

**RANI CHANNAMMA UNIVERSITY, BELAGAVI
SCHOOL OF CRIMINOLOGY AND CRIMINAL JUSTICE**

**DETAILED SYLLABI
CONTENTS**

2014-15 Onwards

Sl.No	Course	Credits	Marks
	The General Scheme of Postgraduate Courses		
	Semester I		
1.1	Advanced Course in Criminology	4 Credits	100
1.2	Advanced Course in Penal and Correctional Policy	4 Credits	100
1.3	Criminal Justice System and Indian Judiciary	4 Credits	100
1.4	Advanced Police Administration	4 Credits	100
1.5	Criminal Jurisprudence and Substantive Criminal Laws	4 Credits	100
1.6	Assessed Field Work in JMFC Court and Sessions Court, Consumer Forum and Family Court	4 Credits	100
	TOTAL	24 Credits	600

THE GENERAL SCHEME OF POSTGRADUATE COURSES

Post graduate programme in criminology and criminal justice has been started in the School of Criminology and Criminal Justice of the Rani Channamma University at Belagavi (Karnataka) from the academic year 2014-15. This programme places heavy emphasis on application of criminological knowledge and skills to the crime fighting efforts of the agencies and institutions in the field of criminal justice. It brings latest concepts, theories, methods and techniques to deal with the eternal but continuously expanding and complicating problems of crime in the country and world. This programme aims to train young men and women in dealing with multifarious aspects of crime fighting efforts of societies.

(A) The course work of the two year (Four Semester) programme is of 104 Credits

(B) Specialisation Streams:

Any one of the two streams may be chosen by the student. Each stream has Two papers. First of the two papers is taught in the Third Semester and the Second one is taught in the Fourth Semester.

Stream 1: Forensic Science:

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|---|-----------|
| (i) Analysis of Fingerprints, Footprints, Lip prints, and Bite Marks. | 4 Credits |
| (ii) Examination of Handwriting and Other Questioned Documents. | 4 Credits |

Stream 2: Juvenile Delinquency:

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| (i) Child Protection Laws, Policies, and Programmes. | 4 Credits |
| (ii) Social Work Applications in Juvenile Institutions. | 4 Credits |

(C). Open Elective Courses Offered: TWO.

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| (i) Cyber Crimes: An Introductory Course | 4 Credits |
| (ii) Criminal Justice System | 4 Credits |

(D). Norms for Assessing Student Research Projects:

Detailed guidelines are issued separately.

(E). Field Work Manual:

A comprehensive Field Work Manual has been prepared for the guidance of students and faculty members. It shall be followed strictly for regular field work and its assessment. A copy of

the Manual is issued to every student at the time of his or her admission to UG and PG programmes.

FIRST YEAR, FIRST SEMESTER COURSES: All Courses carry 4 Credits each.

- 1.1 Advanced Course in Criminology
- 1.2 Advanced Course in Penal and Correctional Policy
- 1.3 Criminal Justice System and Indian Judiciary
- 1.4 Advanced Police Administration
- 1.5 Criminal Jurisprudence and Substantial Criminal Laws
- 1.6 Assessed Field Work in JMFC and Sessions Courts, Consumer Forum and Family Court

1.1 ADVANCED COURSE IN CRIMINOLOGY

(4 Credits)

This course introduces students to the concepts of crime and criminals and their classification while tracing briefly the origin and development of criminology as a multi-disciplinary science. It also examines a variety of theories from philosophy, biology, psychology, sociology to other sciences which attempt to explain why some persons commit crimes while most of the people behave normally. No single theory can account for all types of crimes. The objective of this course is to introduce students to the plethora of views on crime causation

UNIT 1: A brief overview of Criminology:

Definitions of criminology: Semantic definition: Latin 'Crimen' and Greek 'Logos' pioneered by Italian scholar Garafalo and French anthropologist Paul Topinard in 1884; Substantive definitions by E.H. Sutherland, W.C. Reckless, Hagan, and Siegel;

Its scope and branches (law making, breaking and reaction to law breaking: police science, forensic science, victimology, criminal justice, penology, aetiology (inclusive of social, psychological, economic, political aspects);

Its nature as a Science; as a multi-disciplinary science: Bio- Psycho- Social Science; Its relation to Sociology, Psychology, Economics, Law and Jurisprudence;

Its relevance to modern world; and its utility and importance.

UNIT 2: (a) Meaning of Crime:

- (i) *Semantic* meaning (Greek 'Krimen' Latin 'Crimen', Sanskrit 'kriya');

- (ii) *Legal meaning*: Actus Reus (commission and omission) and Mens rea (intention), Animus Nocendi (motive);
- (iii) Comparison with *other concepts*: “sin” in religion, “vice” in character, “abnormal” in behaviour, “bad, and wrong”, “immoral act” in ethics; “anti-social act” in society; civil wrong ‘tort’ in law; as a *Variable concept and follows “statistical” normality*.
- (iv) Social Construction of Deviance: Homosexuality, Alcoholism, Adultery, Eutanasia

(b) Classification of crimes: Meaning, essential features, and purpose of classification;

- (i) *Substantive law*: British and USA: Treason, Felony, Misdemeanor;
- (ii) Indian Law :
 - (a) IPC Classification;
 - (b) *Procedural law*: cognizable and non-cognizable; bailable and non-bailable; compoundable and non-compoundable;
- (iii) *Academic classifications*: White Collar Crimes, Organized Crimes, Victimless Crimes, Crimes against Humanity, Environmental Crimes, Political Crimes, Perfect Crimes;

(c) Classification of Criminals:

- (i) *Legalistic*: suspect, accused, convict, ex-convict;
- (ii) *Age based*: juvenile, young adult and adult;
- (iii) *Academic*: Professional, Habitual, Political/Ideological, war criminals (crimes against humanity, Prisoners of War (Victor’s justice), spies and counter spies, other classifications. Critique of Typologies.
- (iv) Status Offences

UNIT 3: (A) Theories of Crime:

(a) Overview of Old Theories of Crimes:

- (i) Pre-classical notions: Biblical Satan/devil instigation;
- (ii) Classical Freewill, Hedonism (Bentham’s hedonistic calculus), and criminal responsibility;
- (iii) Deterministic positivism; and
- (iv) Neo-classical blend of freewill with certain deterministic exceptions (IPC exceptions) as the foundations of modern Criminal Justice Systems;
- (v) Recent versions of freewill in Rational Choice Theory and Deterrence Theory.

