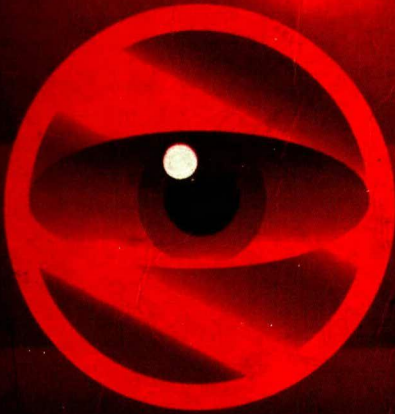


Prof. N. V. PARANJAPE

CRIMINOLOGY PENOLOGY



Central Law Publications

CRIMINOLOGY AND PENOLOGY

Accessing Date.	By
Call No.	Dr. N.V. Paranjape

M.A., LL.M., Ph.D., (Law) & Ph.D. (Pol. Sc.)
Formerly, Dean Faculty of Law, Barkatullah University, Bhopal, and
Head, Post-Graduate Department of Law, Government Hamidia Law College, Bhopal,
Ex-Professor, Head & Dean, Faculty of Law, Jabalpur University.

AUTHOR OF

*Studies in Jurisprudence, Law Relating to Probation of Offenders in India ;
The Role of Directive Principles under the Indian Constitution ;
Company Law, Legal & Constitutional History, Law relating to Arbitration ;
Code of Criminal Procedure etc. etc.*

16 Oct

TWELFTH EDITION

2005

2005

CENTRAL LAW PUBLICATIONS

LAW PUBLISHERS & BOOK SELLERS
107, DARBHANGA COLONY, ALLAHABAD

© CENTRAL LAW PUBLICATIONS

First Edition ...	1973	Reprinted Edition ...	1994
Second Edition ...	1976	Ninth Edition ...	1996
Third Edition ...	1980	Tenth Edition ...	1998
Fourth Edition ...	1983	Reprinted ...	1999
Fifth Edition ...	1986	Reprinted ...	2001
Sixth Edition ...	1988	Eleventh Edition ...	2001
Seventh Edition ...	1990	Reprinted ...	2002
Eighth Edition ...	1992	Reprinted ...	2003
Reprinted Edition ...	1993	Twelfth Edition ...	2005

Price Rs. 240.00

Sole Distributors for Delhi
M/s Universal Book Traders
80, Gokhale Market, Opp. New Courts,
Delhi - 110054

PUBLISHER'S NOTE

In spite of our best care and caution, errors and omissions may creep in, for which our patrons will please bear with us and any discrepancy noticed may kindly be brought to our knowledge so that it is taken care of in the next Edition, which will improve our service. Further it is to be noted that the publication is sold with the understanding that Authors/Editors/Printers and Publishers are not responsible for any damage or loss accruing to any body.

Published by
Central Law Publications
107, Darbhanga Colony, Allahabad-2

Typeset at
N & T Computers
Allahabad

Printed by
Shri Maruti Printers
Moti Lal Nehru Road, Allahabad.

PREFACE TO THE TWELFTH EDITION

The present book has entered thirty-second year of its publication since its first edition was taken out way back in 1973. The successful survival of the book for over three decades speaks in itself of its immense popularity among the readers. The author has great pleasure and satisfaction in placing this revised and enlarged Twelfth Edition of the book in the hands of readers who are genuinely interested in deeper study of this fascinating branch of legal knowledge.

The author has endeavoured to bring out this edition in a thoroughly revised form with all the relevant statutory amendments and authoritative decisions on the subject. At places, the whole text has been recast, rewritten and expanded for updating the contents. The relevant statutory enactments have been incorporated in the Appendix and references given under appropriate topics in the body of the book. An attempt has been made to evaluate the latest developing trends in criminology and penology taking stock of contemporary changes of the 21st century which are taking place in other parts of the globe, notably, Britain and United States without, however, losing sight of the Indian perspective.

The authorities, both Indian and foreign, that have been relied upon and used as a source material, have been referred to and acknowledged in the footnotes. A select Bibliography and Table of cases incorporated in the book shall be found useful by the more inquisitive readers.

The author expresses his gratitude and thanks to Messrs Central Law Publications, Allahabad for their keen interest in publishing the book in the elegant form in shortest possible time.

It is sincerely hoped that like the preceding editions, this edition of the book would also be found very useful not only by the students, researchers and the teachers of law, but by the lawyers, Judges and criminal law administrators as well.

All helpful suggestions offered by the readers for the improvement of the book shall be gratefully received.

26th January, 2005
E7/740 Arera Colony, ✓
BHOPAL—16

Dr. N.V. Paranjape

PREFACE TO THE FIRST EDITION

With the introduction of Criminology as a subject for Legal Studies in Indian Universities, there has been a pressing demand for a comprehensive text book on this subject from the student community. It is well known that criminology is a socio-legal subject and with the modern improvised techniques of handling criminals, a summarisation of criminological findings for the students of this branch of knowledge has become all the more necessary. The author has endeavoured to achieve this purpose in the present book.

For the sake of convenience, the entire subject-matter of the book has been split into two parts. Part I deals with the origin and development of criminal science. The causation of crime has also been elaborately discussed in this part of the book. Part II contains information regarding penology and modern techniques of penal science. The subject has been approached in a legal perspective with emphasis on recent developments in correctional field of penology.

The author feels greatly indebted to the works of eminent criminologists and penologists, particularly those of Sutherland and Cressey, J.L. Gillin, G.B. Vold, Donald Taft, Barnes and Teeters, Curtis Bok, Allen Francis, Dr. P.K. Sen, K.S. Pillai and others which have been a source of information and guidance in the compilation of this book. The author also acknowledges his grateful thanks to Late Professor Narendra Singh, Head & Dean, Faculty of Law, University of Jabalpur, who wrote a foreword to this edition. Thanks are also due to Shri Krishna Vinayak Rudra for typing the manuscript neatly within shortest possible time.

The author also wishes to express his thanks to publishers, for bringing out this book in the present form.

Bhopal
June, 1973

Dr. N.V. Paranjape

SELECT BIBLIOGRAPHY

- Agarwal R.S. : Prevention of Crime (Radiant Publishers) 1977
- Barnes & Teeters : New Horizons in Criminology (3rd Ed.) 1966
- Bartol urt. R. : Criminal Behaviour : A Psychological Approach, 1998.
- Batria Puran Dr. : Sex & Crime in India (1st Ed.) 1992
- Bonger W.A. : Criminality & Economic Conditions (1969 Reprint)
Indiana University Press
- Burt Cyril : The Young Delinquent (1st Ed.) 1938 London
- Cavan & Cavan : Crime & Delinquency in Britain
- Chandra, B. : Open Air Prisons (1984 Ed.)
- Chang Dai H. : Criminology—Cross Cultural Perspectives (Vikas)
- Cohen Frank J. : Youth & Crime (New York) 1957
- Centlin John E. : Criminology, 1997
- Cross & Jones : Introduction to Criminal Law (13th Ed.) 1995
- Curtis Bok : Problems of Criminal Law, 1955
- Deb. R. : Principles of Criminology, Criminal Law &
Investigation, Vols. I & II (2nd Ed.) 1968
- Donald Taft & : Criminology (4th Ed.)
R.W. England
- Dressler David : Readings in Criminology, 1966
- Fitzgerald P.J. : Criminal Law & Punishment (Oxford) 1962
- Francis Allen : Borderland of Criminal Justice, 1964
- Garofalo Raffaele : Criminology (Little Brown & Co.) Boston, 1970
- Gault R.H. : Criminology (Boston, Heath) 1932
- Gaur K.D. : Criminal Law and Criminology, (edited) 2003
Deep & Deep Publications, Delhi
- Gillin J.L. : Criminology & Penology (3rd Ed.)
- Glanville Williams : The Criminal Law (2nd Ed.)
- Gluck Sheldon : The Problem of Delinquency, (Boston) 1959
- Heinrich Oppenheimer : The Rationale of Punishment, 1913
- Howard Jones : Crime & Penal System (London Univ. Press) 1956
- I.P.P.F. Publication : Studies in Penology, 1964
- Katherine S. Williams : Textbook of Criminology (1st Indian Reprint 2001)
Universal Law Publishing Co.
- Kenny : Outlines of Criminal Law (17th Ed.)
- Leonard Orland : Justice, Punishment & Treatment, 1983
- Lionel Fox Sir : The English Prison & Borstal System, 1972

