

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

THIRD SEMESTER - OPTIONAL PAPER IV

SUBJECT: COMPARATIVE CRIMINAL PROCEDURE

Objectives of the course

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the postgraduate level as this is a subject, which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them to renew and revise their laws to be in tune with developed systems. The paper is taught with reference to India, England, France, U.S. and Russia.

UNIT -I Organization of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction
Nyaya Panchayats in India
Panchayats in tribal areas
Organization of prosecuting agencies for prosecuting criminals
Prosecutors and the police
Withdrawal of prosecution and compounding- Pardoning powers

UNIT-II Pre-trial Procedure

Arrest and questioning of the accused
The rights of the accused
The evidentiary value of statements/articles seized/collected by the police
Rights to counsel
Roles of judge and prosecutor

UNIT-III Trial Procedures

The accusatory system of trial and the inquisitorial system
Role of the judges, the prosecutor and defence attorney in the trial
Admissibility and inadmissibility of evidence
Expert Evidence
Appeal of the court in awarding appropriate punishment
Plea bargaining
Judgement and Appeal

UNIT-IV Correction and Aftercare services

Institutional correction of the offenders
General comparison- After-care services in India and France
The role of the court in correction programs in India

UNIT-V Preventive measures in India

Provisions in the Criminal Procedure Code and special enactments- comparison with other countries
Role of Police – Prevention Action of the police – Security Proceedings- Dispersal of Unlawful Assemblies
Role of Executives-Removal of Public Nuisance and apprehensible danger- Disputes as to immovable property

Selected Bibliography -

Legal Systems of the world

Sarkare's The Code of Criminal Procedure.

Celia Hamptom, Criminal Procedure

Wilkins and Cross, Outline of the Law of Evidence

Archbold, Pleading, Evidence and Practice in Criminal Cases

Sarkar, Law of Evidence

K.N. Chandrashekhara Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure(2000),Eastern, Lucknow

Patric Devlin, The Criminal Prosecution in England

American Series of Foreign Penal Codes Criminal procedure Code of People's Republic of China.

John N. Ferdico, Criminal Procedure(1996), West

Sanders & Young, Criminal Justice (1994)

Christina Van Den Wyngart, Criminal Procedure Systems in European Community

Joel Samaha, Criminal procedure (1997), West

Criminal Procedure Code 1973

The French Code of Criminal Procedure

14th and 41st Reports of Indian Law Commission.

R.V Kelker's lectures on criminal procedure, Eastern Book Company, 4th edition Lucknow 2006

S.N.Misra, The Code of Criminal procedure 1973, Central law publication,Allahabad, 15th edition 2008, pp. 18-32

Tondon's Criminal procedure Code, Allahabad Law Agency (pp. 21-36)

Police and Criminal Evidence Act, 1984.

Criminal Justice and Political Order Act, 1994.