(b) Scientific positivism:

Basic Assumptions of biological theories;

a. Old Biology:

- (i) Early influence of Darwinian evolutionary biology (atavism, stigmata, throw backs) on Lombroso, Enrico Ferri, Charles Goring, Hooten, Garafalo,;
- (ii) Family Genealogies (Kallikaks, Jukes);
- (iii) Pseudo-Sciences: Craniology, Phrenology, and Anthropometry.
- (iv) Twin Studies, study of adopted children.

b. New Biology:

- (i) Brain Research: opiates of the brain (epinephrine, norepinephrine, serotonin) and their impact on behaviour;
- (ii) Head injury and criminal behaviour; amnesia, aggression, impulsive reactions;
- (i) Physiology of emotions and brain and brain oscillation mapping;
- (ii) Endocrinology: Hormones and criminal behaviour (testosterone, progesterin, prolactin);
- (iii) (v) Behavioural Genetics related to certain criminal behaviour (sex, aggression, promiscuity, habits);

UNIT 4: Brief Overview of Psychological Trait Theories:

Basic Assumptions of psychological theories;

a. Old Theories:

- (i) *Body and temperament:* Kreschmer and Sheldon: Endomorph, Ectomorph, Mesomorph related to Asthenic, Somatotonic, Viscerotonic types;
- (ii) *Freudian* Id, Ego, Superego and defective internalizations and fixations;

b. New Psychology:

- (i) Criminal Behaviour as a learnt behaviour: Ronald Akers (identification), Alberta Bandura (imitation and modelling), Conditioning, Reinforcement theories and criminal behaviour;
- (ii) Other psychopathologies: perversions, delusions, hallucinations,
- (iii) Neuroses (phobias, obsessive-compulsive behaviours, dissociative disorder);
- (iv) Psychopathy;
- (v) Psycho-biology.

UNIT 5: Sociological Theories:

Basic Assumptions of Sociological Theories

- (i) Social Pathologies: Broken homes, Street gangs, Social Disorganisation, urban slums (Robert Ezra Park, Burgess, Christie, McKay and Shaw, W.F. White);
- (ii) Social Strain Theories and alienation (Talcot Parsons, Robert Merton); Contra-cultures, subcultures of violence (Wolfgang and Ferracutti);
- (iii) Social Control Theories (Hirsci, Sellin, Durkheim and “anomie”; George Homans);
- (iv) Criminal Opportunity theory (Lloyd Ohlin and Cloward);
- (v) Social learning theories: imitation (Gabriel Tarde), identification (W. Glasser), differential association (E.H.Sutherland);
- (vi) Symbolic Interaction, Labelling and Secondary Deviance (Matza and Sykes, Lemert, Shapiro)
- (vii) Social Conflict Theories
- (viii) New Criminology/Radical Criminology/Marxist Criminology: bottom up approach (Karl Marxs, C Girth-Wright Mills, Ian Taylor, Jock Young and Paul Walton);
- (ix) Economic determinism: William Bonger and others
- (x) Area studies and cartographic school of criminology: Quetelet and others
- (xi) Mixed Theories: Containment Theory (Walter Reckless) and Multi Factor Theory.
- (xii) Routine Activity theory, General Systems theory.

References:

1. Anthony Walsh, Craig Hemmens, 2011, “Introduction to Criminology” second edtion, Sage Publications Inc.
- 2.Clive Coleman and Clive Norris , 2013, “Introducing Criminology”, routledge Publications.
3. Eugene Mc Laughlin and Tim Newburn (2010), “ Criminological Theory”, Sage Publications Inc.
- 4.Frank.E.Hagan (2013), “ Introduction to Criminology” 8th Edition, Sage Publications Inc.
- 5.Freda Adler, Gerhard O.W.Muller, William S. Laufer, 2007, “Criminology “ 6th edition , McGraw Hill Publications.
- 6.James Treadwell, 2012, “ Criminology: The Essentials”, Sage Publications Inc.
- 7.Kelly Frailing, Dec Wood Harper, 2013, “Fundamentals of Criminology: New Dimensions”, Carolina Academic Press, USA.
- 8.Larry J siegel, 2012, “Criminology” eleventh Edition, Woods worth Cengage Learning.
- 9.Sandra Walklate, 2005, “Criminology: The Basics”, Routledge Publications.
10. Tim NewBurn (2009), “ Key Readings In Criminology”, willian Publications.

1.2 ADVANCED COURSE IN PENAL AND CORRECTIONAL POLICY

4 Credits

This course familiarises students to the meaning and nature of state imposed punishments. It traces the history of punishments through the ages both in and outside India. It discusses the factors which determine the punitive policies and practices and how the nature and quantum of punishment are decided in the courts.

UNIT 1:

(i) Definition of Penology as a science of society/state's penal policy and practice:

Semantic: Latin 'poena' + Greek 'logos';

As a study of philosophy and practice of punishment; As a branch of criminology;

(ii) Its scope: limited only to legal forms of punishment; Exclusion of punishment in parenting, schools, work places, religion, and other organizations (khap Panchayats, Caste Panchayats, Church punishments).

