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 Ayodhya 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

Select Bibliography
Rajni Kothari, State Against Democracy (1987)

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.

Select Bibliography
K.S. Shukla, Adolescent Offender (1985)
United Nations, Beijing Rules on Treatment of Young Offenders (1985)
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
   1.3. The tools and techniques of judicial creativity and precedent.
   1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

   2.1. 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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W. Friedmann, Legal Theory (1960), Stevens, London.
J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
Rajeev Dhavan, The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.