- Mannheim Harmann : Comparative Criminology (Lon.) 1965
 Martin J.P. : After Care in Transition, 1964
 Mitra N.L. Dr. : Juvenile Delinquency & Indian Judicial System
 (Deep & Deep Pub.)
 Nelken David : The Futures of Criminology, Sage Pub. 1994.
 Nigel Walker : Crime & Punishment in Britain
 Nigel Walker : Sentencing : Theory and Practice (1985) Butterworths
 Osmania University : Police In Developing Society, 1972
 Publication
 Paranjape N.V. Dr. : Law Relating to Probation of Offenders in India
 (B.R. Publishing Corpn., Delhi) 1988
 Paripurnanand V. rma : Crime, Criminal & Convict. 1965
 Pendse S.N. Dr. : Oaths & Ordeals in Dharmasastras
 (M.S. University, Pub. Baroda), 1985
 Periman Harvey & : The Tasks of Penology (3rd Ed.) 1970
 T. Allington
 Pillai K.S. : Theories of Criminology
 Quinney Richard : The Problem of Crime (New York) 1970
 Rajan V.N. Dr. : Victimology (Allied Publishers) 1981
 Radzinowicz L. : Cambridge Studies In Criminology Vol. XII, 1960
 Reckless Walter C. : Crime Problem (5th Ed.) 1973 New York
 Richard Hawkins & : American Prison System, 1989.
 Geoffery
 Rubin Sol : Crime & Juvenile Delinquency (New York) 1958
 Sen P.K. : Penology Old & New, 1943
 Sethna M.J. : Society & The Criminal (N.M. Tripathi). 1989
 Shah Jyotsna H. Dr. : Studies in Criminology : Probation Services in
 India (N.M. Tripathi). 1973
 Siegel Larry, J. : Criminology, 2000.
 Sutherland & Cressey : The Principles of Criminology (10th Ed.). 1978
 Syed M. Afzal Qadri : Police & Law A Sociological Analysis
 (Gulshan Pub. Srinagar) 1989
 Tappen Paul W. : Crime, Justice & Correction, 1960
 Tierney John : Criminology : Theory and Context, 1996
 Vedder & Key : Penology—Realistic Approach
 Vold G.B. : Theoretical Criminology (Oxford University Press)
 1997
 Williams Franklin, P. : Criminological Theory, 1999.
 Young Jock & Mathews: Rethinking Criminology (1992) London.
-

LIST OF ABBREVIATIONS

AC	... Appellate Court
AIR	... All India Reporter.
AIR SCW	... All India Reporter Supreme Court Weekly
All Cr C	... Allahabad Criminal Cases.
All Cr R	... Allahabad Criminal Rulings.
All ER	... All England Reporter
All LJ	... Allahabad Law Journal.
All LR	... Allahabad Law Reports.
An LT	... Andhra Law Times.
An LT (Cri)	... Andhra Law Times (Criminal)
An Pra LJ	... Andhra Pradesh Law Journal.
An WR	... Andhra Weekly Reports.
Assam LR	... Assam Law Reports.
AWC	... Allahabad Weekly Cases.
BBCJ	... Bihar Bar Council Journal.
Bih LJ	... Bihar Law Judgments.
Bih LJR	... Bihar Law Journal Reports.
Bom CR	... Bombay Cases Reporter.
Bom LR	... Bombay Law Reporter.
CHN	... Calcutta High Court Notes.
Cal WN	... Calcutta Weekly Notes.
CC Cases	... Chandigarh Criminal Cases.
CLR	... Chandigarh Law Reporter.
Cr AR (SC)	... Criminal Appeals Reporter (Supreme Court).
Cri LJ	... Criminal Law Journal.
Cr LR (SC & MP)	... Criminal Law Reporter (Supreme Court and Madhya Pradesh).
Cr LR (Guj)	... Criminal Law Reporter (Gujarat).
Cr LR (Mah)	... Criminal Law Reporter (Maharashtra).
Cr LR (Raj)	... Criminal Law Reporter (Rajasthan).
Cr LT	... Criminal Law Times.
Crimes	... Crimes.
Cr LC	... Criminal Law Cases.
C Cr J	... Current Criminal Judgments.
Cur LJ	... Current Law Journal.

Cut LR (Cr)	... Cuttack Law Reports (Criminal).
Cut LT	... Cuttack Law Times.
Cut WR	... Cuttack Weekly Reporter.
Del LT	... Delhi Law Times.
East Cr C	... Eastern Criminal Cases.
ER	... England Reports.
ILR	... Indian Law Reports.
ITR	... Income Tax Reporter.
Jab LJ	... Jabalpur Law Journal.
JCC	... Journal of Criminal Cases (Del).
JT (SC)	... Judgments Today (Supreme Court).
Kant LC	... Karnataka Law Chronicle.
Kar LJ	... Karnataka Law Journal.
Kash LJ	... Kashmir Law Journal.
Ker LJ	... Kerala Law Journal.
Ker LT	... Kerala Law Times.
L & SL	... Local & Special Laws
LW (Cr)	... Law Weekly (Criminal).
MP LJ	... Madhya Pradesh Law Journal.
MLJ	... Madras Law Journal.
MLJ (Cr.)	... Madras Law Journal (Criminal).
QBD	... Queen's Bench Division.
Raj Cr C	... Rajasthan Criminal Cases.
RLR	... Rajdhani Law Reporter.
Recent Cr R	... Recent Criminal Reports.
SC	... Supreme Court.
SCALE	... Supreme Court Almanac.
SCC	... Supreme Court Cases.
SCC (Cr)	... Supreme Court Cases (Criminal).
SCC (Supp)	... Supreme Court Cases (Supplement).
SC Cr R	... Supreme Court Criminal Rulings.
SCJ	... Supreme Court Journal.
SCR	... Supreme Court Reports.
SCWR	... Supreme Court Weekly Reporter.
US	... United States
WLC	... Western Law Cases (Raj).
WLN.	... Weekly Law Notes.
WLR	... Weekly Law Reports.

CONTENTS

	<i>Page</i>
Preface to the Twelfth Edition	... iii
Preface to the First Edition	... iv
Select Bibliography	... v
List of Abbreviations	... vii
Contents	... ix
Table of Cases	... xxiii

PART I CRIMINOLOGY

Chapter I **THE CONCEPT OF CRIME**

Early concept of crime	... 3
Eighteenth And Nineteenth Century	... 6
Twentieth Century	... 6
Crime defined	... 7
Crime without a Victim	... 9
Classification of Crimes	... 9
Classification of offences under I.P.C.	... 10
Characteristics of Crime	... 10
Sin and Crime Distinguished	... 11
Crime and Morality	... 11
Conclusion	... 12

Chapter II **NATURE AND SCOPE OF CRIMINOLOGY**

Criminology—Its Nature and Scope	... 17
Inter-Relation between Criminology, Penology and Criminal Law	... 20
Criminal Law—Its Nature and Elements	... 21
Perception of Criminal Law in Ancient India	... 21
Fundamentals of Modern Criminal Law	... 22
The purpose of Criminal Law	... 25
The Concept of Crime	... 25

	<i>Page</i>
Intention and motive distinguished	26
Criminology—Its importance	27
Radical Criminology	28
Possibility of Science of Criminology	29
Penology—Its future	30
Approach to Penology	31
Caution against Excessive Reformation	32

Chapter III **THE SCHOOLS OF CRIMINOLOGY**

1. Pre-classical School of Criminology	35
2. The Classical School	36
3. Neo-classical School	37
4. Positive School	39
Cesare Lombroso (1836-1909)	39
Enrico Ferri (1856-1928)	42
Raffaele Garofalo (1852-1934)	43
Gabriel Tarde (1843-1994)	43
An appraisal of Positive School of Criminology	44
Clinical School of Criminology	45
Sociological School of Criminology	45
The New Criminology	46

Chapter IV **CAUSATION OF CRIME**

Heredity and Crime	49
Mental Disorder and Criminality	51
M' Naghten's Rule of Criminal Responsibility	51
Insanity under Indian Criminal Law	53
Bio-physical factors and criminality	54
Intelligence Testing and Crime	55
American View on Personality Aspect of Criminals	56
Freud's theory of Criminal Behaviour	57
Psychological concept of crime	58
Aristotle's Four Laws of Association	60
Conflict Theory of Crime	62
Gender-based Explanations of Female Criminality	64
Group Therapy	65

Chapter V **SOCIOLOGICAL THEORY OF CRIME**

Sociological Theory of Criminal Behaviour	70
---	----

	<i>Page</i>
Theory of Differential Association	71
Multiple Factor Approach to Crime Causation	72
(1) Mobility	72
(2) Culture Conflicts	73
(3) Family Background	73
(4) Political Ideology	75
(5) Religion and Crime	77
(6) Economic Conditions	77
(7) Ecology of Crime	78
(8) Influence of Media	79
Crimes in Urban and Rural Areas	80
Neighbourhood influences	81
Conclusion	82

Chapter VI

TENTATIVE THEORY OF CRIME

Criminality as a part of social behaviour	84
Socio-cultural patterns and Criminal behaviour	86
Tribals Norms and Criminality	89
Crime as a product of social disorganisation	90

Chapter VII

CRIME AND ECONOMIC CONDITIONS

Relationship between economic structure and crimes	95
Marxists Theory	96
Bonger's Economic Theory of Criminality	97
Criticism of Bonger's Theory	99
Limitations of economic explanation of crime	103

Chapter VIII

ORGANISED CRIMES

Definition	105
(1) Organised predatory crime	106
(2) Crime Syndicate	107
(3) Criminal Racket	108
(4) Political Graft	111
Main characteristics of organised criminals	112
Terrorism & Related Organised International Crimes	114

Chapter IX WHITE COLLAR CRIME

	<i>Page</i>
Historical Background	117
Definition of White Collar Crime	118
Criticism of Sutherland's views on White Collar Crime	120
Contributing Factors	121
White Collar Crime in India	122
Hoarding, Black Marketing and Adulteration	123
Tax-evasion	124
White Collar Crime in certain Professions	125
Medical Profession	125
Engineering	125
Legal Profession	125
Educational Institutions	126
White collar crime in business deals	127
Computer related White Collar Crimes	128
Money Laundering (1998-2002) (Cases under FERA)	130
White collar crime distinguished from traditional crime	131
Remedial Measures	133

