Accountability.

Unit-III Judicial Process in India

Historical background, Role of Judges and Judicial Review, Judicial Independence and Political Role in Judicial Process, Constitutional Goals, Values and Judicial Activism, Scope and Limits of Courts, Institutional Liability.

Unit-IV Concept of Justice

Concept in the Indian thought (Justice or Dharma) Various Theories of Justice in India and Western Thought. Theories of Justice-Liberal & Tradition, Utilitarian and Moral Tradition.

Unit-V Relation Between Law and Justice

Equivalence theories, Dependency theories, independence of Justice theories, Influence of theories of Justice, Judicial process and analysis of Supreme court Cases.

6834

Legal Education and Research Methodology

Unit-I Objectives of Legal Education

Clinical Legal Education- Legal Aid, Legal Literacy, Legal Survey and Law Reform.

Student's participation in Law School Programmers- Organization of Seminars, Publication of Journals and assessment of teachers.

Unit-II Methods of Teaching and Evaluation system

Lecture Method of Teaching- Merits and Demerits

The Problem Method

Discussion Method and its suitability an PG-Level Teaching

The Seminar Method of Teaching

Examination System and Problems in Evaluation External and Internal Assessment.

Unit-III Research Methods

Socio-Legal Research

Doctrinal and Non-Doctrinal

Relevance of Empirical Research

Induction and Deduction

Unit-IV Identification of Problem of Research

1. What is a Research Problem
2. Survey of Available Literature and Bibliographical Research
 - (a) Legislative Materials including Subordinate Legislation, Notification and Policy Statements.
 - (b) Decisional Materials including foreign Decisions : Methods of Discovering the "Rule of the Case" tracing the history of important Cases and ensuring that these have not been over-ruled; discovering Judicial conflict in the area pertaining to the research problem and The reasons thereof.
 - (c) Juristic Writings- a Survey of Juristic Literature relevant to select Problems in INDIA and Foreign periodicals.
 - (d) Compilation of list of reports of special studies conducted relevant to the problem.

Unit – V Preparation of the Research design

- (i) Formulation of the Research problem.
- (ii) Devising tools and techniques for collection of data : methodology.
 - (a) Methods for the collection of statutory and case materials and Juristic literature.
 - (b) Use of Historical and comparative research materials.
 - (c) Use of Observation Studies
 - (d) Use of Questionnaires Interview
 - (e) Use of Case Studies
 - (f) Sampling Procedures – Design of sample, Types of sampling to be Adopted.
 - (g) Use of Scaling Techniques
 - (h) Jurimetrics
 - (III) Computerized Research- A study of legal research program.
 - (IV) Classification and tabulation of data- Use of cards for data collection, Rules for tabulation, Explanation of tabulated data
 - (V) Analysis of Data.

LL.M. II SEMESTER 80202

GROUP-CONSTITUTIONAL

6835

MASS MEDIA LAW

Objectives of the course

Mass media such as press, radio and television, films, play a vital role in the culturalisation and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as many educators have to be harnessed for developmental purposes, their negative harmful potential has to be curbed in public interest. Law plays a dual role vis-à-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media.

Syllabus

Unit –I

Mass Media – Types of press films, Radio Television, Ownership patterns, Press- Private, Public, Radio & Television Public.

Unit – II

Press Freedom of Speech and Expression – Article 19 (1) (a), Includes Freedom of the Press, Laws or defamation, obscenity, blasphemy and sedition, The relating to employees wages and service conditions, News print Control Order, Advertisement – is it included within freedom of speech and expression ?, Press And the Monopolies and Restrictive Trade Practices Act.

Unit-III

Films- How far included in freedom in of speech and expression ?, Censorship Of films – constitutionally, The Abbas case, Difference between films and Press-why pre-censorship valid for films but not for the press?, Censorship under The Cinematograph Act.

Unit-IV-

Radio and Television – Government monopoly, Should there be an autonomous Corporation ?, Report of the Chanda Committee, Government Policy, Commercial Advertisement, Judicial Review of Doordarshan decisions: Freedom To telecast

Unit – V

Constitutional Restrictions, Radio and television subject to law of defamation and Obscenity, Power to legislate – Article 246 read with the Seventh Schedule, Power To impose tax-licensing and license fee.