(iii) Objectives of Punishment as a statutory policy:

(a) Retribution: Lex Talionos, victims' right to avenge, eternal bloodshed and violence, feudal warfare;

(b) Deterrence: to prevent recidivism and to reduce crime rates; barbaric punishments; public demonstration; basic element of deterrence: certainty, swiftness and severity;

(c) Reparation: compensate the loss, repair the damage, soothe the rough feathers and balance the wrong done;

(d) Reformation and rehabilitation (corrections): medical model: penitentiaries, reformatories, kind and humane, treatment, reintegration and rehabilitation;

(e) Prevention: Primary prevention by various means before crime occurs; encourage elements of conformity, obedience and compliance; removal of precipitating factors: poverty, ignorance, exploitation, unemployment, family disorganisation through welfare measures.

(e) Incapacitation by mutilation, incarceration, immobilization.

UNIT 2: Punishment through the Ages:

(a) Ancient period: Code of Ur Nammu; Code of Hammurabi (1700 BC); Biblical Ten Commandants; Punishments in ancient India (Kautilya's Arthshastra 300 BC and punishments according to Manusmriti);

(b) Medieval Period: Barbarian Europe and cruel punishments: mutilation, branding, whipping/flogging, stocks and pillory, burning on the stakes, drowning of witches, hanging and beheading, life imprisonment, and transportation for life (Kala Paani) and convict colonies in USA, Australia;

(c) Medieval India and punishments under the Manusmriti and Sharia : mutilation, branding, skinning and flailing, inching and quartering, death at the feet of an elephant, restitution and fines, monetary substitution for corporal punishments;

(d) Punishments under Sharia in Islamic Countries Today: whipping and flogging, mutilation, branding, beheading, hanging, stoning to death, blood money (dia, and jira) as prescribed for Huddud, Kisa, and Tajeer;

(e) Modern Period (in Non-Islamic countries): Abolition of Corporal punishments, limitations on Death Penalty (by less cruel forms of killing by hanging, shooting, beheading, gas chamber, electrocution, or lethal injection); imprisonment (simple or rigorous) and imprisonment for life; fines and forfeiture of property; restitution, sterilization(Germany and USA), probation, admonition; Punishments under the Indian Penal Code: Corporal punishments and Transportation for life repealed and fines, forfeiture, imprisonment, death, or imprisonment for life.

(f) Punishment as a penal policy as an indicator of the level of evolution of a society:

- a. Physical torture abolished,
- b. and branding repealed,
- c. stoning to death, burning on the stakes, fleecing and skinning are all banned,
- d. death by more civilised methods (electrocution, gas chamber, lethal injection, hanging)
- e. prison conditions improved since that is the major punishment,
- f. more monetary forms of punishment increased (fines, spot fines, Day fines, Forfeiture of property),
- g. probation
- h. more community service sentences

UNIT 3: (I) Determinants of penal policies in a society:

All penal codes reflect statutory penal policies of their countries; Penal statutes largely draw on the customary penal practices;

(a) Religion as a source of punitive policy:

(i) Sharia and punishments in Islamic Countries;

(ii) Ten Commandments from the Bible; heresy and Socrates, Blasphemy and Galileo, Copernicus, Giordano Bruno; Apostasy and Fatwa on Salman Rushdie;

(iii) Religion based debates on legalising homosexuality, same sex marriage, suicide, euthanasia, polygamy in many countries today;

(iv) Separation of religion (Church, Mullahs, and Hindu Pundits) from the State and the evolution of Secular Penal Codes.

(b) Customs and Traditions as a Source of Penal Policy: Penal codes as compilations of customary laws; all personal laws as customary laws; ancient customs in the Code of Ur Nammu, Code of Hammurabi;

(c) Public opinion as a Determinant of Penal Policy: role of public policy in secular democracies in the determination of Penal Policy in respect of certain offences.

(II) Determinants of Quantum and Nature of Sentence by the Courts: Choice among the alternatives of punishment defined in the policy (penal law) is the function of the judge which is determined by various factors:

- (i) Identification with the victim or offender,
- (ii) General prejudices, mind, and discretion of Judge as a motivating factor,
- (iii) Moral outrage as a determinant,
- (iv) CAD vs CAD (Contempt Anger and Disgust) vs CAD (Contempt Anonymity and Diversity),
- (v) Moral Vengeance,
- (vi) Circumstances – Victim offender characteristics,
- (vii) Probability of recidivism,
- (viii) Safety of the community,
- (ix) Dictates of minimum and maximum in Law.

UNIT 4: Imprisonment:

(a) As a major form of punishment:

- a. As a modern day punishment system;
- b. As a Reformatory;
- c. As a holding facility;
- d. Objectives of imprisonment: Protection of Society by immobilization, prevention of crimes both by detention and correction;

(b) Classification of Prisoners:

- (i) on length of stay: UTs, Convicts and Lifers;
- (ii) sex based: male and female;
- (iii) need based: Vocational/educational programs,
- (iv) special treatments: substance abuse/alcoholism, mental illness or mental retardation;

(c) Classification of prisons:

- (i) Based on dangerousness of offenders : Maximum, Medium and Minimum Security Prisons, (Supermax prisons);
- (ii) Open Prisons;
- (iii) Women Prisons;
- (iv) Juvenile Jails for Young Adults; Borstal Schools;
- (v) Private Prisons in USA and Europe;

(d) UN Standard Minimum Rules for Treatment of Prisoners:

Food, Clothing, Health Care, Vocational Training, Family Contacts, Counselling, Substance Abuse and Alcoholics Treatment, legal aid, Rights of Prisoners and Legal Aid, no torture or cruelty;

(e) Prisons in India: Brief History (from ancient dungeons to 1838 MacKauley's Minute, Prison Reform Committee, State List in the Constitution, Mulla Committee); Prisons Act, Model Prison Manuals, Prisoners Act, Transfer of Prisoners Act;

- (i) Prison organization and hierarchy;
- (ii) Latest Prison Statistics in India and abroad;
- (iii) Remission, Executive clemency, Pardon; Custodial Deaths and Supreme Court decisions and Amendment of Criminal Procedure Code;

(f) Alternative To Prisons: Probation in India: Probation of Offenders Act 1958: eligibility for probation,

- (i) Socio-economic background report to the court,
- (ii) Conditions **which** may be imposed,
- (iii) Role of Probation officer,
- (iv) Revocation of probation;
- (v) Community services.

