



SHRI VAISHNAV VIDYAPEETH VISHWAVIDYALAYA, INDORE

LL.M. (Criminal Law) CBCS

Semester-II

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 203	DC	Collective Violence	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. Different approaches to Violence in India.
2. Different types of violence and State Action.
3. Gandhian approach to non-violence.
4. Uses of Criminal Law to combat Atrocities.

Syllabus:

Unit I:

Introduction

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

Unit 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, 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

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 Rights Commission on Arwal Massacre

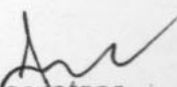
Unit IV:

Violence against the Scheduled Castes

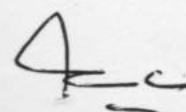
Notion of Atrocities, Incidence of Atrocities, Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities, Violence Against Women


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Unit V:

Communal Violence, Collective Political Violence and State Action

Incidence and courses of "communal" violence, Findings of various commissions of enquiry, The role of police and para-military systems in dealing with communal violence, Operation of criminal justice system tiring, and in relation to, communal violence, Electoral violence and Reforms, Violence by Militant and Extremist Groups, Violence by Police and Paramilitary Forces, State Measures – Statutory and Non-statutory, Role of Civil society

Suggested readings:

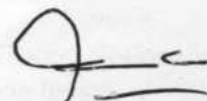
1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo-American Reflections 92 (1988)
2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
6. Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983)
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 to 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 1969-1979 (1986)


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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 204	DC	Privileged Class Deviance	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 students will know-

1. Concept of white collar crime.
2. Official deviance and police deviance.
3. Unethical practices at the Indian bar.
4. Response of Indian Legal Order to the Deviance of Privileged Classes.

Syllabus

Unit I:

Introduction

Conceptions of white collar crimes, Indian approaches to socio-economic 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, Trade union deviance (including teachers, lawyers/urban property owners), Landlord deviance (class/caste based deviance), Police deviance, Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices), Gender-based aggression by socially, economically and politically powerful

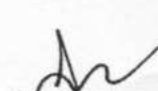
Unit II:

Official Deviance

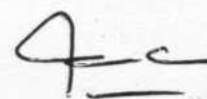
Conception of official deviance - permissible limit of discretionary powers, The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission - in 1959 and 1971, The Chagla Commission Report on LIC-Mundhra Affair, The Das Commission Report on Pratap Singh Kairon, The Grover Commission Report on Dev Raj Urs, The Maruti Commission Report, The Ibakkar-Natarajan Commission Report on Fairfax.


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Unit III:

Police Deviance

Structures of legal restraint on police powers in India, Unconstitutionality of "third-degree" methods and use of fatal force by police, "Encounter" killings, Police atrocities, The plea of superior orders, Rape and related forms of gender-based aggression by police and para-military forces, Reform suggestions especially by the National Police Commissions

Unit IV:

Professional Deviance

Unethical practices at the Indian bar, The Lentin Commission Report, The Press Council on unprofessional and unethical journalism, Medical malpractice

Unit V:

Response of Indian Legal Order to the Deviance of Privileged Classes

Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947, The Antulay Case

Suggested readings:

1. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey' of Sociology and Social Anthropology 1969-179 (1986)
2. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.
3. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
4. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
5. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
6. Surendranath Dwevedi and G.S. Bhargava, Political Corruption in India (1967)
7. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
8. A.G. Noorani, Minister's Misconduct (1974)
9. B.B. Pande, 'The Nature and Dimensions of Privileged Class Deviance' in The Other Side of Development 136 (1987; K.S. Shukla ed.).
10. Indira Rotherrn und, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522(1981)


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			End Sem University Exam	Two Term Exams	Teacher Assess ment*	End Sem University Exam	Teacher Assess ment*				
LLMCL 205	DC	Comparative Criminal Procedure	60	20	20	0	0	3	0	0	3

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

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

1. Organization of Courts and Prosecuting Agencies.
2. Pre- trial and trial procedures.
3. Institutional correction of the offenders.
4. Public Interest Litigation.

Syllabus

Unit I:

Organization of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayats in India, Panchayats in tribal areas, Organisation 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, The evidentiary value of statements / articles seized / collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation.

Unit III:

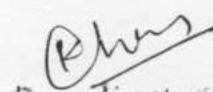
Trial Procedures


The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Appeal of the court in awarding appropriate punishment, Plea bargaining

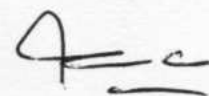
Unit IV:

Correction and Aftercare services

Institutional correction of the offenders, General comparison - After - care services in India and France, The role of the court in correctional programmes in India.


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Unit V:

Preventive Measures in India & Public Interest Litigation

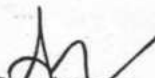
Provisions in the Criminal Procedure Code, Special enactments, Public Interest Litigation-
Directions for criminal prosecution.

Suggested reading:

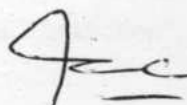
1. Celia Hamptom, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N.Chandrasekharan Pillai(ed.), R. V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucnow .
6. Patric Devlin, The Criminal Prosecution in England
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. John N. Ferdico, Criminal Procedure (1996), West
9. Sanders & Young, Criminal Justice (1994)
10. Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha,
11. Criminal Procedure (1997), West
12. Criminal Procedure Code, 1973
13. The French Code of Criminal Procedure,
14. 14th and 41st Reports of Indian Law Commission.
15. The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US, France, Russia and China


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LLMCL 206	DC	Drug Addiction & Criminal Justice	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 students will know-

1. Narcotic drugs and psychotropic substances.
2. Anagraphic and Social Characteristics of Drug Users.
3. The International Legal Regime.
4. Judicial approaches to sentencing in drug trafficking and abuse

Syllabus

Unit I:

Introduction

Basic conceptions, Drugs' narcotics" "psychotropic substances", 'Dependence," "addiction", "Crimes without victims, "Trafficking" in "drugs", "Primary drug abuse"

Unit II:

How Does One Study the Incidence of Drug Addiction and Abuse?

Self-reporting, Victim-studies, Problems of comparative studies

Unit III:


Anagraphic and Social Characteristics of Drug Users

Gender, Age, Religiousness, Socio-economic level of family, Residence patterns (urban/rural/urban), Educational levels, Occupation, Age at first use, Types of drug use, Reasons given as cause of first use, Method of intake, Pattern of the - Use, Average Quantity and Cost, Consequences on addict's health (physical/psychic)

Unit IV:

The International Legal Regime

Analysis of 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, Profile of international market for psychotropic substances


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Unit V:

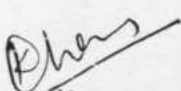
The Indian Regulatory System

Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage, The Penal provisions (under the IPC and the Customs Act), India's role in the evolution of 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.

Suggested readings:

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. Goeken, *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 Psychotropic Substances.
10. Useful Journals in this area are:
 - a. The Law and Society Review (USA)
 - b. Journal of Drug Issues (Tallahassee Florida)
 - c. International Journal of Addictions (New York)
 - d. British Journal of Criminology
 - e. Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
 - f. Journal of Criminal Law and Criminology (Chicago, Ill)
 - g. International Journal of Offender Therapy and Comparative Criminology (London)
 - h. Bulletin on Narcotics (United Nations)

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