Select bibliography

M.P. Jain, Constitutional Law of India Vol. 1. (1991), Bombay.

John B. Howard, The Social Accountability of Public Enterprises in Law and Community Controls in New Development Strategies (international Center for law In Development) 1980

Bruce Michael Boyd, Film Censorship in India ; A Reasonable on Freedom of Speech and Expression”. 14 J.I.L.I. 501 (1972).

Rajeev Dhavan “On the Law of the Press in India”, 26 J.I.L.I. 288 (1984).

Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on some Aspects Of the Second Press Commission”, 26 J.I.L.I. 391 (1984).

Soli Sorabjee, Law of Press Censorship in India (1976).

Justice E. S. Venkaramiah, Freedom of Press Some Recent Trends (1984).

D.D. Basu, The law of Press of India (1980).

Students should consult relevant volumes of the Annual Survey of Indian Law Published by the Indian Law Institute. (Constitutional Law I & II Administrative Law and Public interest litigation).

6837
PUBLIC UTILITIES LAW

Objectives of the course

Public utilities are Government monopolies, which are services than Commercial enterprises. The law of public utilities is contained in the statutes of Incorporation and judicial decisions given by courts while resolving disputes Business relations with them. In this paper a student will study (a) Government Policy in regard to such utilities : (b) patterns of the laws of incorporation and © powers, functions and liabilities of the public utilities vis-à-vis employees, Consumers and others.

Syllabus

Unit - I

Public Utilities, Meaning & Subjects : - Railways, Electricity, Gas, Road Transport, Telephone, Post and Telegraph Service, Police, Fire Brigade, Banking Service etc., Growth and Evolution of public utilities and their legislation, Government and Parliamentary Control, Constitutional Provision of Power to Legislate.

Unit-II

Utilities Legislation, Administrative Authorities-Structure of the Administration Authorities, Subordinate legislation, Quasi-judicial Decision- Administrative Authorities.

Unit – III Public Utilities and Consumer Protection Exclusion from M.R.T.P. Act, Rights of Consumers protected by the Consumer Protection Act.

Unit – IV

Public Utilities And their Employees, Application of Articles 16 and 311 ?, Application of Industrial law-right to strike, The right to equality the airhostess case.

Unit – V

Liabilities and Special privileges of public utilities, In Contract, In Tort, In Criminal Law

Select Bibliography

1. P.M. Bakshi, Television and the law, (1986)
2. Vasant Kelkar, “Business of Postal Service”. 33 I J.P.A.p.p. 133_ 141(1987).
3. G. Ramesh, “Characteristic of Postal Service Organization in a developing Country Like India” 32. IG.P.A.7 (1986).
4. Nalini Paranjpe, “Planning for Welfare in the Indian Railways” 31 I.J.P.A. 171-180 (1985).
5. Arvind K. Sharma “Semi-Autonomous Enterprise : Conceptual Portrait Further Evidence on the Theory of Autonomy” 33 I.J.P.A. p 99-113.
6. S.P. Sathe, Administrative Law (1998)
7. Jain &Jain, Principles of administrative Law, (1986)
8. Jagdish UI, Handbook of electricity Laws, (1978)
9. Bhaumik, The Indian Railways Act, (1981)

Students should consult relevant volumes of Annual Surey of Indian Law Published by the Indian Law Institute (Constitutional Law 1 & 11< Administrative Law, Consumers Protection Law and Labour Law).

II-SEMESTER 80202
GROUP-CRIMINAL LAW
6836
COMPARATIVE CRIMINAL PROCEDURE

Objectives of the Course

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a Jurisprudential thrust has to be given to this subject at The post-graduate level as this is a subject which has constitutional undertones and Jurisprudential importance. A study of comparative criminal procedure helps Students develop an ecumenical approach and broadens their vision. It inspires Them renew and revise their law to be in tune with developed systems. The paper Is taught with reference to India England, France and America.

Unit-I

Organization of Courts and Prosecuting Agencies, Hierarchy of Criminal Courts And Their Jurisdiction, Nyaya Panchayats in India, Organization of Prosecuting Agencies for prosecuting criminals, Prosecutors and the police, Withdrawal of prosecution

Unit-II

Pre-trial Procedures, Arrest and Questioning of the Accused, The Rights of the Accused/Rights to Counsel, The evidentiary value of statements / articles seized / collected by the police, Roles of the prosecutor and the judicial officer in Investigation.