(g) Alternative to Prisons: Parole System in USA and Europe:

- (i) Indeterminate sentencing system,
- (ii) Parole Board,
- (iii) Eligibility for parole,
- (iv) Conditions for release,
- (v) Revocation;

UNIT 5: New Forms of Punishments:

A. (a) Monetary Punishments:

- (i) Fines,
- (ii) Spot Fines,
- (iii) Day Fines (Scandinavian system);

(b) Community Services (UK, and US Models);

- (c) Restitution;
- (d) Police station visits (USA UK, India);
- (e) Radio-collaring of convicts on probation and parolees (UK and USA);
- (f) First Warning, Second Warning and Charge Sheeting (UK);
- (g) Bonding over for keeping peace (Indian);
- (h) Probation as suspended sentence; history and philosophy of probation (Boston Cobbler); probation statistics of USA, UK, and India;

B. Neo-deterrence emerging in the West

- (i) Rising Trends in recidivism,
- (ii) decline of reformatory practices in the USA and UK (Martinson Report);
- (iii) growth of terrorism, transnational crimes (drug cartels, illegal arms trade, human trafficking);
- (iv) Rise of deterrent measures,
- (v) parole restrictions,
- (vi) mandatory longer sentencing,
- (vii) Reintroduction of death penalty, longer sentences,
- (viii) Less of jury trials,
- (ix) Increasing preventive detention;(Omnibus Crime Control Act, Mandatory Sentencing Act, Homeland Security, Sexual Offender Registration Act),
- (x) More electronic bugging,

- (xi) Supermax jails and private jails
- (xii) Re-integrative shaming.

C. Neo-Deterrent Trends in India:

- a. Harsher measures in respect of crimes against women(Domestic Violence Act, Dowry Prevention and Dowry Death Act),
- b. Harsher measures against child victimisation (POCSO, Criminal Amendment Act 2013)
- c. Harsh punitive measure against atrocities on Scheduled Caste and Tribes;
- d. Increasing detentions under organized crime control laws (MOCCA an KOCCA) NDPS Act and its enforcement.

References:

1. Penology, Victimology and Correctional Administration in India by Dr. Krishna Pal Malik .
- 2.Criminology and Criminal Administration by Sirohi JPS. Allahabad Law Agency, Allahabad.
- 3.Society and the Criminal by Sethna.M.J
- 4.Criminology and Penology by James Vadakumcherry
5. Leviathan by Thomas Hobbes. Penguin Publishers
6. Two Treaties of Government by John lock. Penguin Publishers
7. Das Capital by Karl Marks
8. An Essay on Crime and Punishment by Ceaser Beccaria
9. Principles of Moral and Legislation by Jermy Bentham
- 10.The Social Contract by J J Rousseau. Penguin Publishers
- 11 Utilitarianism by J.S.Mill. Penguin Publishers

1.3 CRIMINAL JUSTICE SYSTEM AND THE INDIAN JUDICIARY 4 Credits

This course introduces` the universal concept of justice in abstract and the concrete forms in the institutional justice. While broadly defining criminal justice system, this course primarily deals with criminal judiciary with special reference to India. Tracing its ancient history very briefly, and the evolution of Western Style criminal judiciary in India, the course tries to show that it is not Indian in letter or spirit. However, from the practical point of view the structure, the functions, the problems and certain common remedies are dealt with albeit briefly.

UNIT 1:

(i) Meaning of **Abstract Justice**: as fairness, as equality, as freedoms, as developmental right, as a crystallization of pure reason or emotion or both (Plato, Aristotle, Rawls, and Sen);

(ii) Meaning of **Institutional justice**: social, economic and political; Civil and Criminal:

(iii) **Criminal Justice System: Its special Features, Objectives and Sub Systems**: Legislative System (for law making); Law Enforcement System (i.e., police); Adjudicative System (i.e., judiciary); Penal Sub System (i.e., prisons etc.);

(a) **Legislative system**: defining criminal wrongs and just punishment in the form of criminal laws;

Ancient Period:

Kings/Emperors and criminal wrong: 2200 BC Code of Ur Nammu, 1700 BC Code of Hammurabi; the role of religion, tradition, and custom in defining crime: 2000 BC Hindu Scriptures and Old Testament (Hebrew), 2000 AD Role of Christian Bible, and 680 AD Quran (as sin, as vice, as anti social act, examples of punishment on Socrates, Galeleo, Copernicus, Giordino Bruno); vestiges of the past: cases of heresy, apostacy, blasphemy;;

Modern Period:

Separation of Church/Religion from the State (Montesque); Formally enacted Penal Codes; Code Napoleon; Indian Penal Code; Process of making criminal law: Consensus building in secular societies (debates on Nirbhaya case and strict rape law, debate on

homosexuality in India, debate on mercy killing in the world, debate on abortion in Portugal and USA, debate on gun control and drug use in USA).

(b) Law Enforcement System:

Ancient period: Local youth acted as vigilant teams to protect villages from marauders, leaders acted as truth finders (shire-reeve in USA, tithings in UK, Patels/Thakur in India); No police but the victim as complainant and witnesses, community as both enforcing and adjudicating agency (Lords in England, Panchayats in India, Church in Europe, Jamaat in Islamic countries);

Modern period: 17th century French system and 19th century English model of police system.

