

LL.B. IV Term

Paper : LB - 4036 - Criminology

Prescribed Readings:

1. Harry Elmer Barnes and Negley K. Teeters, *New Horizons in Criminology* (3rd ed., 1959)
2. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, *Theoretical Criminology* (5th ed. 2002)
3. Ahmad Siddique, *Criminology Problems & Perspective* (5th ed., 2007)
4. N.V. Paranjape, *Criminology and Penology* (13th ed., 2008)
5. S. S. Srivastava, *Criminology and Criminal Administration* (3rd ed., 2007)
6. J.P.S. Sirohi, *Criminology and Penology* (6th ed., 2007)

Topic 1 : Theoretical and Historical Perspectives of Criminology

- (i) Perspective of Crime and Criminal – Sin, Wrong and Crime – Changing concept of crime in varying social formations – Crime viewed through consensus or conflict perspectives
- (ii) Relationship between Criminal Policy, Criminal Law and Criminology

Readings:

1. Donald R. Taft and Ralph W. England, "Crime and Criminology", *Criminology* 3-17 (1964) 1
2. David Garland, "Of Crimes and Criminals: The Development of Criminology in Britain", in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology* (2nd ed., 1997) 9
3. Nicola Lacey, "Criminology, Criminal Law and Criminalization", in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology*, (2nd ed., 1997) 24

Topic 2 : Crime causation generally and in the context of specific offenses such as White Collar Crimes, Crime against Women and Children, Terrorism etc.

- (i) Prominent criminological thought currents – Classicalism, Positivism and Radicalism
- (ii) Learning Theories of Causation – Differential Association Theory of Sutherland
- (iii) Social Disorganization Theories – Durkheim, Merton
- (iv) Psychodynamic Theory - Freud
- (v) Economic Theory of Crime

Readings:

1. Harry Elmer Barnes and Negley K. Teeters, "The Eternal Quest for the Causes of Crime", *New Horizons in Criminology* 116-119 (3rd ed., 1959) 35
2. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, "Classical and Positivist Criminology", *Theoretical Criminology* (5th ed., 2002) 38
3. Edwin H. Sutherland and Donald R. Cressey, "A Sociological Theory of Criminal Behavior", *Criminology* (10th ed.). 47
4. Katherine S. Williams, "Anomie, Strain and Juvenile Subculture", *Textbook on Criminology*, 343-367 (3rd ed., 1997) 53
5. George B. Vold, Thomas J. Bernard, Jeffrey B. Snipes, "Durkheim, Anomie and Modernization", *Theoretical Criminology*, (5th ed. 2002) 61
6. Geilbert Geis and Colin Goff, "The Problem of White Collar Crime", Edwin H. Sutherland, *White Collar Crime* ix-xxxiii, 3-10 (1983)

Topic 3 : The Indian Crime Reality

- (i) Organized Crimes
 - (a) Cyber Crime
 - (b) Trafficking
 - (c) Narcotic Trade
 - (d) Money Laundering
- (ii) Privileged Class Deviance

Reading:

B.B. Pande, "Privileged Class Deviance – Nature and Dimensions", *The Other Side of Development* (1987)

Topic 4 : Juvenile Delinquency

- (i) Concept of Juvenile Delinquency
- (ii) Legal Position in India

Readings:

The Juvenile Justice (Care and Protection of Children) Act, 2000

1. *Ragbir v. State of Haryana*, AIR 1981 SC 2037 73
2. *Sanjay Suri v. Delhi Administration*, AIR 1988 SC 414 78
3. *Pratap Singh v. State of Jharkhand* 2005 (1) SCALE 763 82
4. *Sudesh Kumar v. State of Uttarakhand* (2008) 3 SCC 111 101

Topic 5 : Punishment and its Justifications

- (i) Theories of Punishment – Retribution, Deterrence, Reform and Prevention
- (ii) Kinds of Punishment – with a special emphasis on Capital Punishment.
- (iii) Probation as a form of Punishment

Readings:

