

**PAPER – VI : COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

**1. Introductory**

- 1.1. Notions of "force", "coercion", "violence"
- 1.2. Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law
- 1.5. "Constitutional" and "criminal" speech: Speech as incitement to violence
- 1.6. "Collective political violence" and legal order
- 1.7. Notion of legal and extra-legal "repression"

**2. Approaches to Violence in India**

- 2.1. Religiously sanctioned structural violence: Caste and gender based
- 2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Gandhiji's approach to non-violence
- 2.4. Discourse on political violence and terrorism during colonial struggle
- 2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

**3. Agrarian Violence and Repression**

- 3.1. The nature and scope of agrarian violence in the 18-19 centuries India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order

- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre
4. Violence against the Scheduled Castes
  - 4.1. Notion of Atrocities
  - 4.2. Incidence of Atrocities
  - 4.3. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
  - 4.4. Violence Against Women
5. **Communal Violence**
  - 5.1. Incidence and courses of "communal" violence
  - 5.2. Findings of various commissions of enquiry
  - 5.3. The role of police and para-military systems in dealing with communal violence
  - 5.4. Operation of criminal justice system tiring, and in relation to, communal violence

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## **PAPER – V : JUVENILE DELINQUENCY**

### **1. The Basic Concepts**

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile
- 1.3. "Neglected" juvenile
- 1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

### **2. Determining Factors of Juvenile Delinquency**

- 2.1. Differential association
- 2.2. Anomie
- 2.3. Economic pressure
- 2.4. Peer group influence
- 2.5. Gang sub-culture
- 2.6. Class differentials

### **3. Legislative Approaches**

- 3.1. Legislative approaches during the late colonial era.
- 3.2. Children's Act
- 3.3. Legislative position in various States
- 3.4. The Juvenile Justice Act
  - 3.4.1. Constitutional aspects.
  - 3.4.2. Distinction between "Neglected" and "delinquent" juveniles.
  - 3.4.3. Competent authorities
  - 3.4.4. Processual safeguards for juveniles
  - 3.4.5. Powers given to government
  - 3.4.6. Community participation as envisaged under the Act

### **4. Indian Context of Juvenile Delinquency**

- 4.1. The child population percentage to total sex-ratio, urban/rural/rural-urban
- 4.2. Neglected - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants.
- 4.3. Labourers

- 4.3.1. In organised industries like zari, carpet, bidi, glass
- 4.3.2. In unorganised sector like domestic servant, shops and establishments, rag-pickers family trade.
- 4.4. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 4.5. Drug addicts
- 4.6. Victims
  - 4.6.1. Of violence - sexual abuse, battered, killed by parents
  - 4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach
- 5. Judicial Contribution**
  - 5.1. Social action litigation concerning juvenile justice
  - 5.2. Salient judicial decisions
  - 5.3. Role of legal profession in juvenile justice system.
- 6. Implementation**
  - 6.1. Institutions, bodies, personnel
  - 6.2. Recruiting and funding agencies
  - 6.3. Recruitment qualifications and salaries or fund
  - 6.4. Other responsibilities of each agency/person
  - 6.5. Coordination among related agencies
  - 6.6. Accountability-annual reports and accessibility of public to juvenile justice institution.
- 7. Preventive Strategies**
  - 7.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
  - 7.2. Compulsory education
  - 7.3. Role of community, family, voluntary, bodies, individuals.

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The United Nations Declaration on the Rights of Children UNICEF periodic materials

**PAPER - IV : JUDICIAL PROCESS**

**1. Nature of judicial process**

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

**2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

- 2.1. Notions of judicial review
- 2.2. 'Role' in constitutional adjudication - various theories of judicial role.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4. Varieties of judicial and juristic activism
- 2.5. Problems of accountability and judicial law-making.

**3. Judicial Process in India**

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The "independence" of judiciary and the "political" nature of judicial process
- 3.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 3.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 3.5. Institutional liability of courts and judicial activism - scope and limits.

#### **4. The Concepts of Justice**

- 4.1. The concept of justice or Dharma in Indian thought
- 4.2. Dharma as the foundation of legal ordering in Indian thought.
- 4.3. The concept and various theories of justice in the western thought.
- 4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

#### **5. Relation between Law and Justice**

- 5.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class
- 5.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.
- 5.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.
- 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

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