(c) Adjudicating System:

Ancient period: Informal council of elders or religious heads as arbiters of justice;

Modern period: Separate, independent judiciary as one of the three wings of government; and its specialized role in ascertaining truth and imposing punishment within the limits of law;

(d) Penal System:

Ancient period: King/ Religious head or community as a whole would impose punishment of varying from keeping in dungeons, mutilation or branding, fines or restitution, banishment to death by various means;

Modern period: institutional system of punishment: prisons and gallows, fines and forfeiture of property, and imprisonment;

UNIT 2: Debates on Institutional Criminal Justice and the State's Right to punish:

(i) (a) Hobbes and "Leviathan": the absolute power of the Sovereign; Locke: limited power of the sovereign and natural rights;

(b) Rousseau: Social Contract and Contract as the source of the Power of the sovereign;

(c) Bentham: Utilitarian View and dominance of reason:

(d) Marx: Economic power and the state as an instrument to protect the haves from havenots; distributive justice; withering away of the state and the administration of justice by people;

(ii) Evolution of Modern Criminal Justice System in Europe during the 18th and 19th centuries. Beccaria “on crimes and punishment”; French Revolution and Rights of Man; the US Constitution and the Bill of Rights, Jeremy Bentham and Utilitarianism; and reform of criminal justice system.

UNIT 3: History of Criminal Justice in India:

- (i) Ancient period: Shruti, Smritis, Nyay, Meemansha, and Sankhya philosophical views on justice and king as pratyaksha devatha, divine right of the king and Raj Dharma;
- (ii) Medieval Period: Advent of Islam and rise of Sharia during Delhi Sultanates and Mogul Periods.
- (iii) Evolution of Modern Criminal Justice During British Rule: Regulation I of 1772, courts at Murshidabad: tripartite system for Hindus, Muslims (as per their personal laws) and Christians as per English Law; 1829 to 1859: Bentinck and sati system, child marriage, widow re-marriage and local demand for reforms; First Law Commission and Mackauley: debates over the nature of criminal justice system for Indians: Sepoy Mutiny and aftermath: GOI Act 1858, IPC 1860, Indian Police Act 1860, Criminal Procedure Code 1861, Indian Evidence Act, 1872;

UNIT 4: Present Criminal Judiciary in India:

- (I) (a) **Constitutional Provisions:** separation of powers of Legislature, the Executive and Judiciary and distribution of powers between states and the Union- List I, II, III; and federalism;
- (b) **Criminal Procedure Code, 1974** and the Organization of Criminal Courts in India: JMFC and Metropolitan Magistrates, Sessions Court, High Court and Supreme Court and their powers;
- (c) **Separate Directorate of Prosecution:** the Powers, Functions and Importance of Prosecutors in Indian Criminal Justice; The role of police vis-a-vis prosecution and courts;
- (II) **Court Room Players and the Drama: justice in action:** (a) the Judge: behaviour in the court room, the decorum and etiquettes and dress code, addressing as ‘sir’ or ‘your honour’ or ‘my lord’; Role and powers of the judge; contempt of court and its objectives; (b) the Prosecutor, his role, powers and importance, role of the police vis-a-vis the prosecutor and the court; (c) the Defence Attorney: his role and powers, right to protect his clients rights, the rights of the accused, natural justice, free legal aid and duty of the state, ‘decision beyond reasonable doubt’, right to appeal.

UNIT 5: Problems of Indian Criminal Justice System:

- (i) Delay defeating justice (latest statistics of case pendency in courts);
- (ii) Case overload in courts (latest statistics of workload); international workload norms;
- (iii) Procedural delays and Cr.P.C. solutions: (a) Time limits on detention after arrest, judicial custody, charge sheeting, trial completion, bar on prosecution; (b) adjournment control and the role the judge and the prosecution and defence lawyer, delay in expert opinion; (c) plea bargaining, (d) summary trials; Why safeguards are NOT working?
- (iv) Procedural complications defeating substantive justice and too much benefit of doubt;
- (v) Judicial corruption and its impacts (Judicial Commission Bill);
- (vi) Judicial accountability and the Judicial Accountability Bill;
- (vii) Too many laws too little enforcement;
- (viii) Attrition of cases from FIR, Charge-sheet, trial and withdrawal, conviction and acquittal;
- (ix) Quality of justice: delayed, costly, distant, alien, uncertainty, parochialism, political interference and corruption;
- (x) Access to justice and the poor: problems of incompetent legal aid.

Remedial Measures:

- (i) ADRs and mediation centres, Arbitration, Lok Adalat;
- (ii) Diversion: Fast Track Courts, Tribunals (CAT, KAT, Industrial Disputes Tribunal, Labour Courts, Naya Panchayats, Gram Nyayalayas, Consumer Forum, Family Courts etc.
- (iii) Criminal Justice Reforms and Malimath Committee recommendations;
- (iv) Criminal Law Reforms and the recommendations of the Law Commission.

References:

- 1.Schmalleges frank, 1999, Criminal Justice Today, Practice Hall New Jersey
- 2.Phelps Thomas R, 1979 Introduction to criminal Justice , Good year Publication
- 3.Mehrajuddin Mir , 1984 Crime and Criminal Justice System in India Deep and Deep Publications
- 4.Sharma P.D 1985 Police and Criminal justice administration in India. Uppal Publishing House Delhi.
- 5.Chaturvedi J C 2006, Penology and Correctional Administration, Isha Books Delhi.
- 6..Thailgraj R 2002. Human Rights and Criminal Justice Administration, APH Springs Publishing House

1.4 ADVANCED POLICE ADMINISTRATION

4 Credits

It is an advanced course in Police Administration. While tracing the origin and development of police systems in the United Kingdom the same points in respect of India are highlighted. The Emphasis in the course is on the police work at the Police Station level although the state and national level overall hierarchies and organizations are dealt with briefly. Police modernization and training needs and major problems of police administration are discussed to make students aware of the present inadequacies in the system.