Unit-III

Trial Procedures, The accusatory system of trial and the Inquisitorial system, Role Of Judge, the prosecutor and defense attorney in the trial, Admissibility and Inadmissibility of evidence taking of evidence during trial, Appeal in the Higher Court for awarding appropriate punishment, Plea Bargaining

Unit-IV

Correction and Aftercare Services, Institutional Correction of the offenders, The Role of the court in correctional program in India.

Unit-V

Preventive Measures in India, Provisions in the Criminal Procedure Code
Select Bibliography

1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N. Chandrasekharan Pillai (ed.), R.V.Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
6. Patric Devlin, The Criminal Prosecution in England
7. John N. Ferdico, Criminal Procedure (1996), West
8. Sender & young criminal justice, (1994)
9. Christina Van Den Wyngart, Criminal Procedure systems in European Community joel Samaha, Criminal Procedure (1997), West
10. Criminal Procedure Code, 1973
11. The French Code of Criminal Procedure,
12. 14th and 41st Reports of Indian Law Commission

The Paper will be taught with reference, wherever necessary, to the

Procedure in India, England, US France, Russia and America.

6838

PENOLOGY : TREATMENT OF OFFENDERS

Objectives of the Course

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, a focus normally absent in law curricula so far.

The expert work of the U.N. Committee on Crime Prevention and Treatment Of offenders will be availed of in this course specially, at each stage, the three 'd's will be explored as offering a range of alternatives : decriminalization, Dependization, deinstitutionalization, broadly, the course will concern itself with :

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India : jails and other custodial institutions
- (e) The problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to privileged class deviance
- (h) Penology in relation to marginalized deviance or criminality
- (i) The distinctive Indian (historical and contemporary) approaches to penology,

Unit-I

Introductory

Definition of penology, Theories of Punishment, Retribution, Utilitarian Prevention : Deterrence, Behavioral prevention : Incapacitation, Behavioral Prevention : Rehabilitation – Expiation, Classical Hindu and Islamic approaches to Punishment.

Unit-II

The problematic of capital punishment, constitutionality of capital punishment, Judicial attitudes towards capital punishment in India – an inquiry through the Statute law and case law.

Unit-III

Approaches to sentencing, alternatives to imprisonment, probation, corrective Labour, fines, reparation by the offender/by the court

Unit-IV

Sentencing, principal types of sentences in the penal code and special laws, Presentence hearing, sentencing for habitual offender, plea-bargaining

Unit-V

Imprisonment, the state of India's jails today, the disciplinary regime of Indian Prisons, classification of prisoners right of prisoner and duties of custodial Staff, deviance by custodial staff, open prisons, judicial surveillance-

Basis-development reforms

Select bibliography

1. S. Chhabbra. The quantum of punishment in criminal law (1970)
2. H.L.L. hart, punishment and responsibility (1968)
3. Herbery l. packer, the limits of criminal senction (1968)
4. Alf ross, on guilt, responsibility and punishment(1975)
5. A.S. Siddique, criminology (1984) Eastern, lucknow
6. Law commission of india, forty-second report ch. 3 (1971)
7. K.S. Shukla, "sociology of deviant behaviour' in 3 ICSSR Survey of Sociology and social anthropology 1969-179 (1986).
8. Tapas kumar banerjee, background to Indian criminal llaw (1990)
R. Campray & Co. Calcutta.

**LL.M III SEMESTER 80203
(GROUP – CONSTITUTIONAL)**

7831

UNION-STATE FINANCIAL RELATIONS

Objectives of the course

The Indian Constitution adopts federal government for various reasons. Power is divided between the union and the states in such a way that matters of National importance are entrusted to the centre and matters of local importance are left to the States. The constitution departs from the model of classical Federalism in many ways. This departure was made to suit the peculiar Indian Circumstances, however, the constitutional provisions were in practice further Distorted so as to make the states totally subservient to the centre. Distribution Of fiscal power is the nerve centre of the federal system. In this paper a student Will be made conscious of various aspects of federal principle and their working In the Indian context with a view to ultimately assessing the Indian experience Critically. He must clearly understand various emerging forces such as regionalism And nationalism. They should be able to see the working of the constitutional Economy.

