

5401-COMPARATIVE CRIMINAL PROCEDURE

1. Organization of Courts and Prosecuting Agencies: Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayat in India, panchayat in tribal area, Organization of Prosecuting agencies for Prosecuting criminal, Prosecutors and the police Withdrawal of Prosecution.
2. 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.
3. TRIAL procedure : The accusatory system of trial and the inquisitorial system , Roles of the judge, the prosecutor or and defense attorney in the trial. Admissibility and inadmissibility of evidence, expert evidence Appeal of the court in awarding appropriate punishment, Plea bargaining.
4. 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.
5. Preventive Measures in India: Provisions in the Criminal Procedure Code, Special enactments, Public interest Litigation: Directions of criminal Prosecution.

Select Bibliography

Ceylia Hamptom: Criminal Procedure

Wikins and Cros ; Outline of the Law of Evidence

Archbold, Pleading; Evidence and Practice in Criminal Cases(2000) Eastern, Lucknow

Sarkar: Law of Evidence K.N. Chandrasekharan Pillai (ed): R.V. Kelkar's : Outlines of Criminal Procedure Patric Devlin : The Criminal Prosecution in England Serics of Foreign Penal Codes Criminal Procedure Code of People's Public of China

John N. Ferdico: Criminal Procedure (1996), West Sanders & Young : Criminal Justice (1994)

Christina Van Den Wyngart: Criminal Procedure Systems in European Community Joel Samaha

Criminal Procedure (1997), West Criminal Procedure Code, 1973 The French Code of Criminal Procedure

14th and 41st Report of Indian Law Commission

The Paper will be taught with reference, wherever necessary to the Procedures in India, England, US France, Russia and China.

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5402-PENOLOGY: TREATMENT OF OFFENDERS

1. Introductory, Definition of Penology, Theories of Punishment: Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural prevention: Incapacitation, Behavioural Prevention: Rehabilitation–Expiajion, Classical Hindu and Islamic approaches to punishment, The problematic of capital.
2. Punishment: Constitutionality of capital Punishment, Judicial Attitude through the statute Law and case lay towards Capital Punishment in India – An inquiry, Law Reform Proposals
3. Approaches to Sentencing: Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collectives Fines, Reparation by the offender by the court.
4. Sentencing: Principal types of sentences in the Penal Code and special laws , Sentencing in white collar crime, Presentence hearing , Sentencing for habitual offender, Summary punishment , Plea-bargaining.
5. 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.

Select Bibliography

S. Chhabbra: The Quantum of Punishment in Criminal Law (1970) HLAHart Punishment and Responsibility (1968)

Herbert L Packer: The Limits of Criminal Sanction (1968) Al F Ross: ON Guilt Responsibility and Punishment (1975)

A Siddique :Criminology (1984) Eastern Lucknow.

Law Commission of India Forty Second Report Ch3(1971)

K .S. Shukla: Sociology of Deviant Behaviour in 3 ICCR Survey of sociology and Social Anthropology 1969-179(1986)

Tapas Kumar Benerjee : Back Round to Indian Criminal Law (1990) R. Campjary & Co. Kolkata

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5403-DRUG ADDICTION CRIMINAL JUSTICE AND HUMAN RIGHTS

1. 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 Drugs Addiction and Abuse? Self-reporting Victim-studies, Problems of comparative studies.
2. Anagraphic and Social Characteristics of Drugs Users; Gender, Age Religiousness, Single individuals/cohabitation, Socio-economic level of family, Residence patterns (urban/rural) Educational levels, Occupation, Age at first use. Type of Drugs Use, Reasons given as cause of first use. Methods of intake, Pattern of use, Average Quantity and Cost, Consequences on addict's health (Physical/Psychin)
3. 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 Substance, 1972, International collaboration in combating drug addiction, The SARC and South-South Cooperation, Profile of international market for psychotropic substance. 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 the two international conventions, judicial approaches to sentencing in drug trafficking and abuse, The narcotic Drugs and Psychotropic Substance Act 1985, Patterns to resource investment in India ;policing adjudication, treatment, aftercare and rehabilitation.
4. Human Rights Aspects: Deployment of marginalized people a carrier of narcotics. The problem of juvenile drug use and legal approaches, Possibilities of misuse and abuse of investigate prosecutory powers, Bail,

The problem of different application of the Ugal Regimes, especially in relation to the resource less

5. The Role of Community in Combating Drug Addiction: Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and after care . The role of educational systems. The role of medical profession. The role of mass media, Initiatives for compliance with re Quarry systems, Law reforms initiatives.

Select Bibliography

H_S Becker: Outsides The Studies in Sociology of Deviance (1966)

J.A. Incard C.D. Chambers (eds.) Drugs and the Criminal Justice system (1974)

R.Coken Drug Abuse and Persomality in Young Offenders (1971)

G.Edwards Busch (ed) Drug Problems in Britain : A Preliminary Study,7 Indian Journal Of Criminology,65-68 (1979)

P.R. Rajgopal: Violence and Response: A Critique of the Indian Criminal System (1988)

*United Nations, Economics and Social Reports of the Commission On Narcotic Drugs
United Nations*

*Social Defence Research Institute (UNSDRI) Combating Drug Abuse and related Crimes
(Rome July 1984, Publication No.21)*

5404-JUVENILE DELINQUENCY

1. The basic concepts : the conception of child protection 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), determining factors of juvenile delinquency: differential association ,anomic , economic pressure , peer group influence, gang subculture, class differentials.
2. 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 juvenile competent authorities, processal safeguard for juveniles : power given to government, community participation at envisaged under the act.
3. Indian context of juvenile delinquency: the child population percentage to total sex ratio, urban-rural- urban, neglected below poverty line , physically and mentally disabled , orphans, destitute vagrants, labourers, in organized industries like zari, carpet, bidi, glass, in unorganized like domestic servant, shops and establishment rag pickers family trade , delinquent number, types of offences committed recidivism, rate of increased 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,
4. Judicial contribution: social action ligation concerning juvenile justice, salient judicial decision, role of legal profession in juvenile justice system.
5. Implementation: institutions body personnel recruiting and funding agencies recruitment qualifications and salaries or fund. Other responsibilities of each agency/person, coordination among related agencies, accountability annual report land accessibilities of public to

juvenile justice institution Preventive strategies: state welfare programmes nutrition, ICWS grants-in-aid, compulsory education role of community, family, voluntary, bodies, individual.

Select Bibliography

National Institute of Social-Defence Model Rules under the Juvenile Justice ACT,2000

K.S. Shukl: Adolesence Offender :1985

United Nations Becijing Rules on Treatment of Young Offenders (1985)

Wyrom Weiner: The Child and State in India (1990)

The United Nations Declaration on the Right of Children (UNICEF Periodic materials)

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