Chapter X SEXUAL OFFENCES

Indian Perspective	139
Causes of Sex Delinquency	140
Remedial Measures	144
Incest	149
Homosexuals	150
Contraceptives—A Boon to Sex offenders	150
Law Relating to Abortion in India	150
Medical Termination of Pregnancy Act, 1971	151
The Pre-natal Diagnostic Techniques Act, 1994	152
The Problem of Prostitution	152
The Immoral Traffic (Prevention) Act, 1956	154
International Dimensions of Human Trafficking	155
Rescue Homes For Destitute Women	156
Sex Ethics	158
Women and Domestic Violence	158
Torture and Harassment	159
Sexual Harassment of Women at Work Places	160
Dowry And Dowry Deaths	161
Protection of Women Against Possible Sex Harassment by Police Personnel	163

	<i>Page</i>
Amendments of Law Relating to Rape	... 163
Law Relating to Rape Needs to redefine Gender identities	... 165
Concluding observations	... 168

Chapter XI

ALCOHOLISM, DRUG ADDICTION AND CRIME

Main Causes of Drug Addiction	... 172
International Perspective of the Problem.	... 174
Illicit Drug Trafficking	... 176
On-Line Drug Trafficking—A Menace	... 176
Classification of Drugs	... 177
Alcoholism	... 177
Drug-Addicts and Crime	... 178
Indian Law.	... 179
Measures to Control Alcoholism & Drug Addiction	... 181
Enforcement Agencies	... 182
Remedial Measures	... 184
Drunkenness and Criminal Responsibility	... 185

Chapter XII

CRIME STATISTICS

Reasons for Unreliability of Crime Statistics	... 189
Sources of Criminal Statistics	... 191
Crime Records Bureau	... 192
Crime Statistics in India	... 193
TABLE— Trend of Violent Crimes, Property Crimes and White Collar Crimes (1997-2002)	... 194
Trend of Violent Crimes	... 194
TABLE— Crime Rate for Violent Crimes under I.P.C. during 1998-2002	... 195
The Pattern of IPC Crimes	... 195
TABLE— Incidence & Rate of Total Cognizable Crimes under Indian Penal Code (IPC) and Special and Local Acts & Special Laws (SLL) 1992-2002.	... 195
Crime Statistics of Narcotic Drug Seizures	... 196
TABLE— Seizures of Narcotics and Drugs (No. of Cases) During 1998-2002	... 196
TABLE— Quantity of Drugs Seized (1998-2002)	... 197
Conclusion	... 197

**PART II
PENOLOGY**

**Chapter XIII
THEORIES OF PUNISHMENT**

	<i>Page</i>
Concept of Punishment	... 204
Theories of Punishment	... 204
Deterrent Theory	... 204
Retributive Theory	... 205
Preventive Theory	... 206
Reformatory Theory	... 207
Efficacy of Punishment	... 208
Early Stages	... 208
Medieval Period	... 209
Modern or New Penology	... 211
Indian Perspective	... 213
Essentials of an Ideal Penal System	... 214
Penal Policy in India	... 218
Sum-up	... 221

**Chapter XIV
FORMS OF PUNISHMENT AND
JUDICIAL SENTENCING**

Dharmashastra Interpretation of Punishment	... 222
Forms of Punishment.	... 223
Flogging	... 223
Mutilation	... 224
Branding	... 224
Stoning	... 224
Pillory	... 224
Fines	... 225
Forfeiture of Property	... 226
Security Bond	... 227
Banishment	... 227
Solitary Confinement	... 228
Imprisonment for Life	... 229
Imprisonment	... 230
Capital punishment	... 231
Judicial Sentencing	... 232

Chapter XV
CAPITAL PUNISHMENT

	<i>Page</i>
Retributive Effect of Death Penalty	... 237
Deterrent Effect of Capital Punishment	... 238
Modes of Execution	... 238
Capital Punishment in Ancient Rome and Greece	... 239
Continental View on Death Penalty	... 240
Ceylon	... 241
The Italian view	... 241
France	... 241
Death Sentence in U.S.A.	... 241
Capital punishment in India	... 245
Retention of Capital Punishment—How far justified	... 245
Retention preferred to Abolition	... 248
Law Commission's Report on Capital Punishment	... 249
Suicide as an offence	... 250
Should Euthanasia be legalised	... 252
Offences punishable with death sentence under IPC.	... 252
Indian Law on Death Penalty	... 254
Judicial Trend	... 256
Delay in execution of Death Sentence	... 275
Mode of Execution of Death Sentence	... 276
An Overall view.	... 276
Conclusion	... 278

Chapter XVI
THE POLICE SYSTEM

Origin of Police	... 280
Development of Police Organisation	... 281
America.	... 282
Police Force in India.	... 282
The Police set-up	... 286
Police Commissioners	... 287
The Women Police	... 288
Home Guard Police	... 289
Preparatory Police Training Programme	... 289
The Problems of Police	... 290
Principles of Policing	... 291
The Role of Police	... 292
Legal Functions of Police	... 294
(1) Patrolling and Surveillance	... 294
(2) Preventive Functions	... 295

	<i>Page</i>
(3) Conditional Release of Accused on Bond etc. ...	296
(4) Investigation by Police ...	297
TABLE— IPC cases investigated & Charge-sheeted by Police (1961-2002) ...	298
(5) Interrogation of Offenders & Suspects ...	298
(6) Search & Seizure ...	299
(7) Maintain Inquest Register ...	300
(8) To Assist the Prosecutor ...	300
(9) Identification etc. ...	301
(10) Control of Juvenile Delinquency ...	301
(11) General Welfare Functions ...	301
Rural Policing in India ...	302
The National Police Commission ...	303
Police Custodial Torture ...	304
Supreme Court's Directives for avoidance of Custodial Crimes ...	308
Police Public Co-operation ...	310
Police Advisory Committees ...	312
Judiciary's Attitude towards Police ...	312
Citizen's Voluntary Force ...	313
Modernisation of Police ...	313
Malimath Committee Report on Police Functioning ...	315
The Police Sniffer Dogs ...	315
INTERPOL ...	315
International Perspective of the Police ...	316

Chapter XVII **THE CRIMINAL LAW COURTS**

The British Criminal Law Courts ...	319
Trial by Jury ...	321
The American Criminal Law Courts ...	322
The Prosecutor or the Prosecuting Attorney ...	323
Video-Conferencing in American Courts ...	324
Criminal Law Courts in India ...	325
The Nyaya Panchayats ...	329
Lok Adalats ...	330
The Legal Services Authorities Act, 1987 ...	331
SC/ST (Prevention of Atrocities) Act, 1989 ...	331
Law Relating to Bail ...	332
Role of Investigating Agencies ...	334
The Court of Criminal Trial ...	334
Trial Proceedings ...	335
The object of Criminal Trials ...	337

	<i>Page</i>
The Code of Criminal Procedure, 1973	... 337
Functions of Criminal Law Court	... 338
Shortcomings	... 338
TABLE— Disposal of IPC Crime Cases by Courts (1961-2002)	... 339
Control over Criminal Law Courts	... 342

Chapter XVIII

THE PRISON ADMINISTRATION

The American Prison System	... 349
The Pennsylvania System	... 350
The Auburn System	... 350
The Elmira Reformatory	... 351
The British Prison System	... 352
The Russian Prisons	... 356
International Penal and Penitentiary Commission and Prison Reforms	... 357
Prisons in India	... 358
Indian Jail Reforms Committee 1919-20	... 360
Plea for Setting up Prison Panel	... 362
Role of Prisons in Modern Penology	... 363
The Problem of Overcrowding in Prisons	... 364
The Problem of Prison Discipline	... 364
The Problem of Prisoners' Health	... 365
The Problem of Criminality in Prisons	... 366
Self-Government in Prisons	... 367
Prison Labour	... 367
The Prison Community	... 368
Classification of Prisoners	... 369
Overall Statistical View of Indian Prisons	... 370
Jail Reform Committee's (1980-83) View on Classification of Prisoners	... 371
The Problem of Undertrial Prisoners	... 372
Bar Against Handcuffing	... 373
Solitary Confinement	... 374
Prison Reforms	... 374
Custodial Torture in Prisons	... 380
Judicial Mandates Regarding Prisoners & Detenues	... 384
Judicial Mandates for General Administration of Prisons	... 386
The Repatriation of Prisoners Act, 2003	... 388

Chapter XIX OPEN PRISONS

	<i>Page</i>
Definition of Open Prison	391
Origin of Open Prisons	391
Open Prisons in U.S.A.	392
The Californian Prison Farms	392
International Perspective	394
Open Prison Institutions in other Countries	395
Netherlands	395
France	395
Norway and Sweden	396
Educative Reformatory Work in Hungary	396
Belgium	396
Australia	396
Thailand	396
Middle-East Countries	397
Open Air Camps in India	397
Main Characteristics of Open Prisons	399
Advantages of open prisons	400
Early Sampurnanand Camps in U.P.	403
1. Sampurnanand Camp, Chakiya	403
2. Sampurnanand Camp, Naugarh	403
3. Sampurnanand Camp, Shahgarh	404
4. The Saraya Ghat Camp (Varanasi)	404
Sampurnanand Agricultural-cum-Industrial Camp, Sitarganj (District, Nainital), Uttaranchal	404
Open Air Camp at Durgapur	406
Open Prisons in Maharashtra and Andhra Pradesh	407
Nav Jiwan Shivir at Mungaoli in Madhya Pradesh	407
Nav Jiwan Shivir at Lakhimpur	408
Critical Appreciation	408

Chapter XX EXECUTIVE CLEMENCY, GOOD TIME LAWS AND INDETERMINATE SENTENCE

Pardon	410
Commutation of Sentence	413
Amnesty	414
"Good Time" Laws	414
"Good time" Laws in India	414
Indeterminate Sentence	415
Origin of Indeterminate Sentence	416

