

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2019

Course: ECONOMICS OF SENTENCING AND PRISON

Semester: 5

Program: BA.,LL.B. (HONS.) CRIMINAL/ LABOUR LAW/ CONSTITUTIONAL LAW 2017

Time: 03 hrs.

Course Code: CLCC3016

Max. Marks: 100

Instructions:

SECTION A		Marks	CO
Q 1	Write a very short note on the following:		
1.	<i>Incapacitation</i> effect of imprisonment.	2	1
2.	<i>Certainty</i> of punishment.	2	1
3.	Who is the author of the book <i>Discipline and Punish</i> ?	2	1
4.	<i>Parole</i> .	2	5
5.	<i>Severity</i> of punishment.	2	5
SECTION B			
Q 2	Write a short note on the following:		
1.	Discuss the merits and de-merits of having fines <i>vis-à-vis</i> imprisonment.	5	2
2.	Death penalty has often been criticized for its arbitrary use, evaluate the same using case laws.	5	1
3.	Cost and benefit analysis of Criminal Justice Policies.	5	3
4.	Retributive and deterrent theory of punishment.	5	1
SECTION-C			
Q 3	Write a descriptive note for the following questions:		
1.	<i>“It should not be forgotten that criminal justice institutions, whatever else they are, are pain-delivery mechanisms. Moral beings permit others to suffer as little as possible; civic beings treat one another as fellow citizens who all have a rightful place alongside them in the public world. Dysfunctional institutions that punish too much, or carelessly, or with bias, are shameful reminders of our humanitarian and democratic failings.”</i>	10	4

	Explain the phenomenon of <i>Penal Democracy</i> , explaining its effect on the minorities.		
2.	<p>Following is an excerpt from an article “Juvenile Justice Bill 2014- A regressive Step by Ved Kumari.</p> <p><i>The JJ Bill is ideologically problematic and technically unsound and the tearing hurry with which the government has introduced the JJ Bill in Parliament makes one believe that children within the age group of 16-18 years are running amok committing heinous crimes making everybody unsafe.</i></p> <p>An amendment in 2014 in the Juvenile Justice Act, allowed for some minors committing heinous offences be treated as adults. What was the reasoning given for such a decision and evaluate the same.</p>	10	3
SECTION-D			
Q 4	Give well-reasoned arguments for the following questions:		
1.	<p>An excerpt from INDIA TODAY from the article ‘Parliament approves bill providing death penalty for sexual assault against children’. (Aug.1, 2019)</p> <p><i>A bill seeking to provide death penalty for aggravated sexual assault on children and greater punishments for other crimes against minors was approved by Parliament after it was passed by the Lok Sabha on Thursday. Piloting the Protection of Children from Sexual Offences (Amendment) Bill, 2019, Women and Child Development Minister Smriti Irani said it aims at making offences against children gender-neutral. The Bill, which was already passed by the Rajya Sabha on July 29, defines child pornography, making it punishable. Cutting across party lines, members supported amendments to POCSO Act though some demanded that Bill be referred to the standing committee or select committee as it makes certain offences punishable with death. Seeking passage of the bill in Lok Sabha, Irani said this bill is not related to vote bank politics but to save the future of India.</i></p> <p>Often times death penalty has been argued to be a panacea against grievous crimes, evaluate this assumption critically. (Discuss the deterrent effect of death penalty while enumerating the fallacies/fallout of this argument).</p>	25	4
2.	<p>Following is an excerpt from “Irrationality of the prison-industrial complex” by Lois Kontos:</p> <p><i>The prison system in the United States has its origins in a mixture of enlightenment thinking and religious fervor. In the eighteenth century, public punishments such as the pillory were replaced with incarceration. The Quakers developed the penitentiary as a place where the criminal could be reformed through isolation and forced labor and obligatory religious instruction- all of which were supposed to cleanse his soul and make him possibly worthy of reentrance into the community. The idea that the</i></p>	25	5

community was involved in the punishment and bore some responsibility for the 'treatment' of the prisoner was kept alive until the 1950s.

Growing crime rates in the 1960s, coupled with political reaction to urban 'disorder', made this argument appear suddenly impractical and irrelevant. At the same time, social movements specifically tied to criminal justice issues were reenergized in the 1960s. The movement toward deinstitutionalization was most pronounced and had its furthest reaching effects-particularly in juvenile reformatories and insane asylums. The argument was that labels had predictable and inadvertent consequences, including with regard to reentry that needed to be balanced against the need to treat mental illness and punish wrongdoing. Nowadays, the argument that labels and prevents people from living productive lives, thus increasing the possibility of disorder seems to have played itself out; the 'failure' of the rehabilitative ideal and alternatives to incarceration has become the stuff of common knowledge and commonsense. The argument that 'everything' has failed reinforces the argument that vengeance (just desserts) is a sufficient and worthy goal of the prison system.

Explain the phenomenon of the Prison Industrial Complex and what are the contemporary issues with the same? Elaborate on the consequences of incarceration on labour market and health.