



# Anand Law College

(An Autonomous Institute, Under UGC Regulation 2023) Managed by  
 Shri Ramkrishna Seva Mandal, SRKSM Campus, Near Electric Grid, Anand, Gujarat  
 (Affiliated to S. P. University & Approved by BCI, New Delhi) NAAC Accredited, 'B++'  
 Grade, CGPA 2.97 - 1<sup>st</sup> Cycle



<b>Name of the Course</b> : One Year LLM <b>Group</b> : Criminal and Corporate Law	<b>Type of Course</b> : CBCS
<b>Year</b> : 1 <sup>st</sup> Year	<b>Semester</b> : 3 <sup>rd</sup> ( Trimester)
<b>Subject Code</b> : ALCPG3SCSL4	<b>Subject</b> : SENTENCES AND SENTENCING
<b>W.E.F.</b> : 2025-26	<b>Teaching Hours</b> : 30 Hours

### Teaching & Examination Scheme :

Credit	Lec	Lab	Tut	Internal Marks			External Marks		Passing Marks	Passing Marks	Total Marks
				T	P	CE	T	P	Internal	External	Int+Ext
2	2	-	-	30	-	10	60	-	16/40	24/60	40/100

**Lect = Lecture, Tut = Tutorial, Lab= Lab,T=Theory,P=Practical Theory Passing % :40, Practical Passing %:40**

<b>Course Objectives</b>	<ol style="list-style-type: none"> <li><b>1. Explain</b> the evolution of Indian penal policy by contrasting classical retributive models with modern restorative and rehabilitative approaches. <b>L2 Understanding</b></li> <li><b>2. Analyze</b> the procedural requirements of pre-sentence hearings and the impact of judicial discretion on sentencing outcomes in India. <b>L4 Analyzing</b></li> <li><b>3. Evaluate</b> the "Principle of Proportionality" and the "Just Desert" theory in the context of constitutional mandates and the Rule of Law. <b>L5 (Evaluating)</b></li> <li><b>4. Critique</b> existing sentencing disparities in India by comparing them with international sentencing guidelines and public opinion. <b>L5 Evaluating</b></li> <li><b>5. Formulate</b> a structured framework for sentencing discretion to address inconsistencies and bridge the gap between standardization and individualization. <b>L6 Creating</b></li> </ol>
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<b>Course Outcomes</b>	<ol style="list-style-type: none"> <li>Evaluate the evolution of India's penal policy, contrasting classical retributive models with modern rehabilitative approaches within the constitutional framework.</li> <li>Apply various theories of punishment (Deterrent, Reformative, etc.) to analyze the rationale behind specific judicial sentences in complex criminal cases.</li> <li>Demonstrate a thorough understanding of the sentencing process, including the legal requirements of "Pre-sentence hearings" and the role of aggravating and mitigating circumstances.</li> <li>Critically assess modern alternatives to traditional imprisonment, such as Plea Bargaining, Probation, and Community-based corrections, and their impact on reducing prison overcrowding.</li> <li>Analyze the "Principle of Proportionality" and the "Just Desert" model to determine if a sentence satisfies the requirements of the Rule of Law.</li> <li>Compare the sentencing disparities in India with international guidelines (e.g., US or UK models) and advocate for a structured sentencing policy in the Indian context.</li> <li>Interpret landmark Supreme Court judgments on sentencing discretion to identify the "Principles of Sentencing" that govern trial courts in India.</li> </ol>
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## Detail of Syllabus : SENTENCES AND SENTENCING (ALCPG3SCSL4)

Teaching Hours : 30 Hours

Module	Description	Credit
<b>1.</b>	<b>Sentencing: Penal Policy of India</b>	<b>15 % (2) 7 Hours</b>
1.1	Introduction and History of Sentencing: Classical and Modern Approaches	
1.2	Procedure of Sentencing: Pre-sentence hearing, Justification for Punishment	
1.3	Types of Sentencing: Sentencing and the Constitution, Punishment and Indian Penal Code	
1.4	Legitimacy of Penal Policies: Leniency and Mercy in Sentencing, Disparity in Sentences	
1.5	Victims and Legitimacy of Penal Policies, Sentencing Practices in other Countries	
1.6	Judicial Decision	
<b>2.</b>	<b>Theories of Sentencing</b>	<b>15 % (2) 7 Hours</b>
2.1	Theories of Punishment: Deterrent, Retributive, Preventive, and Reformative Theory of Punishment	
2.2	Sentencing in Practice: Standardisation versus Individualisation	
2.3	Judiciary and sentencing	
2.4	Plea Bargaining and Sentence Discounting for Guilty Plea and Guidelines on Guilty Plea Discounting	
2.5	The Traditional Indeterminate Sentencing Model, Probation, Indeterminate Sanctions and Community based Corrections	
2.6	Judicial Decision	
<b>3.</b>	<b>Proportionality in Sentencing</b>	<b>15 % (2) 7 Hours</b>
3.1	Proportionality in Punishment	
3.2	Restorative Justice and proportionality	
3.3	Proportionate Sentencing and Rule of Law	
3.3	The Origins of Desert Module	
3.4	The Strengths and Limitations of Enhanced Sentencing, Reasons and Rationales for Enhanced Penalties	
3.5	Judicial Decision	
<b>4.</b>	<b>Sentencing Disparity in India</b>	<b>15 % (2) 7 Hours</b>
4.1	Need for Sentencing Guideline in India	
4.2	Public Opinion	
4.3	Sentencing Guideline in an International Context	
4.4	Sentencing policy and Principles involve in India	
4.5	Structuring the Sentence's Discretion	
4.6	Judicial Decision	

### Suggested Reference

1. Andrew Ashworth, Sentencing and Criminal Justice 2005 4<sup>th</sup> Edi
2. CK Boyle & MJ Allen, Sentencing law and Practice 1985 1<sup>st</sup> Edi
3. R.V. Kelkar, Criminal Procedure 2001 4<sup>th</sup> Edi. Eastern Book Company, Lucknow
4. Cyrus tata & Neil Hutton, Sentencing and Society – International Perspective 2002 1<sup>st</sup> Edi
5. Justice for all



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6.35<sup>th</sup> Report of Law Commission of India 1967

## Online Reference

1. Forensic Science & Criminology Modules
2. [Analyses of BNS & BNSS 2023](#)
3. <https://ebooks.inflibnet.ac.in/lawp07/chapter/sentencing-theory-and-practice/>
4. <https://www.lawweb.in/2025/03/llm-notes-punishments-under-indian.html>
5. <http://www.uncat.org/>
6. <https://www.mha.gov.in/>