	<i>Page</i>
Critical Appreciation of Indeterminate Sentence	418
Suspended Sentence	420

Chapter XXI **PAROLE**

The Concept of Parole	424
Parole and Indeterminate Sentence—Distinguished	425
Parole and Probation Compared	425
Parole Distinguished from Furlough	426
Origin of Parole in U.S.A.	427
The Educative Reformative Scheme in Hungary	427
The British Parole System	428
Parole In India	429
Structural set up of Parole Boards and their Functions	430
Conditions of Parole	431
Judicial Trend	432
Parole Violation	435
Essentials of an Ideal Parole System	436
The Object of Parole	437

Chapter XXII **PROBATION OF OFFENDERS**

Concept and Definition of Probation	439
Object of Probation	442
Probation and Suspended Sentence—Distinguished	442
Origin of the Probation System	443
Probation in U.S.A.	443
Probation in U.K.	444
Probation in European Countries	445
Probation in Sweden	446
Probation System in Japan	446
Probation in India	446
Historical Perspective of Probation Law in India	447
Legislative History of Probation law in India	448
The Probation of Offenders Act, 1958	449
Procedure	450
Other Enactments	450
Scope of Probation under Section 360 of Cr.P.C. and Probation of Offenders Act compared	451
Judicial Trend	453
Removal of Disqualification attached to Conviction	461
Public Welfare Offences	466

	<i>Page</i>
No Probation for Convicted Corrupt Persons	... 470
Age of the Offender	... 471
Pre-sentence Report	... 473
The Place of Probation in the Penal Policy	... 473
Major Functions of the Probation Officer	... 475
Critical Appreciation Probation as a Correctional Measure	... 477
Some Useful Suggestions	... 479
Public Participation in Probation Service	... 481

Chapter XXIII **JUVENILE DELINQUENCY**

Movement for Juvenile Justice	... 485
Juvenile Delinquency—What it means ?	... 486
Causes of Juvenile Delinquency	... 488
Justifications which the Juveniles may advance against their Delinquent act	... 490
Juvenile Justice in U.K.	... 491
Juvenile Justice in U.S.A.	... 493
Juvenile Delinquency in other Countries	... 493
Norway	... 494
Turkey	... 494
International Concern for Juvenile Justice	... 494
Juvenile Justice in India	... 495
Historical Conspectus of the Law Relating to Juvenile Justice in India	... 497
The Juvenile Justice Act, 1986 (repealed by J.J. Act, 2000)	... 498
The Juvenile Justice (Care and Protection of Children) Act, 2000	... 498
Relevant date as to determination of age of the Juvenile : Whether it should be the date on which offence is committed or the date on which the juvenile is brought before the Court for trial.	... 501
Special Juvenile Police Units	... 511
Trial of Juveniles under Cr.P.C. and the Repealed Juvenile Justice Act, 1986	... 512
Grant of Bail to Juvenile	... 512
Neglected Children	... 513
Trial of Juveniles where there is no Juvenile Court (now Juvenile Justice Board)	... 513
Special Procedure of the Juvenile Justice Board	... 514
An Appraisal of the Juvenile Justice System in India	... 514
TABLE— Incidence and Rate of Juvenile Delinquency under IPC (1992-2002)	... 517

	<i>Page</i>
Treatment of Juvenile in Conflict with Law and Children in Need of Care & Protection	517
Observation Homes	518
Special Homes	518
Certified Schools	518
Separate Schools & Hostels for the Children of Prostitutes	518
Borstals	519
The English Borstal Institutions	520
Borstal system in India	520
Juvenile Delinquency in Different States of India	521
TABLE— Incidence of Juvenile Delinquency Under Different Crime Heads (IPC) During 2002	522
Clinical Service can Serve Best to Prevent Juvenile Delinquency	523

Chapter XXIV **RECIDIVISM**

Who is a Recidivist ?	526
Causes of Recidivism	526
Recidivistic Offenders	530
Measures to combat Recidivism	530
Recidivism in India	533
Supreme Court on Recidivism	533
Prevention of Recidivism	533

Chapter XXV **CRIME PREVENTION**

Distinction between Crime Prevention and Treatment	540
Prevention of Juvenile Crimes	540
Suggested changes in Criminal Law & Procedure	543
Problems involved in Crime Prevention	547
International Perspective of Crime Prevention	551
United Nations Congresses on the Prevention of Crime and the Treatment of Offenders	551
The First Congress 1955 (Geneva)	551
The Second Congress 1960 (London)	552
The Third Congress 1965 (Stockholm)	553
The Fourth Congress 1970 (Kyoto)	553
The Fifth Congress 1975 (Geneva)	554
The Sixth Congress 1980 (Caracas)	555
The Seventh Congress 1985 (Milan)	556
The Eighth Congress 1990 (Havana)	557

	<i>Page</i>
The Ninth Congress 1995 (Cairo)	... 558
The Tenth Congress 2000 (Vienna)	... 560
Victimology—Its Expanding Dimensions	... 562
Concluding Observations	... 563

APPENDICES

I. The Unlawful Activities (Prevention) Act, 1967 As amended by the Unlawful Activities (Prevention) Amendment Act, 2004	... 567
II. The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974	... 587
III. The Immoral Traffic (Prevention) Act, 1956	... 597
IV. The Dowry Prohibition Act, 1961	... 618
V. The Probation of Offenders Act, 1958	... 624
VI. The Juvenile Justice (Care and Protection of Children) Act, 2000	... 631
Index	... 653

TABLE OF CASES

A

- A.R. Antuley *v.* Union of India, 88
 Abdul Mannan and others *v.* State of West Bengal, 513
 Abdul Qayum *v.* State of Bihar, 456
 Adamji Umar Dalal *v.* State, 226
 Adu Ram *v.* Mukna & others, 274, 564
 Ajay Pratap Singh *v.* State of Madhya Pradesh, 500
 Allauddin Mian *v.* State of Bihar, 256, 278
 Amit *alias* Ammu *v.* State of Maharashtra, 267
 Anil Kumar *v.* State of M.P., 365
 Anita (Ku.) *v.* Atal Behari, 500
 Apparel Export Council *v.* A.K. Chopra, 161
 Arnit Das *v.* State of Bihar, 501, 502, 508
 Arvind Mohan *v.* Anil Kumar Biswas, 467
 Asgar Hussain *v.* State of U.P., 234
 Asharfi Lal & Sons *v.* State of U.P., 263
 Ashok Kumar *v.* The State of Delhi Administration, 271
 Attorney-General for Northern Ireland *v.* Gallagher, 179
 Avtar Singh *v.* Emperor, 255

B

- B.B. Das Gupta *v.* State of West Bengal, 508
 Babulal Das *v.* State of West Bengal, 433
 Bachan Singh *v.* State of Punjab, 217, 245, 246, 253, 260, 269, 544
 Baishanta *v.* State of Gujarat, 154
 Bakshi Ram's case, 465
 Bandhua Mukti Morcha *v.* Union of India, 102
 Bavadas Bowri *v.* State of Assam, 102
 Bharwada Bheginbhai Hirjhibhai *v.* State of Gujarat, 164, 344
 Bhikhabhai Devshi *v.* State of Gujarat and others, 231, 427, 437
 Bhim Singh *v.* State of J. & K., 307, 313, 327, 344

- Bhola Bhagat *v.* State of Bihar, 501
 Bhuvan Mohan Patnaik *v.* State of A.P., 376
 Birendra Kumar Rai *v.* Union of India, 181
 Bishnu Dev Shaw *v.* State of West Bengal, 247, 257, 452
 Bodhisattwa Gautam *v.* Miss Subhra Chakraborty, 166
 Brij Lal *v.* Prem Chand, 539

C

- C.S. Bansal *v.* Delhi Administration, 132
 CEHAT and others *v.* Union of India, 152
 Chawla *v.* State of Haryana, 257
 Common Cause—A Registered Society *v.* Union of India, 372
 Conwey *v.* Rinomer, 320
 Cullen *v.* Rogers, 445

D

- D.B.M. Patnaik *v.* State of A.P., 381
 D.K. Basu *v.* State of West Bengal, 308, 310
 D.P.P. *v.* Smith, 23
 Daiya Moshya Bhil *v.* State of Maharashtra, 243
 Dalbir Singh *v.* State of Punjab, 257
 Dalbir Singh *v.* State of Uttar Pradesh, 260
 Dalip Singh *v.* State of Haryana, 307
 Daniel Hailey Walcott *v.* State, 132
 Daya Singh *v.* Union of India, 275
 Delhi Administration *v.* Om Prakash, 467
 Delhi Administration *v.* Ram Singh, 155
 Delhi Domestic Women's Forum *v.* Union of India, 166
 Deo Narain *v.* State of U.P., 23
 Deoki Nandan Dayma *v.* State of Uttar Pradesh, 499
 Devki (Smt.) *v.* State of Haryana, 457
 Dhananjoy Chatterjee *alias* Dhana *v.* State of West Bengal, 411