1. Andrew Ashworth, “Sentencing” in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology* (2nd ed. 1994). 108
2. B.B. Pande, “Face to Face with Death sentence: The Supreme Court’s Legal and Constitutional Dilemmas” (1979) 4 SCC 714
3. S.S. Srivastava, “Capital Punishment”, *Criminology and Criminal Administration*, 89-99 (2nd ed. 2002)
4. Bushan Tilak Kaul, “Criminal Law”, XXXVIII *Annual Survey of Indian Law* 181-226, 195-20 (2002). 114
5. Lewis Diana, “What is Probation?”, in Robert M. Carter, Leslie & T. Wilkins (ed.), *Probation and Parole* (1970) 119
6. S.C.Raina, *Probation, Philosophy, Law and Practice* (1996).
7. The Probation of Offenders Act, 1958

Death Penalty:

5. *Bishnu Deo Shaw v. State of West Bengal*, AIR 1979 SC 964 135
6. *Bachan Singh v. State of Punjab*, AIR 1980 SC 898 145
7. *Macchi Singh v. State of Punjab*, AIR 1983 SC 957 170
8. *Allauddin Mian v. State of Bihar*, AIR 1989 SC 1456 175
9. *Mohd. Chaman v. State* (2001) 2 SCC 28
10. *Lehna v. State of Haryana* (2002) 3 SCC 76 181
11. *Dhananjay Chatterjee v. State of West Bengal*, JT 2004 (4) SC 242
12. *Sharaddhananda v. State of Karnataka*, AIR 2008 SC 3040

Probation:

13. *Jogi Nayak v. State*, AIR 1965 SC 106
14. *Abdul Qayum v. State of Bihar*, AIR 1972 SC 214 190
15. *State v. Bhola* (2003) 3 SCC 1
16. *Dalbir Singh v. State of Haryana* (2000) 5 SCC 82 193
17. *M.C.D. v. State of Delhi* (2005) 4 SCC 605 196
18. *Chhanni v. State of U.P.* (2006) 5 SCC 396 203

Topic 6 : Female Criminality and victimity

- (i) Female Criminality as an aspect of Marginal Criminality
- (ii) Female Victimity and Victimology

Readings:

S.S. Srivastava, “Female Criminality and Victimity in Indian Context: Women and Crime”,
Criminology and Criminal Administration 89-99 (2nd ed., 2002) 205

Topic 7: Restitutive Justice

- (i) The Concept of Restitutive Justice
- (ii) Legal Position in India

Readings:

1. Lucia Zender, “Victims”, in Mike Maguire, Rod Morgan, Robert Reiner (ed.), *The Oxford Handbook of Criminology*, (2nd ed. 1997)
2. S.P. Singh Makkar and Paul C. Friday (ed.), *Global Perspectives in Victimology* 147-163 (1993)
3. S.C. Raina, “Rights of Victims”, in Renu Ghosh (ed.), *Branded* (2001) 214
19. *State of Punjab v. Ajaib Singh*, AIR 1995 SC 975 222
20. *Dr. Jacob George v. State of Kerala* (1994) 3 SCC 430 226
21. *Chairman, Railway Board v. Chandrima Das*, AIR 2000 SC 988 232
22. *Rachhpal Singh v. State of Punjab*, AIR 2002 SC 2710 238

Topic 8: Indian Police and Prison System

- (i) Reforms in Police System
- (ii) Reforms in Prison System

23. *Prakash Singh v. Union of India* (2006) 8 SCC 1 242
24. *Rama Murthy v. Karnataka*, AIR 1997 SC 1739 253

IMPORTANT NOTE:

1. The students are advised to read only the books prescribed above along with legislations and cases.
2. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
3. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.
4. The Question Paper shall include one compulsory question consisting of five parts out of which four parts will be required to be attempted. The question papers set for the academic years 2008 and 2010 are printed below for guidance.

