

Paper 6: Collective Violence And Criminal Justice System

Objectives:

This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment. It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the aetiology and the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

Course content:

Unit I

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

Unit II

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

Unit III

Agrarian Violence and Repression: The nature and scope of agrarian violence in the 18-19 centuries India; Colonial legal order as a causative factor of collective political (agrarian) violence; The Telangana struggle and the legal order; The Report of the Indian Human Rights Commission on Arwal Massacre.

Unit IV

Violence against the Scheduled Castes: Notion of Atrocities; Incidence of Atrocities; Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities; Violence Against Women.

Unit V

Communal Violence: Incidence and courses of "communal" violence; Findings of various commissions of enquiry; The role of police and Para-military systems in dealing with communal violence; Operation of criminal justice system during, and in relation to communal violence.

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