Dharamvir *v.* State of Uttar Pradesh, 402, 432

Dhruvendra Singh *v.* State of Rajasthan, 500

Dina *v.* State of U.P., 261, 276

Director of Public Prosecutions *v.* Majewski, 185

Divisional Personal Officer Southern Rly. *v.* T.H. Challappan, 462

Duncan *v.* Carumell Laird and Co., 320

Dunna Lal *v.* State of Uttar Pradesh, 465

E

Ediga Anamma *v.* State of Andhra Pradesh, 232, 257

Emperor *v.* Dukhari, 277

Emperor *v.* Harnam Das & another, 144

Eston Baker *v.* Queen, 241

Ex-Capt. P.S. Gill *v.* Chandigarh Administration, 434

Eyre *v.* Shaftesbury, 485

F

Flourida State *v.* B.J.F., 167

Francis Coralie Mullin *v.* Union Territory Delhi, 375, 385

Furman *v.* The State of Georgia, 242, 259

G

Ganesh *v.* Mithalal, 509

Gault, *In re*, 515

Gaurav Jain *v.* Union of India, 111, 157, 519

Gauri Shanker Sharma *v.* State of U.P., 306, 543

Geneta Vijayavardhan Rao & another *v.* State of Andhra Pradesh, 264, 413

Girja Nath *v.* State, 23

Gopinath Ghosh *v.* State of West Bengal, 503

Govindaswami *v.* State of Tamil Nadu, 274

Gregg *v.* George, 242

Gujarat *v.* V.A. Chauhan, 469

Gura Singh *v.* State of Rajasthan, 257

Gurcharan Singh *v.* Delhi Administration, 332

Gurdeep Bagga *v.* Delhi Administration, 434

Guru Bachan Singh *v.* State of Punjab, 162

Guru Sevak Singh *v.* State of Punjab, 372

Guru Swamy *v.* State of Tamil Nadu, 27

Gyan Kaur (Smt.) *v.* State of Punjab, 251

H

Hansa *v.* State of Punjab, 459

Harbans Singh *v.* State of U.P., 386, 417

Hari Chand *v.* Director, School Education, 505

Hari Singh *v.* State of U.P., 464

Harihar Singh *v.* State of U.P., 257

Harold Hamreay & Allen Osl. Norwegian Nationals, *In re*, 509

Harsh Sawhney *v.* Union Territory, Chandigarh, 333

Hava Singh *v.* State of Haryana, 503, 521

Hicklin's case, 144

Hiralal Mallick *v.* State of Bihar, 386, 432

Holmes, *In re*, 515

Hussainara Khatoon *v.* Home Secretary, State of Bihar, 102, 332, 372, 373, 381

I

Iqbal Singh *v.* I.G. Police, Delhi, 463

Ishwar Das *v.* State of Punjab, 234, 467, 468

Ijaz Ahmad *v.* State of Madhya Pradesh, 499

J

Jag Mohan Singh *v.* State of U.P., 245, 260

Jagatguru Srengeri Math *v.* State of Mysore, 508

Jagdev Singh *v.* State of Punjab, 472

Jai Gopal *v.* State, 452

Jai Lal *v.* Delhi Administration, 500

Jai Narayan *v.* Delhi Municipality, 468

Jaipal Singh Tej Singh *v.* Ram Avtar Devilal, 504

Javed Ahmad Abdulhamid Pawala *v.* State of Maharashtra, 262

Jay Kumar *v.* State of Madhya Pradesh, 273

Jethuram Sukhra Nagbanshi *v.* State, 186

Jgannathan *v.* State, 103

Jugal Kishore Prasad *v.* State of Bihar, 456

Jumman Khan *v.* State of U.P., 275

Jurek *v.* Texas, 242

Jwala Devi *v.* Bhoop Singh, 307

K

- K.M. Nanavati *v.* State of Maharashtra, 247, 256, 412
 Kadra Pahadiya *v.* State of Bihar, 373, 385
 Kamaroonissa *v.* State of Maharashtra, 455
 Kamta Tiwari *v.* State of M.P., 264, 271
 Karam Singh *v.* State of Punjab and another, 465
 Kehar Singh *v.* Regional Employment Officer, Chandigarh, 462
 Kehar Singh *v.* Union of India, 412
 Kesar Singh Guleria *v.* State of Himachal Pradesh, 434
 Kesavananda Bharti *v.* State of Kerala, 344
 Kishore Singh Ravinder Dev *v.* State of Rajasthan, 229, 307, 374, 385, 388
 Kishori *v.* State of Delhi, 265
 Kodali Puranchandra Rao *v.* Police Prosecutor, Andhra Pradesh, 300
 Krishan *v.* State of Haryana, 270
 Krishanlal *v.* State of Delhi, 433, 533
 Krishna Bhagwan *v.* State of Bihar, 501, 503
 Krishna Chandra *v.* Harbans Singh, 457
 Kuljeet Singh *alias* Ranga *v.* Union of India, 261, 412
 Kundan Bala *v.* State of A.P., 162
 Kunju Kunju Janardhanan *v.* State of Andhra Pradesh, 217

L

- Lachma Devi *v.* State of Rajasthan, 239, 264
 Laxman Naik *v.* State of Orissa, 274
 Laxmi Kant Pande *v.* Union of India, 513
 Lekh Raj *v.* State, 505

M

- M Naghten's case, 51, 52, 179
 M.H. Haskot *v.* State of Maharashtra, 134
 Machi Singh and others *v.* State of Punjab, 261
 Madan Mohan Punchhi & Mrs. Sujata *v.* Manohar, 247
 Madhu Mehta *v.* Union of India, 275
 Maharashtra *v.* Natwar Lal, 469
 Mahendra Nath Das *v.* State of Assam, 271
 Mahesh *v.* State of M.P., 263, 564
 Mahinder Pal Jolly *v.* State of Punjab, 23

- Maneka Gandhi *v.* Union of India, 345
 Manindra Lal Das *v.* Emperor, 186
 Manohar Lal *alias* Munna & another *v.* State of Delhi, 265
 Maragatham, *In re*, 102
 Maru Ram *v.* Union of India, 411
 Maruti Shripati Dubal *v.* State of Maharashtra, 250
 Masarullah *v.* State of Tamil Nadu, 460
 Mathura Bai's case, 306
 Maung Gyi *v.* Emperor, 185
 Medha Kotwal Lele *v.* Union of India, 161
 Meh Ram *v.* State, 53
 Member *alias* Gudda *v.* State of Madhya Pradesh, 460
 Michael de Fraeities *v.* George Ramoutar Benny, 241
 Miliangos *v.* George Frank Textiles Ltd., 320
 Mithu *v.* State of Punjab, 253, 263
 Mohammad *alias* Bitiya *v.* State of Rajasthan, 459
 Mohammad Aziz, Mohd. Nasir *v.* State of Maharashtra, 449, 450
 Mohammad Chaman *v.* State of Delhi, 266
 Mohammad Dahaur Mia *v.* State of Bihar, 499
 Mohammad Giasuddin *v.* State of Andhra Pradesh, 215, 374, 377, 533
 Molai & another *v.* State of Madhya Pradesh, 273
 Moti Ram *v.* State of Madhya Pradesh, 372
 Munawar Harun Shah *v.* State of Maharashtra, 262
 Municipal Corporation, Delhi *v.* Rattan Lal, 466
 Munna *v.* State of U.P., 505
 Munnuswamy *v.* State, 229
 Musa Khan *v.* State of Maharashtra, 442

N

- N. Bhargavan Pillai (dead) by L.R's and Another *v.* State of Kerala, 470
 Nabin Chandra Das *v.* State, 458
 Naib Singh *v.* State, 230
 Nainsukh Mehtar *v.* Emperor, 229
 Nanavati's case, 247, 256, 412
 Nandini Satpati *v.* P.L. Dhani, 307
 Narottam Singh *v.* State of Punjab, 162
 Nathulal *v.* State of Madhya Pradesh, 23
 Neera *v.* Life Insurance Corporation, 169
 Nilabati Behera *v.* State of Bihar, 327

- Nilabati Behra *v.* State of Orissa, 307, 543
 Niman Sha *v.* State of M.P., 54
 Niranjana Singh *v.* Prabhakar Rajaram,
 307
 Nirmal Singh & another *v.* State of
 Haryana, 266
 Norottam Singh *v.* State of Punjab, 160

O

- Oil Case, *In re*, 467
 Olga Tellis & others *v.* Bombay Municipal
 Corporation, 251

P

- P. Rathinam Nagbhusan Patnaik *v.* Union
 of India, 250, 251
 P.K. Tejani *v.* M. R. Dange, 234
 P.V. Narasimha Rao *v.* State (CBI), 87, 127
 Paras Ram *v.* State of Punjab, 53
 Partington *v.* William, 23
 Patrick Okeke *v.* State, 186
 Pearson *v.* R., 186
 Phul Singh *v.* State of Haryana, 457
 Piare Dusadh *v.* Emperor, 256
 Pickett *v.* Fesq, 445
 Piyarey Lal *v.* State, 468
 Poonam Lata (Smt.) *v.* Wadhawan &
 others, 425, 433
 Prabha Dutt (Smt.) *v.* Union of India, 377,
 386
 Prabhakar Pandurang *v.* State of
 Maharashtra, 380
 Prabhunath Prasad *v.* State of Bihar, 500
 Prakash *v.* State of Madhya Pradesh, 459
 Pratap Singh *v.* State of Jharkhand, 502,
 508
 Pratibha Rani *v.* Suraj Kumar, 344
 Prem Ballabh *v.* The State, 456
 Prem Sagar *v.* Dharambir & others, 272
 Prem Shankar Shukla *v.* Delhi
 Administration, 296, 308, 373, 385
 Profit *v.* Florida, 242
 Provident Investment Company *v.* Income
 Tax Commissioner, 124
 Public Prosecutor *v.* Nalan
 Suryanarayanamurthy, 469
 Puran Singh *v.* State of Punjab, 23
 Pyarali K. Tejani *v.* M.R. Dange, 468