Unit – I

Models of federal government- U.S.A., Australia, Canada, difference between Federation and confederation, evolution of federal government in india

Unit – II

Distribution of legislative power / Administrative power, centre-State relations, Factors responsible for subordinations of states

Unit - III

Distribution of Fiscal power, Scheme of Allocation of taxing power, extent of Union power of taxation, residuary power – Inclusion of fiscal power, Inter-government tax immunities, difference between tax and fee, finance Commission-specific purpose grants (article 282)

Unit –IV

Borrowing power of the state, borrowing power by government of India, Borrowing by the states, interstate trade and commerce, planning commission, National Development council, plan grants

Unit –V

Co-operative federalism, full faith and credit, interstate council, Zonal Councils, interstate disputes, model of jammu and Kashmir, sarkaria commission report

Select Bibliography

1. H.M. Severi, constitutional law of india (1991), Bombay.

2. Sudha bhatnagar, union-state financial relations and finance Commissions, (1979)
3. Ashok Chandra, federalism in india, (1-65)
4. V.D. Sebastian, Indian federalism : The legislative conflicts chs. 6-7 and 8 (1980)
5. Chandrapal, Centre-state relations and cooperative federalism, chs. 5 and 8 (1980):
6. G.C.V. Subba rao, legislative powers in Indian constitutional law, chs. 37, 38, 39 (1982).
7. Richard M. pious, the American presidency, 293-331, Cb. 9 (1979)
8. Daniel j. Elazar, American federalism, chs. 3 and 4 (1984)
9. K.P. Krishna shetty, the law of union-stat relations and the Indian Federalism ch. 9 (1981).
10. Report of eight finance commission
11. Administrative reforms commission on center state relationship ch : 3 1969).
12. Constituent assembly debates vol. 9, 203, 240 and 302-349: vol. 10, 325-342.
13. Administrative reforms commission report of the study team on central- State relationship (1967) Vol. 1, sections land 11, pp. IS-168.
14. L.M. singhavi (ed.), Union-state relations in india 124-154 (1969)
15. Government of tamilnadu, report of the centre-state relations inquiry Committee ch. 5 (1971)
16. D.T. lakadwala, union-state financial relations (1967)
17. M.P. jain, Indian constitutional law (1994), Wadhwa.
18. K. suba rao, the Indian federation (1969).
19. K.C. wheare, federal Government (1963)

Students should consult relevant volumes of the annual survey of Indian law published by the indian law institute (constitutional law II)

7832

CONSTITUTIONALISM :PLURALISM AND FEDERALISM

Objectives of the course

Constitutionalism essentially means a limited government-where Government functions according to certain principles, it is said to be abiding by Constitutionalism. Must it be a democracy or can it be an autocracy also. In Ancient India, the king was supposed to act according to dharma. He was not Absolute in the sense in which john pasting defined sovereignty. Constitutionalism

May therefore be determined by a written constitution or by religion or tradition
Or by mere practice or convention as in England. In a plural society, where
Different religious as well as linguistic groups have to live together, various rules
Of accommodation and mutual recognition are incorporated in the Constitution.
Usually these are contained in the bills of rights, which contain guarantees of
Individual liberty and equality against majoritarian rule. However, where there
Is not only such vertical pluralism but prepared with this perspective.

Syllabus

Unit – I

Constitutionalism, authoritarianism, dictatorship, democracy – communication,
Limited government-concept-limitations on government power, what is a
Constitution?, Development of a democratic government in England-historical
Evolution of constitutional government, conventions of constitutionalism-law
And conventions, written constitutions : U.S.A. Canada, Australia, Sweden, south
Africa and India, separation of powers : Montesquieu, rule of law – Concept and
New Horizons, Marxist concept of constitutionalism, dictatorship of the
Proletariat, communist state from Stalin to Gorbachov

