

**POST GRADUATE DEPARTMENT OF CRIMINAL LAW AND CRIMINAL
JUSTICE ADMINISTRATION**

THIRD SEMESTER - OPTIONAL PAPER -V

SUBJECT: COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Objectives of the course

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 etiology 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.

SYLLABUS

UNIT –I Introduction

Notions of “force”, “coercion”, “violence”

Distinction: “Symbolic” violence, “Institutionalized” 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 approach 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.

Special legislation protecting the interest of schedule castes

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 tiring, and in relation to, communal violence.

Selected Bibliography

A . R . Deesai; (ed.) Peasant Struggles in India (1979)

A.R.Deesai, Agrarian Struggles in India: After Independence (1986)

A.R.Deesai, Violation of democratic Rights in India (1986)

D.A. Dhangare, Peasant Movement in India 1920-1950 (1983)

Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit guha (ed.) Subaltern Studies Vol. 1-6 (1983-1988)

T. Hondorich, Violence for Equality (1980)

Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab: 22 Contributions to Indian Sociology 65 (1988)

Raiijnil kothari, State Against Democracy (1987)

G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)

K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

Siddique Ahmed Criminology

Tripathy Crime against Working Women

Braverman Mark Preventing Work Place Violence

Choudhry R.N Judgement on Crimes Against women

Dewan V.K Law Relating to Offence Against women