Q

- Queen *v.* Osram Sungra, 255

R

- R. *v.* Clarke, 52
 R. *v.* Hardie, 179
 R. *v.* M'Naghten, 51
 R. *v.* Prince, 24
 R. *v.* R., 159
 R. *v.* Tandi, 186
 R. *v.* Tolson, 23
 R.D. Upadhyaya *v.* State of Andhra
 Pradesh, 372
 R.K. Garg *v.* Union of India, 124
 R.S. Nayak *v.* A.R. Antuley, 127
 Raghbir Singh *v.* State of Haryana, 305
 Raghunath *v.* Mrs. T. P. Faria, 475
 Ragina *v.* Morgan, 23
 Rahmatulla *v.* State, 467
 Rahul Mishra *v.* State of Madhya Pradesh,
 512
 Raja Ram Yadav & others *v.* State of Bihar,
 270
 Rajbir Raghbir Singh *v.* State of
 Haryana, 464
 Rajender Chandra *v.* Chandigarh
 Administration, 501
 Rajendra Dutt *v.* State of Haryana, 459
 Rajendra Prasad *v.* State of U.P., 255, 257,
 259, 318, 377
 Rajesh Khaitan *v.* State of West Bengal,
 505
 Rajesh Kumar *v.* State of Rajasthan, 504
 Rajni Kanta *v.* State of Orissa, 295
 Rajoo *v.* State of Rajasthan, 458
 Raju Singh and others *v.* State of Madhya
 Pradesh, 457, 460
 Rakesh *alias* Duro Pravinbhai Thakar *v.*
 State of Gujarat, 471
 Ram Deo Chauhan and another *v.* State of
 Assam, 273
 Ram Naresh Pandey *v.* State of M.P., 442
 Ram Prakash *v.* State of Himachal
 Pradesh, 468
 Ramamurthy *v.* State of Karnataka, 378,
 382, 390, 397, 402, 409, 435, 449,
 450, 533
 Ramdeo *alias* Rajnath Chouhan *v.* State of
 Assam, 500
 Ramji Missar *v.* State of Bihar, 442, 453,
 471
 Ranga Billa Case, 232
 Ranjit D. Udeshi *v.* State of Maharashtra,
 144

- Ranjit Singh *v.* The State, 455
 Ranjit Singh *v.* Union Territory of Chandigarh, 263
 Ratanlal *v.* State of Punjab, 453
 Ravi Kant *v.* State, 307
 Ravji *alias* Ram Chandra *v.* State of Rajasthan, 264
 Rex *v.* Govinda, 247
 Rohtas *v.* State of Haryana, 512
 Rudal Shah *v.* State of Bihar, 327, 344
- S**
- S. Gopal Reddy *v.* State of Andhra Pradesh, 162
 Saheb Singh *v.* State of M.P., 23
 SAHELI *v.* Commissioner of Police, Delhi, 308, 313, 327, 344, 543
 Sakshi *v.* Union of India, 164
 Salem Govinda Chetty *v.* State of Andhra Pradesh, 466
 Samir Chatterjee *v.* State of West Bengal, 433
 Samresh Bose *v.* Amol Mitra, 144
 Sanchu Ray *v.* State of Assam, 456
 Sanjay Prasad Yadav *v.* State of Bihar, 503
 Sanjay Suri *v.* Delhi Administration, 376, 381
 Santa Singh *v.* State of Punjab, 336
 Santenu Mitra *v.* State of West Bengal, 501
 Sarat Chandra *v.* Khagendra Nath, 256
 Sarojakhan Nayar *v.* State of Maharashtra, 344
 Sarojini *v.* State of M.P., 539
 Sarveshwar Prasad Sharma *v.* State of M.P., 257
 Satna Majhi *v.* State of Assam, Satto *v.* State of U.P., 473
 Satyendra *v.* State of Uttar Pradesh, 272
 Sebastain M. Hongray *v.* Union of India, 327
 Shah Bano Begum's case, 344
 Shama Bai *v.* State of Uttar Pradesh, 155
 Shanker Dass *v.* Union of India, 463
 Shanti *v.* State of Haryana, 539
 Sharad Birdichand *v.* State of Maharashtra, 162
 Shashi Nayer (Smt.) *v.* Union of India, 276
 Shaw *v.* D.P.P., 23
 Sheela Barse *v.* State of Maharashtra, 305, 381, 383, 386, 507
 Sheela Barse *v.* Union of India, 503, 512
- Sher Singh *v.* State of Punjab, 262
 Shidagouda Ningappa *v.* State of Karnataka, 257
 Shiv Mohan Singh *v.* State, 336
 Shivaji Jai Singh *v.* State of Maharashtra, 275
 Shobha Rani *v.* Madhukar Reddy, 162
 Shreerangyee *v.* State of Madras, 102
 Siya Saran *v.* State of Madhya Pradesh, 458
 Sobhraj's case, 374
 Som Prakash *v.* State of Delhi, 234
 Somnath Puri *v.* State of Rajasthan, 456
 Sri Ram Chits Fund Investment (P) Ltd. *v.* M. Krishnan, 508
 State *v.* Chotelal, 53
 State *v.* Dr. Vimladevi, 23
 State *v.* Ghanshyam Das, 504
 State of Bihar *v.* J.A.C. Saldhana, 297
 State of Gujarat *v.* Hon'ble High Court of Gujarat, 368
 State of Haryana *v.* Bhajan Lal, 334
 State of Haryana *v.* Premchand, 472
 State of Haryana *v.* Ramji Lal Devi Sahai, 466
 State of Karnataka *v.* M. Chandrappa and another, 464
 State of Maharashtra *v.* Jagmohan Singh Kuldeep Singh Anand and others, 460
 State of Maharashtra *v.* Kapoor Chand Kesarnal Jain, 469
 State of Maharashtra *v.* Madhukar Narayan, 160, 169
 State of Maharashtra *v.* Ramji Ramchandra Rokade and another, 459
 State of Maharashtra *v.* Ravikanth, 313
 State of Punjab *v.* Gurmit Singh, 160
 State of U.P. *v.* Deoman Upadhyaya, 299
 State of U.P. *v.* Niyamat, 304
 State of U.P. *v.* Ramesh Prasad Misra, 276
 State of West Bengal *v.* Orilal Jaiswal, 344
 State Supdt. Police, New Delhi *v.* Ratan Lal Arora, 470
 State, Assistant Inspector of Labour, Circle II, Nagar Coil *v.* S. Radhakrishnan, 464
 Suja *v.* State, 453
 Sunder Theatres *v.* Allahabad Bank, Jhansi, 509
 Sunil & another *v.* State, 499

Sunil Batra *v.* Delhi Administration, 229,
374, 375, 381

Sunil Batra-I, 384, 387

Sunil Batra-II, 381, 385, 386, 388

Sunil Fulchand Shah *v.* Union of India &
other, 433

Sunil Kumar Parida *v.* State of Orissa, 465

Sunil Shah *v.* Union of India, 433

Sunna *v.* State, 456

Supreme Court Legal Aid Committee
representing Undertrial Prisoners *v.*
Union of India, 372

Suresh Chandra *v.* State of Gujarat, 234,
433, 533

Surja Ram *v.* State of Rajasthan, 270

Sushil Murmu *v.* State of Jharkhand, 272

Sushila Devi *v.* Sharda Devi, 508

Swaran Singh *v.* State of U.P., 413

T

T. Jacob *v.* State, 154

T.V. Vatheeswaran *v.* State of Tamil Nadu,
257, 262

Tarlok Singh *v.* State of Punjab, 336

Tolaram *v.* State of Rajasthan, 54

Trikha Ram *v.* V.K. Seth, 464

Triveniben *v.* State of Gujarat, 275

Tukaram *v.* State of Maharashtra, 306,
539

U

Umesh Chandra *v.* State of Rajasthan, 502

Ummilal *v.* State of M.P., 257

Union of India *v.* Bakshi Ram, 464

Union of India *v.* Union Carbide
Corporation., 234

Uttam Singh *v.* Delhi Administration, 456

V

V.M. Arbat *v.* K.R. Sawant, 344

Veerumchannai Raghvendra Rao *v.* State
of Andhra Pradesh, 434

Venka Radhamanohari *v.* Venka Venkata
Reddy, 344

Venkatachala *v.* The Panchayat Board,
Ethanu, 329

Venugopal *v.* State of Karnataka, 162

Vijay Kumar *v.* Public Prosecutor, 388

Vimla Devi (Dr.) *v.* Delhi Administration,
132, 243

Vishaka *v.* State of Rajasthan, 89, 160

Vishal Jeet *v.* Union of India, 519

Vishnu Moorthi *v.* State of Mysore, 466

W

Wilfred Joseph Dawood Luma *v.* State of
Maharashtra, 180

Y

Yogendra Morarji *v.* State of Gujarat, 23

Yusuf Ali *v.* State of Maharashtra, 306

PART I

CRIMINOLOGY

PREFACE TO THE TWELFTH EDITION

The present book has entered thirty-second year of its publication since its first edition was taken out way back in 1973. The successful survival of the book for over three decades speaks in itself of its immense popularity among the readers. The author has great pleasure and satisfaction in placing this revised and enlarged Twelfth Edition of the book in the hands of readers who are genuinely interested in deeper study of this fascinating branch of legal knowledge.