LL.B IV Term Examinations, April- May, 2008

Note: Answer *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (a) Trafficking in humans is the most organized form of transborder criminality. Comment.
 - (b) Scope of criminology has widened due to social change. Discuss.
 - (c) What is cyber crime? Explain its two broad categories.
 - (d) In the light of *Prakash Singh v. Union of India* (2006) 8 SCC 1 briefly discuss the police reforms and their status of implementation.
 - (e) In a patriarchal society, “Women” have been victimized from womb to the tomb. Discuss.

2. “Greatest contribution of positivist school to the development of criminal science lies in the fact that attention of criminologists was drawn for the first time towards personality of criminal rather than crime or punishment.” Comment.

3. Explain the following as contributors to deviancy:
 - (a) Anomie as propounded by Durkheim;
 - (b) Social disorganization in the form of urbanization and industrialization.

4. (a) “Present juvenile legislation in India is said to be in consonance with U.N. Standard Minimum Rules and International Convention on Rights of child.”
In the light of the above statement, evaluate salient features of Juvenile Justice (Care and Protection of Children) Act, 2000.
 - (b) A, aged 17 years and a student of B.A. (Hons) 1st year, is being prosecuted for the heinous offence of rape and murder by a Sessions Courts. A challenges the trial by such court taking age as a factor while ignoring the gravity of the offence. Can he do so?

5. (a) “Probation is a social as well as a legal process, a method of supervision and guidance in which all available community resources are used with ultimate aim of rehabilitation of offender.” Discuss the above statement including the judicial contribution in India.
 - (b) In a riot-prone area, X, aged 20 years was prosecuted under Section 146 of I.P.C. On claiming probation, the trial court denied it on the basis of “Circumstances of the case and nature of offence.” X, contends that court can not do so as per his age and the minimum punishment available for such offence. Advise in view of statutory provisions and case law.

6. “In spite of fragmented provisions of law spread over various statutes, courts have been active in India in recognizing and granting compensation to victims of crime.” Discuss judicial activism in this area of criminal justice system.

7. “Prisons in modern India serve as institutions of reformation of offenders. However they suffer from certain problems which need immediate attention otherwise they will be nothing else than the breeding grounds of delinquency.”
In the light of above statement, briefly discuss the reforms which are on foot in India with regard to prisons.

8. Write short notes on *two* of the following:
 - (a) Retributive and deterrent theories of punishment;
 - (b) Feasibility to retain capital punishment in India;
 - (c) Differential theory of Sutherland and its application to present day Indian conditions.

LL.B. IV Term (Supplementary) Examinations, Aug.-Sept., 2008

Note: Answer *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:-
 - (a) Legal and social definition of crime.
 - (b) Discuss the causative theory that may provide a suitable explanation to Narco Terrorism.
 - (c) What is a white-collar crime?
 - (d) Explain briefly the meaning of privileged class deviance.
 - (e) Discuss briefly the prison reforms as an important measure of prison justice.
2. Elaborate the contribution of the Italian school dominated by the 'trinity' and the difference they introduced to the understanding of crime causation.
3. "Criminal behaviour is learnt and not inherited."
Elucidate the above statement in the context of Differential Association Theory as explaining deviant behaviour.
4. (a) What are the chief characteristics of Juvenile Justice (Care and Protection of Children) Act, 2000 with respect to "Juvenile in conflict with law"?
(b) A, aged 18 years and B, aged 19 years, are being prosecuted for the offence of murder by Sessions Court.
What are the legal lacunae, if any, in the prosecution being conducted?
5. (a) Critically analyse the important features of "The Probation of Offenders Act, 1958".
(b) A, aged 20 years, is convicted for the offence of selling duplicate medicines over the counter.
Can he seek release under the Probation of Offenders Act, 1958.
6. "Victimology is an important adjunct to the study of criminology".
Discuss various provisions of law and attitude of courts in India in this regard.
7. "Police believes more on fists than on wits, on torture more than on culture."
In view of the above scathing comment, what are the major police reforms that may be suggested especially in the light of *Prakash Singh v. Union of India* (2006) 8 SCC 1.
8. Write short notes on any *two* of the following:
 - (a) Deterrent and Reformatory theory of punishment;
 - (b) Arguments for retaining capital punishment in India;
 - (c) Female criminality.

