

Two Years LL.M. Syllabus 2022-23

**CRIMINAL LAW**

**PAPER 2: PENOLOGY: TREATMENT OF OFFENDERS**

**Objectives:**

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of discretion in the sentencing. Broadly, the course will concern itself with theories of Punishment; approaches to Sentencing; alternatives to Imprisonment; the State of Institution Incarceration in India: Jails and other custodial institutions; the issues relating to Capital Punishment; Penology in relation to privileged class deviance; Penology in relation to marginalized deviance or criminality; the distinctive historical and contemporary Indian approaches to penology.

**Course content:**

**Unit – I: Concept of Punishment and its Justification**

Concept of Penology; Nature, meaning and characteristics of punishment; Theories of Punishment: Retribution; Utilitarian prevention: Deterrence; Utilitarian Intimidation; Behavioral prevention: Incapacitation; Behavioral prevention: Rehabilitation – Expiation; Efficacy of punishment; Emerging trends

**Unit – II: Sentences and Principles of Sentencing**

Principal types of sentence in the Penal Code and special laws; Pre-Sentence hearing; Rationales for Sentencing; Judicial sentencing; Plea Bargaining

**Unit – III: Judicial Approach to Sentencing**

Capital Punishment: a. Abolition or retention of capital sentence; b. Role of judiciary and capital sentence; Life Imprisonment; Sentencing in white collar crime; Sentencing for habitual offenders; Sentencing for young offenders; Sentencing for first time offenders

**Unit – IV: Institutionalized Form of Treatment**

Meaning and purpose; Correctional institutions: Prison as correctional institute; Prison Administration; Prison Reforms; Open air Prisons; Correctional programmes: counselling

and psychological services; Vocational training and work programmes; Remission; temporary release; pre-mature release and after care services

#### **Unit – V: Non-Institutional Form of Treatment**

Meaning; Purpose and types; Probation; meaning; scope-Probation of Offenders Act and other laws; Parole; meaning; scope and legal provisions; After care and rehabilitation services; Role of NGO's in supervision and rehabilitation

#### **Select Bibliography:**

1. K.S.Chhabra, *The Quantum of Punishment in Criminal Law in India*, Publication Bureau, Panjab University. (1970)
2. H.L.A. Hart, *Punishment and Responsibility*, Oxford University Press
3. Herbert L. Packer, *The Limits of the Criminal Sanction* Stanford University Press (1968)
4. Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
5. Ahmad Siddique's *Criminology & Penology*, Eastern Book Company, Lucknow
6. The Law Commission of India, *Forty-Second Report Chapter-3* (1971)
7. K.S. Shukla, "Sociology of Deviant Behavior" in *3 ICSSR Survey of Sociology and Social Anthropology 1969-179* (1986)
8. Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R.Cambray & Co., Calcutta