UNIT 1:

- i) (a) Brief history of police in England; (b) Brief history of Police in India: (i) ancient period, (ii) medieval period, (iii) British period prior to 1860;
- (ii) First Police Commission 1860: its major recommendations and enactment of Indian Police Act 1860;
- (iii) Second Police Commission 1902 and its recommendations, GOI Act 1935 and Dyarchy, police in the provincial list; Indian Constitution and the Police;
- (iv) Third Police Commission Report 1996 not accepted; Committees in the 1990s: Justice Malimath Committee on Criminal Justice reforms (2003), Riberio Committee, Padmanabaiah Committee (2001), NH Vohra Committee;
- (v) Supreme Court decision in Prakash Singh & others vs Union of India case and its aftermath;
- (vi) Police Reforms as a continuous process in fast changing society, technology and nature of crimes and criminals over time.

UNIT 2:

(a) Structure of State Police Organization:

- (i) Organization chart and the characteristics of paramilitary type police organisations;
- (ii) Problems of too many levels of hierarchy, too many lateral positions headed by co-equals at the top; issues relating to unity of command, span of control, and issues of coordinating lateral support services from special police units affecting efficiency.

(b) Organization at the police station level:

- (i) Organization chart: bifurcated into Law & Order duties and Crime Detection duties;
- (ii) Job Chart at the police station level (list of all tasks to be performed);

(iii) Staffing norms for small, medium and big police stations; urban and rural police stations;

(c) Specialized police units and their Role and Relation to civil police stations:

Wireless Wing;

Fingerprints Wing;

Dog Squad (K-9 unit);

Fire Forces and Civil Defence;

State Disaster Response Force;

District Armed Reserve Police/ City Armed Reserve Police;

State Reserve Police;

Anti-Terrorist Force/Commandos,

Bomb Disposal Unit,

State Industrial Security Force (ISF),

SCRB/ DCRB

State Special Branch.

Increasing specialization and problems of control of special units and their coordination with civil police, police reaction time;

(d) Central Police Forces: Central Reserve Police Force and its use by the states; Other central forces and their special roles:

Border Security Force,

Indo Tibetan Border Police,

Central Intelligence Bureau,

Central Bureau of Investigation,

Railway Protection Force,

Central Industrial Security Force ,

Research and Analysis Wing (RAW)

BPRD

NCRB

International Police Organization (ICPO); Interpol's Role; Investigation under letters rogatory (extradition treaties)

UNIT 3: Importance of Work at the Police Stations:

(i) Police time spent on L&O duties and Crime Detection work; excess work load and time on L&O affecting the quality and efficiency of law enforcement; suggestions for dedicated separate staff for L&O from Crime; Types of L&O functions;

(ii) Police-Population Ratios (policemen, policewomen per 1,00,000) in India, in different states and Karnataka, and norms of UNO/ ICPO/ developed countries;

(iii) Insufficient staff, vacancies, overlapping duties, excess workload and over-time and job stress and its impact on health, police family, efficiency and quality of policing;

(iv) Police staffing and its Importance in crime detection (Crime) and crime prevention (L&O):

(a) Crime incidence rates (local, regional, and national) and police workload norms at the police station level; Police staff size and variations in crime rates;

(b) Adequacy of police staff and reaction time;

(c) Relation of police reaction time to crime detection:

(c-i) Preservation of clues at the scene of crime;

(c-ii) Pre-empting escape of offenders;

(c-iii) Chasing fleeing felons and drivers in hit and run cases;

(c-iv) Succour to the victims;

(c-v) Saving of lives in emergencies, accidents, and attempted crimes of violence;

(c-vi) Improving police image and citizen satisfaction;

(c-vii) Impact on Attrition Ratios at various levels: dark figure of crime, FIRs, Arrests, Charge sheeting, Withdrawals, B & C reports, Trials, Conviction Rates in general.

(c-viii) Better relation with the community, citizen participation in crime prevention and detection, reduction in crimes;

(c-ix) Better crime prevention and L&O;

UNIT 4: Police Recruitment, Training and Modernization:

A. Recommendations of Expert Committees on Police training:

- (i)** Gore Committee;
- (ii)** Vohra Committee;
- (iii)** Ribeiro Committee;
- (iv)** Padmnbhaiah Committee.

(a) Recruitment and training of Indian Police Service officers;

(b) Recruitment and training of Class I State Police Service officers and their lateral entry into IPS;

(c) PSI level recruitment, promotion, and training;

(d) Constable level recruitment, promotion and training;

(e) Recommendations of Gore Committee, Third National Commission on Police regarding police recruitment and training;

(f) Major areas of change in Training:

- (i) The qualifications and mode of training of cutting edge police force— PSI and Constables need changes: more professional qualifications at the time of entry;
- (ii) Emphasis to change training from military type to human relations type training (less of PT, Drill, Firing, Parade);
- (iii) Along with training in dull and dry laws like Indian Penal Code, Police Act, and Criminal Procedure Code training for sensitizing policemen about the impact of their behaviour while working at police stations on: (a) citizens (as complainants, victims, witnesses, accused, and the bystanders); (b) social institutions (marriage, family, religion, school and the like), (c) political system (local, regional, and state political functionaries in panchayats/municipalities, etc.); and (d) moral order (general notions of right and wrong, good or bad in any given situation) and adopt proper manners and etiquettes and attitudes to work;
- (iv) Training in democratic policing: respect for citizens' rights, human rights, rights of the accused and rights of the victims as a necessity in investigating crimes, apprehending suspects, interrogating victims, accused and witnesses;

- (v) Change from reactive policing to proactive mode for better community policing; improved image of police;
- (vi) Training in the use of sophisticated technology for gathering intelligence and scientific methods of investigating crimes and avoiding third degree method;
- (vii) Use of latest methods of training police