LL.B. IV Term Examinations, May-June 2009

Note: Attempt *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (i) 'Crime is eternal – as eternal as society.'
 - (ii) Conflict and Consensus perspective of crime.
 - (iii) Both human trafficking as well as trade in narcotics is impossible without a well entrenched organization.
 - (iv) Protectors (police) as perpetrators of crime.
 - (v) Difference between classicalism, positivism and radicalism.

2. Globalisation, Industrialisation, Privatisation and now recession have taken their toll on the total rate of criminality. Evaluate on the basis of economic theory of crime causation.
3. (a) Critically analyse the salient features of Juvenile Justice (Care and Protection) Act, 2000 specifically with reference to after-care institutions.
 (b) 'A' aged 17 years is prosecuted on the charges of rape of an 8 year old girl staying in his neighbourhood. He moves a bail application before a Juvenile Court for release to appear in 10th Standard Board examinations. Assuming yourself to be the judge, decide the application highlighting the orders that may be passed under the JJ (C &P) Act, 2000 with reference to a Juvenile in conflict with law.
4. (a) Probation balances the competing interests of an individual reformation and societal demand of prevention from criminal. Comment.
 (b) Would you be inclined to release the following on probation:-
 (i) 'Z', aged 19 years and an expert computer programmer who provided logistic support to a banned militant outfit.
 (ii) A 22 year old M.B.A. student who is a member of a group of similar profile indulging in kidnappings and demanding ransoms.
5. (a) "Retention of capital punishment is a necessary evil in prevalent Indian Scenario." Evaluate.
 (b) Discuss the shift in legislative policy underlying the notion of capital punishment in India. Cite judicial decisions as well.
6. The concept of 'compensatory jurisprudence' with reference to 'victims of crime' and 'abuse of power' has been put in place by the judicial activism of the apex court. Comment in the light of various judicial decisions.
7. Discuss the following:
 (a) Female victimity and female criminality are intertwined.
 (b) Jail Reforms recommended in *Rana Murthy v. State of Karnataka*, AIR 1997 SC 1739.
8. Write short notes on any *two* of the following:
 (a) Privileged class Deviance.
 (b) Sin, Deviance and Crime form intersecting circles.
 (c) Differential Association theory of crime causation and resultant rehabilitative approach underlying punishment.
 (d) White collar crime.

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LL.B. IV Term (Supplementary) Examinations, July-August, 2009

Note: Attempt *five* questions including Question No. 1 which is compulsory.
All questions carry *equal* marks.

1. Attempt briefly any *four* of the following:
 - (a) Causative theory explaining the crime of Terrorism.
 - (b) “Women are less likely to indulge in criminality as compared to men.”
Comment.
 - (c) Critically analyse the important provisions of “Probation of Offenders Act, 1958.
 - (d) Describe briefly various approaches to the definition of crime.
 - (e) Legal position in India with respect to capital punishment.
2. The positivist criminologists introduced the methodology and logic of natural sciences in the field of criminology. Elaborate.
3. “A person becomes criminal because of an excess of definitions favourable to law violation over definitions unfavourable to violation of law.” Do you agree? Critically analyse the Sutherland’s differential association theory of crime causation.
4. (a) Briefly discuss the major provisions of Juvenile Justice (care and Protection of Children) Act, 2000. In what respect it is an improvement over 1986 Act.
(b) Whether the date as to the determination of age of the juvenile is the date on which offence is committed or the date on which the juvenile is brought before the Juvenile Justice Board. Discuss with the help of case law.
5. Describe the concept of restitutive justice. Critically analyse the contribution of Indian courts in this regard.
6. (a) “The police in modern Indian society is looked with fear, suspicion and distrust by the public. This public apathy towards the police demoralizes them to such an extent that the policemen lose self-confidence and are resistant in taking firm steps to prevent violation of law.
Explain briefly various problems and difficulties faced by investigation officer in India.
(b) Critically analyse the police reforms directed by the Supreme Court in *Prakesh Singh v. Union of India*.
7. Describe various approaches to punishment. With which approach do you agree and why?
8. Write short notes on any *two* of the following:
 - (a) Cyber crimes;
 - (b) Relationship between criminal policy; criminal law and criminology;
 - (c) Prison reforms.

