CLM - 1011
MODULE-1: LAW AND SOCIAL TRANSFORMATION IN INDIA.
(Core Course) Syllabus :

1. Law and social change.
   1.1. Law as an instrument of social change.
   1.2. Law as the product of traditions and culture. Criticism and evaluation of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

   2.1. Modernisation as a value : Constitutional perspectives reflected in the fundamental duties. Modernisation of social institutions through law.
   2.2.1. Reform of family law.
   2.2.2. Agrarian reform – Industrialisation of agriculture.
   2.2.3. Industrial reform : Free enterprise v. State regulation.
   2.2.4. Industrialisation v. environmental protection. Reform of court processes.
   2.3.1. Criminal law : Plea bargaining ; compounding and payment of compensation to victims.
   2.3.2. Civil law :(ADR) Confrontation v. Consensus; mediation and conciliation; lok adalats.
   2.3.3. Prison reforms.
   2.4. Democratic decentralization and local self-government.


4. Alternative approaches to law.
   4.1. The jurisprudence of Sarvodaya --- Gandhiji, Vinoba Bhave , Jayaprakash Narayan --- Surrender of dacoits; Concept of gram nyayalayas.
   4.2. Socialist thought on law and justice :An enquiry. through constitutional debates on the right to property.
4.3. Indian Marxist critique of law and justice.
4.4. Naxalite movement: causes and cure.

5. Religion and the law.

5.1. Religion as a divisive factor.
5.2. Secularism as a solution to the problems.
5.3. Reform of the law on secular lines: Problems.
5.4. Freedom of religion and non-discrimination on the basis of religion.
5.5. Religious minorities and the law.


6.1. Language as a divisive factor: formation of linguistic States.
6.2. Constitutional guarantees to linguistic minorities.
6.3. Language policy and the Constitution: Official language; Multi-language system.
6.4. Non-discrimination on the ground of language.

7. Caste and the law.

7.1. Caste as a divisive factor.
7.2. Non-discrimination on the ground of caste.
7.3. Acceptance of caste as a factor to undo past injustices.
7.4. Protective discrimination: Scheduled castes, tribes and backward classes.
7.5. Reservation; Statutory Commission, Statutory provisions.

8. Regionalism and the law.

8.1. Regionalism as a divisive factor.
8.2. Concept of India as one unit,
8.3. Right of movement, residence and business; impermissibility of state or regional barriers.
8.4. Equality in matters of employment; the slogan “Sons of the soil” and its practice.
8.5. Admission to educational institutions: preference to residents of a State.
9. **Women and the law.**

9.2. Gender injustice and its various forms.

10. **Children and the law.**

10.2. Sexual exploitation.
10.3. Adoption and related problems.
10.4. Children and education.

**Select Bibliography:**


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Syllabus:

1. **Nature of Judicial Process.**
   
   1.1. Judicial process as an instrument of social ordering.
   1.3. The tools and techniques of judicial creativity and precedent.
   1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

2. **Special Dimensions of Judicial Process in Constitutional Adjudications.**

   2.1. Notion of Judicial Review.
   2.2. ‘Role’ in constitutional adjudication – various theories of judicial role.
   2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
   2.4. Varieties of judicial and juristic activism.
   2.5. Problems of accountability and judicial law-making.

3. **Judicial Process in India.**

   3.1. Indian debate on the role of judges and on the notion of judicial review.
   3.2. The “independence” of judiciary and the “political” nature of judicial process.
   3.3. Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity.
   3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.
   3.5. Institutional liability of courts and judicial activism - scope and limits.
4. **The Concepts of Justice.**

4.1. The concept of justice or Dharma in Indian thought.
4.2. Dharma as the foundation of legal ordering in Indian Thought.
4.3. The concept and various theories of justice in the western thought.
4.4. Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5. **Relation between Law and Justice.**

5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

**Select Bibliography.**

CLM -3011  
MODULE – 1 : LEGAL EDUCATION AND RESEARCH  
Core Course METHODOLOGY.

Syllabus : 
1. Objectives of Legal Education.  
2. Lecture Method of Teaching – Merits and Demerits.  
3. The Problem Method.  
4. Discussion Method and its suitability at postgraduate level teaching.  
5. The Seminar Method of teaching.  
6. Examination system and problems in evaluation – external and internal assessment.  
7. Student participation in law school programmes – organization of seminars, publication of journal and assessment of teachers.  


9.1. Socio Legal Research.  
9.2. Doctrinal and non-doctrinal.  
9.3. Relevance of empirical research.  
9.4. Induction and deduction.  

10. Identification of Problem of research.  

10.1. What is a research problem ?  
10.2. Survey of available literature and bibliographical research.  
10.2.1. Legislative materials including subordinate legislation, notifications and policy statements.  
10.2.2. Decisional materials including foreign decisions : methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.  
10.2.3. Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.  
10.2.4. Compilation of list of reports or special studies conducted relevant to the problem.
11. **Preparation of the Research Design.**


11.2. Devising tools and techniques for collection of data: Methodology.

11.2.1. Methods for the collection of statutory and case materials and juristic literature.

11.2.2. Use of historical and comparative research materials.

11.2.3. Use of observation studies.

11.2.4. Use of questionnaires / interview.

11.2.5. Use of case studies.

11.2.6. Sampling procedures – design of sample, types of sampling to be adopted.

11.2.7. Use of scaling techniques.

11.2.8. Jurimetrics.

11.3. Computerized Research – A study of legal research programmes such as Lexis and West law coding.


11.5. Analysis of data.

**Bibliography:**

1. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. ILI Publication, Legal Research and Methodology.

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CLM - 2011
MODULE -1 : INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES.

(Core Course)

Syllabus :
1. Federalism.
   1.1. Creation of new States.
   1.2. Allocation and sharing of resources – distribution of grants in aid.
   1.2.1. The inter state disputes on resources.
   1.3. Rehabilitation of internally displaced persons.
   1.4. Centre’s responsibility and internal disturbance within States.
   1.5. Directions of the Union to the State under Article 356 and 365.
   1.6. Federal Comity : Relationship of trust and faith between Union and State.
   1.7. Special status of certain States.
   1.7.1. Tribal Areas, Scheduled Areas.

2. “State” : Need for widening the definition in the wake of liberalization.


   4.1 Freedom of speech and right to broadcast and telecast.
   4.2 Right to strike, hartal and bandh.

5. Emerging regime of new rights and remedies.
   5.1.1. Compensation jurisprudence.
   5.1.2. Right to education.
   5.1.2.1. Commercialisation of education and its impact.
   5.1.2.2. Brain drain by foreign education market.

6. Right of minorities to establish and administer educational institutions and State control.
7. **Secularism and religious fanaticism.**

8. **Separation of powers : stresses and strain.**
   
   8.2. PIL : Implementation.
   8.3. Judicial independence.
   8.3.1. Appointment, transfer and removal of judges.
   8.4. Accountability of executive.

9. **Democratic process.**
   
   9.1. Nexus of politics with criminals and the business.
   9.2. Election.
   9.4. Electoral Reforms.
   9.5. Coalition government, stability, durability, corrupt practices.

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