B. Police Modernization and Hardware:

- (i) Police Buildings: functionally adequate police station building and parade ground and police housing;
- (ii) Police mobility: two and four wheelers and their maintenance and budget;
- (iii) Police communication: computer network, blackberry, and mobile phones, police wireless, broadband, and land phones;
- (iv) Police arms and ammunition: batons, revolvers, stein guns, rifles, assault rifles, shields, tear gas cells,
- (v) Other equipments at police stations: (i) camera and audio recorder for crime scene recording; (ii) Fingerprint kit with consumables/ AFIS; (iii) crime scene investigation kit; (iv) binoculars, road blockers, search lights, breathalysers; Equipments at central locations: Dog squads, bullet proof vehicles, bomb disposal equipment, water canons, electronic speed monitors, moving image alerts, night vision equipment, infra red camera, off the air equipment;
- (vi) Efforts at police modernization by the Union Government and its results so far; Induction of technology and its up-gradation as a continuous process.
- (vii) **Democratic Policing and Public Participation: Peace Committee, Village Police Systems, Koban of Japan, Sherif of USA, Police Boards of UK;**

UNIT 5: Serious Problems in Police Administration:

- a) Political control over police and their misuse for parochial, political and personal purposes;
- b) Reduction in clearance rates and increasing crimes; public fear of crimes and citizen reactions: self protection measures such as martial arts, carrying weapons, private body guards, private detective agencies, approaching local musclemen/ 'bouncers', anti-crime technology options, insurance measures, gated communities; state's failure to protect life, liberty and property of citizens and loss of its credibility.
- c) Police accountability to civil authorities: the Executive Magistrate, the Judiciary, the NHRC/SHRC, Lokayukta, Police Complaints Authority, Women's Rights Commissions, Children's Rights Commissions, Minority Commissions, ST Commissions, Sc Commissions, Commissions of Enquiry, RTI, Writs and PILs and the impact of multiple controls over the functioning of police;

- d) Police Corruption and its impact on crime fighting, public trust, police image, fear of crime;
- e) Police working conditions, risks, impact of stress on health, family, and efficiency; authoritarian personality and suspicion as adaptations to work situations;
- f) Police sub-culture: herd mentality, protecting the guilty colleague; authoritarian personality; self-justification and misuse of law.
- g) **Remedial measures:**
 - (i) Supreme Court directions in Prakash Singh vs Union of India: State Security Council, Police Establishment Board, Police Complaints Authority, minimum tenures for police officers, separation of L&O from Crime Investigation at police station level and their implementation;
 - (ii) Regulating private security agencies and the PSA Regulation Act; Arms Control measures, better policing of cities (Mega City Policing);
 - (iii) Overhauling and streamlining police accountability to too many lateral authorities;
 - (iv) Police Welfare measures: better housing and health facilities, Insurance Schemes against risks and compensation schemes in case of serious injury and death of policeman, compassionate appointment of survivors, better education facilities for police children, improved working conditions in the police stations;
 - (v) Models of Police-Community Relations:
 - a) Koban Model of Japan,
 - b) Police Board of UK;
 - c) Sheriff System of USA (elected)
 - d) 'Commune' system of Israel;
 - e) People's militias in Russia and other communist countries;
 - f) Village Police System in India and Night Round Volunteers;
 - g) Peace Committee;
 - h) Village Defence Groups and night patrol

References:

1. Arvind Verma, 2005, "The Indian Police: A Critical Evaluation", Regency Publications, Delhi.
2. D. Banerjia, Editor 2005, "Central Police Organizations- Part I" Allied Publisher Private limited, NUJS.
3. Dr. D.V. Guruprasad, 2012, "BharatadaIndina Police VYavasthe" Sapna Book House (p) Ltd
4. James Vadackumcherry, 1987, "Indian Police and Miscarriage Of Justice", A.P.H, Publishing Corporation.
5. James Vadackumcherry, 2003, "Crime Law And Police Science", Concept Publishing Company, Delhi.
6. K.K. Mishra, 1987, "Police Administration In Ancient India" Mittal publications, Delhi.
7. Krishna Mohan Mathur, 1991, "Police In India: Problems and Perspective, Gian Publishing House.

8.M.B. Chande , 1997, "The Police In India ", Atlantic Publishers and Distributers, New Delhi.

9.S.K. Gosh, KhusroFaramurzRustumji, 1994, Encyclopedia Of Police In India.

10.William G Bailey , 1995, The Encyclopedia of Police Science, Routledge Imprint of Taylor and Francis groups.

1.5 CRIMINAL JURISPRUDENCE AND SUBSTANTIVE CRIMINAL LAWS 4 Credits

Objectives:

1. To understand the Constitutional context of criminal law to federalism, separation of powers, and individual rights;
2. To understand the basic elements of criminal jurisprudence;
3. To be familiar with substantive criminal law: the IPC 1860, Procedural law-Cr.P.C. 1974, and the Law of evidence- the Indian Evidence Act, 1872;
4. To be familiar with the controversies in criminal law which influence the administration of justice and study of crime;
5. To become familiar with the language and methods of lawyers and judges.
6. It is a general course not intended for preparing students as practicing lawyers.

UNIT 1: (i) Criminal Jurisprudence:

Meaning of jurisprudence; codification of customary law in early Roman Empire by Praetors and Prudentes upto 3rd century BC; later views of Plato and Aristotle on law and justice; emergence of modern jurisprudence in the 18th century;

(ii) Classical Views of laws and justice:

(a) Thomas Aquinas (13th century): eternal law, natural Law, divine law, and human law;
(b) Aristotle's Nichomachean Ethics (3rd century): objective moral order Vs human legal systems; natural law and natural justice independent of human law and justice; general law (virtuous actions in relation to others) and particular law (equitable treatment of all others in that position i.e., equality among equals); political justice as a combination of general justice and particular justice; law as enacted morality;

(iii) Different Schools of Institutionalized Law and Justice:

(a) Legal Positivism, (b) Legal realism, (c) Legal Utilitarianism; (d) Critical Legal Theory;

(iv) Civil Vs Criminal Law (Common Law and Enacted Law) as a later development: private vs public wrong; private injury and compensation vs public offence and punishment; necessity to ensure social existence, order and peace, : crime as an affront to public order and peace, the right of the sovereign to punish (Hobbes's Leviathan, Rousseau's social contract, Bentham's utilitarian views).