LL.B. IV Term Examinations, May-June 2010

1. Attempt any *four* of the following :-
 - (i) Discuss the causative theory that best explains the crime against women and children.
 - (ii) “Crime is inevitable in society and is a universal phenomena.” Comment explaining the concept of crime.
 - (iii) State the difference between socio-economic crimes and white-collar crimes.
 - (iv) Describe the importance of the study of criminology.
 - (v) “Rehabilitation in India Prison is a sick joke”. Critically analyse.
2. Discuss the basic postulates of the classical criminological thought. Do you think these 18th century postulates are still relevant for the modern criminological theorization ?
3. Discuss the Anomic and Differential Association theories of crime causation. What would be the most appropriate theory to provide causal explanation for ‘organised crimes’ in India ?
4. Briefly describe the evolution and development of law relating to death penalty in India. Refer to relevant reports and judicial precedent.
5.
 - (i) State the provisions of probation of Offenders Act, 1958 for the grant of probation.
 - (ii) “Probation is not let off.” Comment. Can the following be released on probation :
 - (a) a woman terrorist
 - (b) an economic offender.
6. Briefly elaborate the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 with particular reference to Rehabilitative and Social Reintegration of child in need of care and protection’.
Can a Hindu couple with a child of their own adopt a child of the same sex under JJ Act. Cite judicial precedent, if any.
7. “The crux of police reform is to secure professional independence for police.” Elaborate with the help of recommendations of National Police Commission and case law, if any.
8.
 - (i) Who is a victim ? Analyse whether female criminals are victims of crime.
 - (ii) “It has now been felt that we have cared too much for the criminal and his rehabilitation but very little for the victim.” Discuss in the light of judicial activism in granting compensation to the victim of crime.

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LL.B. IV Term (Supplementary) Examinations, July-August 2011

1. Attempt any *four* of the following :-
 - (i) Modern concept of criminology.
 - (ii) Trafficking as organized crime.
 - (iii) Cyber crime and its contours
 - (iv) Concept of Anomic and its application to present Indian Conditions.
 - (v) Female victimity
2. Italian school of criminology attributes criminality to physical, anthropological and environmental factors. Discuss.
3. “Bongers theory of relation of crime and poverty is an extension of the Marxian approach to crime.” Comment.
4.
 - (a) Define Juvenile Delinquency. Discuss legal regime which governs Juvenile Delinquency in India.
 - (b) Mr. X as an compliance with Y and Z was charged of the offence of dowry death. The offence was committed on 1-11-1999 when the age of X was 16 years and 2 months. The trial continued upto 1-05-2001. He along with his lawyer pleaded for the benefit of Juvenile Justice (Care and Protection of Children) Act of 2000. Decide whether his plea can be entertained or not by the court of Law. Give reasons.
5. 35th Law Commission’s views received support from Supreme Court in *Bachan Singh v. State of Punjab* favouring the retention of death penalty. Comment.
6.
 - (a) “Probation as a community based treatment of offenders is the suitable alternative to imprisonment in India.” Critically analyse the above statement.
 - (b) Mr. X, who has committed an offence under Section 394 (Voluntary causing hurt in robbery) of IPC, the punishment for which is imprisonment of life or rigorous imprisonment for a term which may extend to 10 years and fine, pleads for the grant of probation on the basis that the offence is punishable with 10 years rigorous imprisonment as an alternative to life imprisonment. Advice Mr. X about the success of his case as per the provision of P.O. Act. 1958.
7. The existing compensatory jurisprudence in India has further been cemented by latest amendments in Criminal Procedure Code 1973 (Amendments of 2009). Elaborate.
8. Indian prisons stink from the top as that like a fish and are in need of drastic reforms. Discuss the reforms if any and their sufficiency carried till date.



LL.B. IV Term

Criminology

Cases Selected and Edited by

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