The author has endeavoured to bring out this edition in a thoroughly revised form with all the relevant statutory amendments and authoritative decisions on the subject. At places, the whole text has been recast, rewritten and expanded for updating the contents. The relevant statutory enactments have been incorporated in the Appendix and references given under appropriate topics in the body of the book. An attempt has been made to evaluate the latest developing trends in criminology and penology taking stock of contemporary changes of the 21st century which are taking place in other parts of the globe, notably, Britain and United States without, however, losing sight of the Indian perspective.

The authorities, both Indian and foreign, that have been relied upon and used as a source material, have been referred to and acknowledged in the footnotes. A select Bibliography and Table of cases incorporated in the book shall be found useful by the more inquisitive readers.

The author expresses his gratitude and thanks to Messrs Central Law Publications, Allahabad for their keen interest in publishing the book in the elegant form in shortest possible time.

It is sincerely hoped that like the preceding editions, this edition of the book would also be found very useful not only by the students, researchers and the teachers of law, but by the lawyers, Judges and criminal law administrators as well.

All helpful suggestions offered by the readers for the improvement of the book shall be gratefully received.

26th January, 2005
E7/740 Arera Colony,
BHOPAL—16

Dr. N.V. Paranjape

PREFACE TO THE FIRST EDITION

With the introduction of Criminology as a subject for Legal Studies in Indian Universities, there has been a pressing demand for a comprehensive text book on this subject from the student community. It is well known that criminology is a socio-legal subject and with the modern improvised techniques of handling criminals, a summarisation of criminological findings for the students of this branch of knowledge has become all the more necessary. The author has endeavoured to achieve this purpose in the present book.

For the sake of convenience, the entire subject-matter of the book has been split into two parts. Part I deals with the origin and development of criminal science. The causation of crime has also been elaborately discussed in this part of the book. Part II contains information regarding penology and modern techniques of penal science. The subject has been approached in a legal perspective with emphasis on recent developments in correctional field of penology.

The author feels greatly indebted to the works of eminent criminologists and penologists, particularly those of Sutherland and Cressey, J.L. Gillin, G.B. Vold, Donald Taft, Barnes and Teeters, Curtis Bok, Allen Francis, Dr. P.K. Sen, K.S. Pillai and others which have been a source of information and guidance in the compilation of this book. The author also acknowledges his grateful thanks to Late Professor Narendra Singh, Head & Dean, Faculty of Law, University of Jabalpur, who wrote a foreword to this edition. Thanks are also due to Shri Krishna Vinayak Rudra for typing the manuscript neatly within shortest possible time.

The author also wishes to express his thanks to publishers, for bringing out this book in the present form.

Bhopal
June, 1973

Dr. N.V. Paranjape

SELECT BIBLIOGRAPHY

- Agarwal R.S. : Prevention of Crime (Radiant Publishers) 1977
 Barnes & Teeters : New Horizons in Criminology (3rd Ed.) 1966
 Bartol urt. R. : Criminal Behaviour : A Psychological Approach, 1998.
 Batria Puran Dr. : Sex & Crime in India (1st Ed.) 1992
 Bonger W.A. : Criminality & Economic Conditions (1969 Reprint)
 Indiana University Press
 Burt Cyril : The Young Delinquent (1st Ed.) 1938 London
 Cavan & Cavan : Crime & Delinquency in Britain
 Chandra, B. : Open Air Prisons (1984 Ed.)
 Chang Dai H. : Criminology—Cross Cultural Perspectives (Vikas)
 Cohen Frank J. : Youth & Crime (New York) 1957
 Cenclin John E. : Criminology, 1997
 Cross & Jones : Introduction to Criminal Law (13th Ed.) 1995
 Curtis Bok : Problems of Criminal Law, 1955
 Deb. R. : Principles of Criminology, Criminal Law &
 Investigation, Vols. I & II (2nd Ed.) 1968
 Donald Taft & : Criminology (4th Ed.)
 R.W. England
 Dressler David : Readings in Criminology, 1966
 Fitzgerald P.J. : Criminal Law & Punishment (Oxford) 1962
 Francis Allen : Borderland of Criminal Justice, 1964
 Garofalo Raffaele : Criminology (Little Brown & Co.) Boston, 1970
 Gault R.H. : Criminology (Boston, Heath) 1932
 Gaur K.D. : Criminal Law and Criminology, (edited) 2003
 Deep & Deep Publications, Delhi
 Gillin J.L. : Criminology & Penology (3rd Ed.)
 Glanville Williams : The Criminal Law (2nd Ed.)
 Gluck Sheldon : The Problem of Delinquency, (Boston) 1959
 Heinrich Oppenheimer : The Rationale of Punishment, 1913
 Howard Jones : Crime & Penal System (London Univ. Press) 1956
 I.P.P.F. Publication : Studies in Penology, 1964
 Katherine S. Williams : Textbook of Criminology (1st Indian Reprint 2001)
 Universal Law Publishing Co.
 Kenny : Outlines of Criminal Law (17th Ed.)
 Leonard Orland : Justice, Punishment & Treatment, 1983
 Lionel Fox Sir : The English Prison & Borstal System, 1972

- Mannheim Harmann : Comparative Criminology (Lon.) 1965
 Martin J.P. : After Care in Transition, 1964
 Mitra N.L. Dr. : Juvenile Delinquency & Indian Judicial System
 (Deep & Deep Pub.)
 Nelken David : The Futures of Criminology, Sage Pub. 1994.
 Nigel Walker : Crime & Punishment in Britain
 Nigel Walker : Sentencing : Theory and Practice (1985) Butterworths
 Osmania University : Police In Developing Society, 1972
 Publication
 Paranjape N.V. Dr. : Law Relating to Probation of Offenders in India
 (B.R. Publishing Corpn., Delhi) 1988
 Paripurnanand V. rma : Crime, Criminal & Convict, 1965
 Pendse S.N. Dr. : Oaths & Ordeals in Dharmasastras
 (M.S. University, Pub. Baroda), 1985
 Periman Harvey & : The Tasks of Penology (3rd Ed.) 1970
 T. Allington
 Pillai K.S. : Theories of Criminology
 Quinney Richard : The Problem of Crime (New York) 1970
 Rajan V.N. Dr. : Victimology (Allied Publishers) 1981
 Radzinowicz L. : Cambridge Studies In Criminology Vol. XII, 1960
 Reckless Walter C. : Crime Problem (5th Ed.) 1973 New York
 Richard Hawkins & : American Prison System, 1989.
 Geoffery
 Rubin Sol : Crime & Juvenile Delinquency (New York) 1958
 Sen P.K. : Penology Old & New, 1943
 Sethna M.J. : Society & The Criminal (N.M. Tripathi), 1989
 Shah Jyotsna H. Dr. : Studies in Criminology : Probation Services in
 India (N.M. Tripathi), 1973
 Siegel Larry, J. : Criminology, 2000.
 Sutherland & Cressey : The Principles of Criminology (10th Ed.), 1978
 Syed M. Afzal Qadri : Police & Law A Sociological Analysis
 (Gulshan Pub. Srinagar) 1989
 Tappen Paul W. : Crime, Justice & Correction, 1960
 Tierney John : Criminology : Theory and Context, 1996
 Vedder & Key : Penology—Realistic Approach
 Vold G.B. : Theoretical Criminology (Oxford University Press)
 1997
 Williams Franklin, P. : Criminological Theory, 1999.
 Young Jock & Mathews: Rethinking Criminology (1992) London.
-

LIST OF ABBREVIATIONS

AC	... Appellate Court
AIR	... All India Reporter.
AIR SCW	... All India Reporter Supreme Court Weekly
All Cr C	... Allahabad Criminal Cases.
All Cr R	... Allahabad Criminal Rulings.
All ER	... All England Reporter
All LJ	... Allahabad Law Journal.
All LR	... Allahabad Law Reports.
An LT	... Andhra Law Times.
An LT (Cri)	... Andhra Law Times (Criminal)
An Pra LJ	... Andhra Pradesh Law Journal.
An WR	... Andhra Weekly Reports.
Assam LR	... Assam Law Reports.
AWC	... Allahabad Weekly Cases.
BBCJ	... Bihar Bar Council Journal.
Bih LJ	... Bihar Law Judgments.
Bih LJR	... Bihar Law Journal Reports.
Bom CR	... Bombay Cases Reporter.
Bom LR	... Bombay Law Reporter.
CHN	... Calcutta High Court Notes.
Cal WN	... Calcutta Weekly Notes.
CC Cases	... Chandigarh Criminal Cases.
CLR	... Chandigarh Law Reporter.
Cr AR (SC)	... Criminal Appeals Reporter (Supreme Court).
Cri LJ	... Criminal Law Journal.
Cr LR (SC & MP)	... Criminal Law Reporter (Supreme Court and Madhya Pradesh).
Cr LR (Guj)	... Criminal Law Reporter (Gujarat).
Cr LR (Mah)	... Criminal Law Reporter (Maharashtra).
Cr LR (Raj)	... Criminal Law Reporter (Rajasthan).
Cr LT	... Criminal Law Times.
Crimes	... Crimes.
Cr LC	... Criminal Law Cases.
C Cr J	... Current Criminal Judgments.
Cur LJ	... Current Law Journal.