Unit – II

Federalism for government - U.S.A, Australia, Canada, India, judicial review-for
Federal umpiring, new trends in federalism : Co-operative federalism,
India- central control V. State autonomy, political factors influencing federalism,
Plural aspects in Indian federalism : Jammu & Kashmir, Punjab, Assam, dynamic
Of federalism

Unit –III

Pluralism, what is pluralistic society?, Ethnic, linguistic, cultural, political
Pluralism, individual right -right to dissent, freedom of speech and
Expression, freedom of the press, freedom of association, rights to
Separateness, freedom of religion, rights of the religious and linguistic
Minorities, Compensatory discrimination for backward classes, women – Rights
To equality and right to special protection, scheduled tribes, distinct
Identity – protection against exploitation- NSIS-Exclusion from Hindu law,
Uniform civil code

Unit-IV

Equality in plural society, right to equality and reasonable classification,
Prohibition of discrimination on ground of religion, caste, sex language,
Abolition of untouchability, secularism – constitutional principles, tribal groups

And equality

Unit-V

Pluralism and international concerns, international declaration of human rights, Conventions against genocide, protection of religious, ethnic and linguistic Minorities, state intervention for protection of human right, right of Self-determination

Select bibliography

1. Upendra baxi, "law, democracy and human rights "5" lokayan bulletin 4 (1987).
2. V.M. Dandekar "unitary elements in a federal constitution" 22, E.P.W. 1865 (1988).
3. Rajeev dhavan, "The press and the constitutional guarantee of free speech And expression" 28 J.J.L.I. 299 (1985)
4. M.A. Fazal "Drafting a British bill of rights" 27 J.I.L.I. 423 (1985).
5. Jagat narain "judicial law marking and the place of the directive principles In the Indian constitution, "JLL.I 198 (1985).
6. Rhett ludwikowsjki, "judicial review in the socialist legal systems : Current developnet" 37 I.C.L. 89-108 (1988).
7. S.P. sathe fundamental rights and amendement of the Indian law institute.

7833

HUMAN RIGHTS

Objectives of the course

Human rights were conceived rather narrowly as mere freedom from Arbitrary government in the past. It was realized later and much mire so during Last sixty years since the end of the second world war that the threats to liberty, Equality and justice did not emanate from the state alone;. Many nations of Asia And Africa came to nationhood during this period. These nations had to bring at

Their development and they needed capital and foreign and foreign investments were invited but these could very well lead to their second subjugation. Poverty, Ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human right, Not only as negative restrictions on the state but is sensitive obligations for Creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems With an international or been expressed rights much more. It requires us to take Up cudgels against poverty discriminations based on or creed, color or sex, make Provisions for drinking water, population control, conservation and preservation of Natural resources, ecological balance, protection of consumers against ruthless and Profit seeking, traders or manufacturers, provisions against hazardous industries And so no and so forth. Human rights is an important parameter for a just society And future lawyers must be able to assess any program of social transformation With reference to them.

Syllabus

Unit-I

(a). panoramic view of human right, origin and growth of human rights, Awareness of human rights during the nationalist movement, universal Declaration of human rights, constituent assembly and part III drafting Process, subsequent developments in international law and the position in India

(b). fundamental rights jurisprudence as incorporating directive principles, Resultant expansion of basic needs oriented human rights in India.

Unit-II

Right not be subject to torture, in human or cruel treatment, conceptions of Torture, third-degree methods, outlawry of torture at international and Constitutional law level, judicial attitudes, law reform-proposed and pending, Minority rights, conception of minorities, scope of protection, the position of Minority “Woman” and their basic rights.

Unit-III

Rights to development of individuals and nations, the un declaration on right To development, 1987.

People’s participation in protection and promotion of human rights with special Reference to, role of international NGOS, Amnesty international, contribution of These groups to protection and promotion of human rights in India, comparative

Sources of learning, the green movement in Germany, the international peace Movement

Unit-IV

Freedoms, free press-its role in protecting human rights, right of association, Right to due process of law, access and distributive justice, independence of The judiciary, role of the legal profession, judicial appointments- tenure of Judges, Qualifications of judges, separation of judiciary from executive

Unit-V

European convention of human rights, European commission / court of human Rights, minorities commission, human rights commission, remedies against Violation of human rights