UNIT 2: (i) Present Indian Criminal Justice System is NOT Indian:

The Constitution, IPC, Cr.P.C. and IEA are all adapted from the Western democracies; Brief history of Indian Criminal Justice before British advent: Shruti and Smritis: Yajñvalkyā, Manu and Kautilya; Evolution of CJS during British rule from 1772 to 1832: beginning of reforms and the tri-partite system; 1832 to 1858: First Law Commission, Prison Reforms, ban on Sati, restraint on child marriage; 1860 to 1950: IPC, Cr.P.C., Indian Evidence Act, Indian Police Act;

(iii) The Fundamental Law 1950- 2014: The Indian Constitution:

Fundamental Rights as natural rights and human rights argued by Aristotle, and Locke ; Articles relating to right against arbitrary punishments save by procedure established by law and right to fair trial (IPC, Criminal Procedure Code, Indian Evidence Act), equality before law and equal treatment of law, provisions against arbitrary arrest and preventive detention, double jeopardy, forced confessions, right to legal remedies (Writs, PILs, Appeals/Review/Revision).

UNIT 3: The Substantive Law: The Indian Penal Code, 1860

- a) IPC defines crimes and prescribes punishments; its brief history;
- b) Punishments under the IPC; Repealed punishments: corporal punishments, transportation for life;
- c) Mens rea as used in IPC: 'knowingly', 'intentionally', 'with the knowledge', 'fraudulently'; Actus reus as used in IPC: 'attempt', 'preparation', and 'completion'; animus nocendi in IPC to be inferred from the facts; free choice and criminal responsibility presumed by proof of mens rea;
- d) Mitigating circumstances as explained in General Exceptions: non-age (doli in capax), duress (beyond one's control), self defence (survival instinct), good faith and mistake of fact (lack of mens rea), insanity and drunkenness (incapacity to differentiate right from wrong), genuine accident (beyond human control);
- e) Classification of crimes: IPC chapters: not misdemeanours or felonies or treason;
- f) Offences against the state (treason): espionage, waging war, sedition, disaffection;
- g) Offences against body (crimes of violence): homicide, murder, assault, rape, kidnapping and abduction, hurt and grievous hurt;
- h) Offences against property: theft, extortion, robbery, dacoity, burglary, CBT, misappropriation, cheating.

UNIT 4: The Procedural Law: The Criminal Procedure Code 1974:

- a) Agencies: Police; Courts, Prosecutor, defence attorney, and correctional institutions: the roles and powers;
- b) **Basic Principles of Procedural Jurisprudence:** (i) presumption of innocence until proved beyond reasonable doubt; (ii) right to bail; (iii) right against torture/forced confessions, (iv) right to fair trial as per natural justice: opportunity of being heard and (v) right to defend (and legal assistance to the indigent), (vi) right against self-incrimination and right to remain silent and complainant/state's duty to prove the accusation; (vii) right to appeal to higher authority, (viii) (ix) right against double jeopardy; How these principles are provided for in the Cr.P.C.
- c) Main Provisions of The Criminal Procedure Code:
 - i. Procedure for investigation of crimes: FIR, arrest, bail, police diary, investigation of crimes and powers of the IO in respect of search, seizure and arrest and bail; classification of IPC crimes as cognizable and non-cognizable, bailable and non-bailable, compoundable and non-compoundable;
 - ii. Charge sheeting, hearing the plea of the accused, commencement of trial;
 - iii. Types of trial: summary, summons, warrants trials, and committal proceedings;
 - iv. Arguments; (v) Judgement and sentence; (vii) Appeal;
- d) (i) Measures for speedy trial (SS); (ii) measures for safeguarding rights of the accused (especially women and children)(SS); (iii) role of the Police(SS); (iv) role of the Prosecutor (SS); (v) role of the defence lawyer, free legal aid vis-a-vis rights of the accused (SS); (vi) role of the correctional institutions(SS); (vii) role of the victim/complainant (victim compensation, restitution and assistance)

UNIT 5: Major Components of Indian Evidence Act 1872:

- i. Basic terms: definition of 'evidence' 'fact', burden/onus of proof, facts in issue, relevant fact, question of law, question of fact, direct evidence, and hearsay;
- ii. Examination of witnesses / accused / approver / expert / investigating officer / victim / informant: examination in chief, cross examination, re-examination;
- iii. Admissibility and relevancy of evidence and facts;
- iv. Oral evidence, documentary evidence, expert evidence;
- v. Confessions, Admissions, Legal Presumptions, and Estoppels;
- vi. Role of evidence and its appreciation in judicial decision making and sentencing; and appeals on questions of fact and questions of law; Points that the Judge analyses before judgement: (i) Legal Presumptions, (ii) Confessions, (iii) Admissions, (iii) Things judicially taken note of, (iv) Estoppels, (v) Contradictions

in witness statements, (vi) Lapses in evidence, (vii) Benefit of doubt, (viii) Canons of judicial interpretation, (ix) judicial conscience.

References:

- 1.Schmalleges frank, 1999, Criminal Justice Today, Practice Hall New Jersey
- 2.Phelps Thomas R, 1979 Introduction to criminal Justice , Good year Publication
- 3.Mehrajuddin Mir , 1984 Crime and Criminal Justice System in India Deep and Deep Publications
- 4.Sharma P.D 1985 Police and Criminal justice administration in India. Uppal Publishing House Delhi.
- 5.Chaturvedi J C 2006, Penology and Correctional Administration, Isha Books Delhi.
- 6..Thailgraj R 2002. Human Rights and Criminal Justice Administration, APH Springs Publishing House.

1.6 ASSESSED FIELD WORK IN JMFC COURT, SESSIONS COURT, CONSUMER FORUM and FAMILY COURT **4 Credits**