Cut LR (Cr)	... Cuttack Law Reports (Criminal).
Cut LT	... Cuttack Law Times.
Cut WR	... Cuttack Weekly Reporter.
Del LT	... Delhi Law Times.
East Cr C	... Eastern Criminal Cases.
ER	... England Reports.
ILR	... Indian Law Reports.
ITR	... Income Tax Reporter.
Jab LJ	... Jabalpur Law Journal.
JCC	... Journal of Criminal Cases (Del).
JT (SC)	... Judgments Today (Supreme Court).
Kant LC	... Karnataka Law Chronicle.
Kar LJ	... Karnataka Law Journal.
Kash LJ	... Kashmir Law Journal.
Ker LJ	... Kerala Law Journal.
Ker LT	... Kerala Law Times.
L & SL	... Local & Special Laws
LW (Cr)	... Law Weekly (Criminal).
MP LJ	... Madhya Pradesh Law Journal.
MLJ	... Madras Law Journal.
MLJ (Cr.)	... Madras Law Journal (Criminal).
QBD	... Queen's Bench Division.
Raj Cr C	... Rajasthan Criminal Cases.
RLR	... Rajdhani Law Reporter.
Recent Cr R	... Recent Criminal Reports.
SC	... Supreme Court.
SCALE	... Supreme Court Almanac.
SCC	... Supreme Court Cases.
SCC (Cr)	... Supreme Court Cases (Criminal).
SCC (Supp)	... Supreme Court Cases (Supplement).
SC Cr R	... Supreme Court Criminal Rulings.
SCJ	... Supreme Court Journal.
SCR	... Supreme Court Reports.
SCWR	... Supreme Court Weekly Reporter.
US	... United States
WLC	... Western Law Cases (Raj).
WLN.	... Weekly Law Notes.
WLR	... Weekly Law Reports.

CONTENTS

	<i>Page</i>
Preface to the Twelfth Edition	iii
Preface to the First Edition	iv
Select Bibliography	v
List of Abbreviations	vii
Contents	ix
Table of Cases	xxiii

PART I CRIMINOLOGY

Chapter I **THE CONCEPT OF CRIME**

✓ Early concept of crime	3
Eighteenth And Nineteenth Century	6
Twentieth Century	6
Crime defined ✓✓	7
Crime without a Victim	9
Classification of Crimes ✓✓	9
Classification of offences under I.P.C.	10
Characteristics of Crime	10
Sin and Crime Distinguished	11
Crime and Morality	11
Conclusion	12

Chapter II **NATURE AND SCOPE OF CRIMINOLOGY**

✓ Criminology—Its Nature and Scope	17
✓ Inter-Relation between Criminology, Penology and Criminal Law	20
Criminal Law—Its Nature and Elements	21
Perception of Criminal Law in Ancient India	21
Fundamentals of Modern Criminal Law	22
The purpose of Criminal Law	25
The Concept of Crime	25

Intention and motive distinguished	...	26
<u>Criminology—Its importance</u>	...	27
Radical Criminology	...	28
Possibility of Science of Criminology	...	29
Penology—Its future	...	30
Approach to Penology	...	31
Caution against Excessive Reformation	...	32

Chapter III **THE SCHOOLS OF CRIMINOLOGY**

1. Pre-classical School of Criminology	...	35
2. The Classical School	...	36
3. Neo-classical School	...	37
4. Positive School	...	39
Cesare Lombroso (1836-1909)	...	39
Enrico Ferri (1856-1928)	...	42
Raffaele Garofalo (1852-1934)	...	43
Gabriel Tarde (1843-1994)	...	43
An appraisal of Positive School of Criminology	...	44
Clinical School of Criminology	...	45
Sociological School of Criminology	...	45
The New Criminology	...	46

Chapter IV **CAUSATION OF CRIME**

Heredity and Crime	...	49
Mental Disorder and Criminality	...	51
M' Naghten's Rule of Criminal Responsibility	...	51
Insanity under Indian Criminal Law	...	53
Bio-physical factors and criminality	...	54
Intelligence Testing and Crime	...	55
American View on Personality Aspect of Criminals	...	56
Freud's theory of Criminal Behaviour	...	57
Psychological concept of crime	...	58
Aristotle's Four Laws of Association	...	60
Conflict Theory of Crime	...	62
Gender-based Explanations of Female Criminality	...	64
Group Therapy	...	65

Chapter V **SOCIOLOGICAL THEORY OF CRIME**

Sociological Theory of Criminal Behaviour	...	70
---	-----	----

	<i>Page</i>
Theory of Differential Association	71
Multiple Factor Approach to Crime Causation	72
(1) Mobility	72
(2) Culture Conflicts	73
(3) Family Background	73
(4) Political Ideology	75
(5) Religion and Crime	77
(6) Economic Conditions	77
(7) Ecology of Crime	78
(8) Influence of Media	79
Crimes in Urban and Rural Areas	80
Neighbourhood influences	81
Conclusion	82

Chapter VI

TENTATIVE THEORY OF CRIME

Criminality as a part of social behaviour	84
Socio-cultural patterns and Criminal behaviour	86
Tribals Norms and Criminality	89
Crime as a product of social disorganisation	90

Chapter VII

CRIME AND ECONOMIC CONDITIONS

Relationship between economic structure and crimes	95
Marxists Theory	96
Bonger's Economic Theory of Criminality	97
Criticism of Bonger's Theory	99
Limitations of economic explanation of crime	103

Chapter VIII

ORGANISED CRIMES

Definition	105
(1) Organised predatory crime	106
(2) Crime Syndicate	107
(3) Criminal Racket	108
(4) Political Graft	111
Main characteristics of organised criminals	112
Terrorism & Related Organised International Crimes	114

Chapter IX
WHITE COLLAR CRIME

	<i>Page</i>
Historical Background	117
Definition of White Collar Crime	118
Criticism of Sutherland's views on White Collar Crime	120
Contributing Factors	121
White Collar Crime in India	122
Hoarding, Black Marketing and Adulteration	123
Tax-evasion	124
White Collar Crime in certain Professions	125
Medical Profession	125
Engineering	125
Legal Profession	125
Educational Institutions	126
White collar crime in business deals	127
Computer related White Collar Crimes	128
Money Laundering (1998-2002) (Cases under FERA)	130
White collar crime distinguished from traditional crime	131
Remedial Measures	133

~~Chapter X~~ *Chapter X*
SEXUAL OFFENCES

Indian Perspective	139
Causes of Sex Delinquency	140
Remedial Measures	144
Incest	149
Homosexuals	150
Contraceptives—A Boon to Sex offenders	150
Law Relating to Abortion in India	150
Medical Termination of Pregnancy Act, 1971	151
The Pre-natal Diagnostic Techniques Act, 1994	152
The Problem of Prostitution	152
The Immoral Traffic (Prevention) Act, 1956	154
International Dimensions of Human Trafficking	155
Rescue Homes For Destitute Women	156
Sex Ethics	158
Women and Domestic Violence	158
Torture and Harassment	159
Sexual Harassment of Women at Work Places	160
Dowry And Dowry Deaths	161
Protection of Women Against Possible Sex Harassment by Police Personnel	163

	<i>Page</i>
Amendments of Law Relating to Rape	... 163
Law Relating to Rape Needs to redefine Gender identities	... 165
Concluding observations	... 168

Chapter XI

ALCOHOLISM, DRUG ADDICTION AND CRIME

Main Causes of Drug Addiction	... 172
International Perspective of the Problem.	... 174
Illicit Drug Trafficking	... 176
On-Line Drug Trafficking—A Menace	... 176
Classification of Drugs	... 177
Alcoholism	... 177
Drug-Addicts and Crime	... 178
Indian Law.	... 179
Measures to Control Alcoholism & Drug Addiction	... 181
Enforcement Agencies	... 182
Remedial Measures	... 184
Drunkenness and Criminal Responsibility	... 185

Chapter XII

CRIME STATISTICS

Reasons for Unreliability of Crime Statistics	... 189
Sources of Criminal Statistics	... 191
Crime Records Bureau	... 192
Crime Statistics in India	... 193
TABLE— Trend of Violent Crimes, Property Crimes and White Collar Crimes (1997-2002)	... 194
Trend of Violent Crimes	... 194
TABLE— Crime Rate for Violent Crimes under I.P.C. during 1998-2002	... 195
The Pattern of IPC Crimes	... 195
TABLE— Incidence & Rate of Total Cognizable Crimes under Indian Penal Code (IPC) and Special and Local Acts & Special Laws (SLL) 1992-2002.	... 195
Crime Statistics of Narcotic Drug Seizures	... 196
TABLE— Seizures of Narcotics and Drugs (No. of Cases) During 1998-2002	... 196
TABLE— Quantity of Drugs Seized (1998-2002)	... 197
Conclusion	... 197



**PART II
PENOLOGY**

Chapter XIII
THEORIES OF PUNISHMENT

	<i>Page</i>
Concept of Punishment	... 204
Theories of Punishment	... 204
Deterrent Theory	... 204
Retributive Theory	... 205
Preventive Theory	... 206
Reformatory Theory	... 207
Efficacy of Punishment	... 208
Early Stages	... 208
Medieval Period	... 209
Modern or New Penology	... 211
Indian Perspective	... 213
Essentials of an Ideal Penal System	... 214
Penal Policy in India	... 218
Sum-up	... 221

Chapter XIV
**FORMS OF PUNISHMENT AND
JUDICIAL SENTENCING**

<i>Dharmashastra</i> Interpretation of Punishment	... 222
Forms of Punishment.	... 223
Flogging	... 223
Mutilation	... 224
Branding	... 224
Stoning	... 224
Pillory	... 224
Fines	... 225
Forfeiture of Property	... 226
Security Bond	... 227
Banishment	... 227
Solitary Confinement	... 228
Imprisonment for Life	... 229
Imprisonment	... 230
Capital punishment	... 231
Judicial Sentencing	... 232