Select bibliography

1. M.J. akbar, riots after riots (1988)
2. U. Baxi (ed), The right to be human (1986)
3. U. Baxi, the crisis of the Indian legal system (1982), Vikas publishing House, new delhi.
4. F. kazmi, human rights (1987)
5. L. Levin, human rights (1982)
6. Madhavtirtha, human rights (1953)
7. W.p. gromley, human rights and Europe (1978)
8. H. beddard, human right and Europe (1980)
9. Nagendra singh, human rights, human rights and international Co-operation (1969).
- 10.S.c. kashyap, human rights andparliament (1978).
- 11.Moskowitz, human rights and world order (1958).
- 12.J.a. Andrews, human rights in international law (1986)
- 13.A.B. Robertson (ed), human rights in internation and international law (1970)
- 14.Upendra baxi, "Human rights, accountability and development"
Indian journal of international law 279 (1978).

7834

NATIONAL SECURITY PUBLIC ORDER AND RULE OF LAW

Unit-I

Article 22 of the constitution, preventive detention, declaration of Emergencies, rule of law, national security.

Unit-II

COFEPOSA, TADA, Special courts & tribunals, due process

Unit-III

Article 19, meaning of security of state, public order suspension of a/19, rights on declaration of emergency, article 21, 44th amendment

Unit-IV

Article 359 ups and downs of judicial review, constitution 44 & 49 amendment act

Unit-V

Prevision in England law, provision in the Indian constitution

**IIIRD SEMESTER 80203
GROUP – CRIMINAL**

7835

PRIVILEGED CLASS DEVIANCE-

Objectives of the course

This course focuses on the “CRIMINALITY OF THE PRIVILEGED CLASSES”. The

Definition of “privileged classes” in a society like India should not pose major Problems at all; the expression nearly includes wielders of all forms of state and Social (including religious) power. Accordingly, the course focuses on the relation Between privilege power and deviant behavior. The traditional approaches which Highlight “white-collar offences”, “socioeconomic offences” or “crimes of the Powerful” deal mainly with the deviance of the economically resourceful. The Dimension of deviance associated with bureaucracy, the new rich (nouveau riche), Religious leaders and organizations, professional classes and the higher Bourgeoisie are not fully captured here.

In designing teaching materials for this course, current developments in Deviance, as reflected in newspapers/journals, law reports, and legislative Proceeding should be highlighted.

It should be stressed that the objectives of the course include :

- (a) Dispelling of the commonly held belief that deviance crime is usually Associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper; Middle class deviance criminality in India ;
- (c) Critical analyses of legal system responses and
- (d) Issue and dilemmas in penal and sentencing policies.

Unit-I

Introduction, conceptions of white collar crimes, Indian approaches to Socioeconomic offences, Notions of privileged class deviance as providing a wider Categorization of understanding Indian development, typical forms of such Deviance, Official deviance (deviance by legislators, judges, bureaucrats), Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects And publishers, police deviance, Deviance of political power (rigging, booth Capturing, impersonation, corrupt practices).

Note : - Depending on specialist interest by the teacher and the taught any three Areas of deviance of privileged class may be explored. What follows is only Illustrative of one model of doing the course.

Unit – II

Official deviance (deviance by legislators, judges, bureaucrats), conceptions of Official deviance-permissible limit of discretionary powers.

Unit-III

Police Deviance, Structures of legal restraint on police powers in India, Unconstitutionality of “killings, police atrocities, the plea of superior orders, rape and Related forms of gender-based aggression by police and paramilitary forces, Reform suggestions especially by the national police commissions.

Unit-IV

Professional Deviance, (journalists, Teachers, Doctors, lawyers, Engineers,

Architects & publishers), Unethical practices at the Indian bar, the press council
On unprofessional and unethical journalism, Medical malpractice, Malpractices by
Educationist

Unit-V

Response of Indian legal order to the deviance of privileged class, vigilance
Commission, public accounts committee, ombudsman, commissions of enquiry,
Prevention of corruption act, 1947, the antulay case

Select bibliography

1. Upendra baxi, the crisis of the indian legal system (1982) vikas
Publishing house, new delhi
2. Upendra baxi (ed.) law and poverty : essays (1988)
3. Upendra baxi, liberty and corruption : the antulay case and beyond
(1989)
 4. Surendranath dwevedi and G.S. bhargava, political currupcion in india (1967).
 5. A.R. desai (ed.) violatio of democratic rights in india (1986)
 6. A.G. noorani, minister;s misconduct (1974).
 7. B.B.pande, "the nature and dimensions of privileged class deviance" in
the other side of development 136 (1987 ; K.S. shukla ed.
8. Indira rotherm and, "patterns of trade Union leadership in dhanbad coal
Fields" 23 J.I.L.I. 522 (1981).

