

Paper 3: Privileged Class Deviance

Objectives:

This course focuses on the Criminality of the "Privileged classes," the relation between privileged power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful", deal mainly with the deviances of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here. In designing teaching materials for this course, current developments in deviance, as reflected in newspapers /journals, law reports, and legislative proceedings should be highlighted. It should be stressed that the objectives of the course include: (a) Dispelling of the commonly held belief that deviance crime is usually associated with the impoverished or improvident; (b) Construction of model for understanding the reality of middle and upper class deviance; c) Critical analyses responses of legal system and (d) Issues and dilemmas in penal and sentencing policies

Course content:

Unit I

Introduction: Concept 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; Tradeunion 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: Concept of official deviance - permissible limit of discretionary powers; The Chambal valley dacoits - Vinoba Mission and Jai Prakash Narain Mission- in 1959 and 1971; The Chagla Commission Report in LIC- Mundhra Affair; The Das Commission Report on Pratap Singh Kairon; The Grover Commission Report on Dev Raj Urs; The Maruti Commission Report; The Thakkar-Natarajan Commission Report on Fairfax

Unit III

Police Deviance: Structures of legal restraint on police power 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.

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 Antulays Case

Select Bibliography:

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4. Surendranath Dwevedi and G.S.Bhargava, Political Corruption in India (1967)
5. A.R.Desai (ed.), Violence of Democratic Rights in India (1986)
6. A.G.Noorani, Minister's Miscounduct (1974)
7. B.B.Pande, "The Nature and Dimensions of Privileged Class Deviance" in the other side of development 136 (1987, K.S.Shukla ed.)
8. Indira Rotherm et al "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 23 J.I.L.I. 522 (1981)