7836

DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

Objectives of the course

Almost all the major dilemmas of criminal policy surface rather acutely
In combating drug addiction and trafficking through the legal order. The issue of
Interaction between dr4ug abuse and criminality is quite complex. At least three
Important questions have been recently indentified as crucial for comparative
Research. First, to what extent drug dependence contributes to criminal behavior?
Second, in what ways do criminal behavior patterns determine drug abuse? Third,

Are there any common factors which contribute to the determination of both drug Abuse and criminal behavior ?

Apart from these causal issues, there is the broad questions of the social Costs benefits of criminalization of addictive behavior, should drug-taking remain In the category of “crime without victims ?” Or should it be viewed as posing An ever-growing threat to human resource development and be subjected to state Control, over individual choices as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs For personal, non-therapeutic purposes may well be linked with international Trafficking in psychotropic substance. It has even been suggested that Encouragement of drug-dependency may have, in addition to motivation of high Profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what Penal polices should be appropriate? The international response To these questions is indicated by the single convention on psychotropic substances, 1961, adopted in new York, 30 march 1961 and as amended by 1972 protocol In Geneva, 25 march 1972 and the convention on psychotropic substances, Adopted in Vienna, 21 February 1971. India has recently adopted the basic Principles of these conventions in the narcotic drugs and psychotropic Substances act, 1986.

Unit-I

Introductory, basic conceptions, drugs narcotics “psychotropic substances”, Dependence, “addiction”, “Crimes without victims”, Trafficking” in “drugs”, Primary drug abuse”

How does one study the incidence of drug addiction and abuse?, self-reporting, Victim-studies, problems of comparative studies

Anarchic and social characteristics of drug users, gender, age, religiousness, Single individuals/cohabitation, socio-economic level of family, residence Patterns (urban/rural/urban), educational levels, occupation age at first use, type Of drug use, reasons given as cause of first use, method of intake, patterns of The-use, average quantity and cost, consequences on addict’ s health (physical/psychic)

Note : - Since no detailed empirical studies exist in India, the class should be In this topic sensitized by comparative studies. The principal objective of this Discussion is to orient the class to a whole variety of factors which interact in The ‘making’ of drug addict.

Unit-II

The international legal regime, analysis of the background, text and operation Of the single convention on narcotic drugs, 1961, 1972, analysis of the Convention on psychotropic substances, 1972, international collaboration in Combating drug addiction, the SARC, and south-south cooperation.

Unit-III

The Indian regulatory system, the penal provisions (under the IPC and the Customs act), India’s role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse, the narcotic Drugs and psychotropic substances act, 1985, patterns of resource investment

In India: policing adjudication, treatment, aftercare and rehabilitation.

Unit-IV

Human rights aspects, the problem of juvenile drug use and legal approaches, possibilities of misuse and abuse of investigative persecutory powers, bail, the Problem of differential application of the legal regimes, especially in relation to The resource less.

Unit-V

The role of community in combating drug addiction, profile of community Initiatives in inhibition of dependence and addiction (e.g. de-addiction and Aftercare), the role of educational systems, the role of medical profession, the Role of mass media, initiatives for compliance with regulatory systems, law Reform initiatives

Select bibliography

1. H.S. becker, outsiders : the studies in sociology of deviance (1966)
2. J.A. incard, C.D. chambers, (eds.), drugs and the criminal justice system (1974)
3. R. cocken, drug abuse and personality in young offenders (1971)
4. G. edwards busch, (ed.) drug PROBLEMS in britain : A review of ten Years (1981).
- 5.P. kondanram and Y.N. murthy, "drug abuse and crime : A preliminary Study" 7 indian journal of criminology, 65-68 (1979).
- 6.P.R. rajgopat violence and response : A critique of the indian criminal System (1988)
7. United Nations, economic and social reports of the commission on Narcotic drugs, united nations.
- 8.social defence, research institute (UNSDRI) Combating drug abuse and Related crimes (rome, july 1984, publication No. 21.)
- 9.Lok sabha and rajya sabha debates on 1986 bill on PSY chotropic Substances. Useful journals in this area are :
 - (I) The law and society review (USA)
 - (II) Journal of drug issues (Tallahassee florida)
 - (III) International journal of addictions (New York)
 - (IV) British journal of criminology
 - (V) Journal of criminal law, criminology and police science (baltimore, Md.)
 - (vi) journal of criminal law and criminology (chicago, III)
 - (vii) international journal of offender therapy and comparative criminology (London)
 - (viii) bulletin on narcoties (united nations).

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JUVENILE DELINQUENCY

Objectives of the course

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology Tradition does not seem to be noticeable. No understanding of crimes and Treatment of offenders can be complete without a sure grasp of causes, carrots And cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly Different centre of criminal justice system and should not be treated in the same Way as he adult offenders. Juvenile justice system, although a part of the criminal Justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juveniles in certain Situations, as *parens patriae*. The category of 'neglected children' defines the Burdens of care which state and society have to assume for neglected children. Most categories of neglected children are also themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, Should be discussed, especially, at the level of resource investment compared with The extent of need.

Unit-I

The basic concepts, the conception of 'child' the overall situation of Children/ Young persons in India, also with reference to crime statistics (of Crimes by and against children).

Determining Factors of juvenile delinquency, differential association, anomie, Economic pressure, peer group influence, class differentials

Unit-II

Indian context of juvenile delinquency, neglected-below poverty line, physically And mentally disabled, orphans, destitute vagrants, laborers, in unorganized 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.

Unit-III

Legislative approaches, children act, the juvenile justice act, constitutional Aspects, competent authorities, procession safeguards for juveniles, powers given To government, community participation as envisaged under the act

Unit-IV

Implementation, institutions, bodies, personnel, 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 programmers' health, nutrition, ICWS, Grants-in-aid, compulsory education, role of community, family, voluntary, bodies, Individuals

Select bibliography

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 jof kyound offenders (1985)
4. Myron weiner, the child and kstate in kindia (1990)
5. The united nations kdeclaration on the rights of children
6. UNICEF periodic materials.

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COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Objectives of the course

This is a crucial area of Indian development with which traditional, western, Criminology is not overly preoccupied. Collective political violence (CPV) is the Order of the day, whether it is agrarian (feudal) violence or it is atrocities against Untouchables, communal riots, electoral violence, police violence, (encounters), Political violence by militant and extremist groups, gender-based violence or Violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as

“criminalization” or “lumpenization” of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the etiology and the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

Unit-I

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 extralegal “repression”

Unit-II

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.

Unit-III

Agrarian violence and repression, 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 right commission on Arwal massacre

Unit-IV

Violence against the scheduled castes, notion of atrocities, incidence of atrocities, uses of criminal law to combat atrocities or contain aftermath of atrocities, violence against women

Unit-V

Communal violence, incidence and courses of “communal” violence, findings of various commissions of enquiry, the role of police and paramilitary systems in dealing with communal violence, operation of criminal justice system tiring and in relation to, communal violence

Note : - choice of further areas will have to be made by the teacher and the taught.

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 right in india (1986)

5. D.A. dhangare, peasant movement in india : 1920-1950 91983)
6. Ranjit guba, element any aspects of peasant insurgency in colonial india (1983)
7. Ranjit guba, (ed.) subaltern studies vol. 1-6 (1983-1988)
8. T. honderich, violence for Equality (1980)
9. Mark juergensmeyer, “the logic of religious violence: the case of Punjab” 22 contributions ot indian sociology 65 (1988).
- 10.Rajni kothari, state against democracy (1987)
- 11.G. shah, ethnic minorities and nation building : indian experience (1984)
- 12.K.S. shukla, “sociology of deviant behaviour,” in 3 ICSSR Survey of Sociology and social anthropology 196-1979 (1986).

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DISSERTATION

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VIVA-VOCE