

FOUNDATION COURSES (COMPULSORY COURSES)

PAPER – I : LAW AND SOCIAL TRANSFORMATION IN INDIA.

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 in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

3. Language and the law

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

4. Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

5. Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.

- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.
6. **Women and the law**
 - 6.1. Crimes against women.
 - 6.2. Gender injustice and its various forms.
 - 6.3. Women's Commission.
 - 6.4. Empowerment of women: Constitutional and other legal provisions.
7. **Children and the law**
 - 7.1. Child labour.
 - 7.2. Sexual exploitation.
 - 7.3. Adoption and related problems.
 - 7.4. Children and education.
8. **Modernisation and the law**
 - 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
 - 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
 - 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
 - 8.4. Democratic decentralisation and local self-government.

9. Alternative approaches to law
- 9.1. The jurisprudence of Sarvodaya— Gandhiji, Vinoba Bhave; Jayaprakash Narayan—Surrender of dacoits; concept of grama nyayalayas.
- 9.2. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
- 9.3. Indian Marxist critique of law and justice.
- 9.4. Naxalite movement: causes and cure.

Select Bibliography

- Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford,
- Robert Lingat, *The Classical Law of India* (1998), Oxford
- U. Baxi, *The Crisis of the Indian Legal System* (1982). Vikas, New Delhi.
- U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.
- Manushi, A Journal About Women and Society.*
- Duncan Derret, *The State, Religion and Law in India* (1999). Oxford University Press, New Delhi.
- H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.
- D.D. Basu, *Shorter Constitution of India* (1996), Prentice - Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.
- Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage
- Indian Law Institute, *Law and Social Change : Indo-American Reflections.* Tripathi (1988)
- J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India
- M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.
- Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

PAPER – II : LEGAL EDUCATION AND RESEARCH
METHODOLOGY

1. Objectives of Legal Education-past, present and, future-new challenges
2. Lecture Method of Teaching - Merits and demerits
3. The Problem Method
4. Case Law and Discussion methods 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 - Organisation of Seminars, publication of journal and assessment of teachers
- 8.1 Clinical legal education - legal aid, legal literacy, legal survey and law reform
- 8.2 Use of computer and audio visual aids in legal education, utility of Internet and virtual classrooms
9. Research Methods
 - 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, notification 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

11.1. Formulation of the Research problem

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

11.4. Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data.

11.5. Analysis of data

Select Bibliography

High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London

S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998)
Eastern Book Company, Lucknow.

M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)

Pauline V. Young, Scientific Social Survey and Research, (1962)

William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill
Book Company, London

H.M. Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)

Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.

Harvard Law Review Association, Uniform System of Citations.

ILLI Publication, Legal Research and Methodology.

www.aals.org

PAPER – V : DISSERTATION

The Dissertation shall be a mini research project and shall be in the form of a Research Thesis. (It must have Introduction, Statement of Aims and Objects of Research, Hypothesis, Methodology, Conclusion, Bibliography and Table of Cases. It must be properly footnoted). Thesis shall be of approximately 200 to 250 printed pages of A4 size with single space.

OPTIONAL GROUPS

GROUP (A) : CRIMINAL LAW AND CRIMINAL ADMINISTRATION

PAPER – I : COMPARATIVE CRIMINAL PROCEDURE

- 1. Organisation of Courts and Prosecuting Agencies**
 - 1.1. Hierarchy of criminal courts and their jurisdiction
 - 1.1.1. Nyaya Panchayats in India
 - 1.1.1.1. Panchayats in tribal areas
 - 1.2. Organisation of prosecuting agencies for prosecuting criminals
 - 1.2.1. Prosecutors and the police
 - 1.3. Withdrawal of prosecution.
- 2. Pre-trial Procedures**
 - 2.1. Arrest and questioning of the accused
 - 2.2. The rights of the accused
 - 2.3. The evidentiary value of statements / articles seized / collected by the police
 - 2.4. Right to counsel
 - 2.5. Roles of the prosecutor and the judicial officer in investigation.

3. Trial Procedures

- 3.1. The accusatory system of trial and the inquisitorial system
- 3.2. Role of the judge, the prosecutor and defence attorney in the trial
- 3.3. Admissibility and inadmissibility of evidence
 - 3.3.1. Expert evidence
- 3.4. Appeal of the court in awarding appropriate punishment.
- 3.5. Plea bargaining

4. Correction and Aftercare services

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After - care services in India and France
- 4.3. The role of the court in correctional programmes in India.

5. Preventive Measures in India

- 5.1. Provisions in the Criminal Procedure Code
- 5.2. Special enactments

6. Public Interest Litigation

- 6.1. Directions for criminal prosecution.

Select Bibliography

Celia Hampton, 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.Chandrasekharan 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.

The Paper will be taught with reference, wherever necessary, to the procedures
in India, England, US, France, Russia and China

PAPER – II : PENOLOGY : TREATMENT OF OFFENDERS

1. Introductory

1.1. Definition of Penology

2. Theories of Punishment

2.1. Retribution

2.2. Utilitarian prevention: Deterrence

2.3. Utilitarian: Intimidation

2.4. Behavioural prevention: Incapacitation

2.5. Behavioural prevention: Rehabilitation - Expiation

2.6. Classical Hindu and Islamic approaches to punishment.

3. The Problematic of Capital Punishment

3.1. Constitutionality of Capital Punishment

3.2. Judicial Attitudes Towards Capital Punishment in India - An inquiry through the statute law and case law.

3.3. Law Reform Proposals

4. Approaches to Sentencing

4.1. Alternatives to Imprisonment

4.1.1. Probation

4.1.2. Corrective labour

4.1.3. Fines

4.1.4. Collective fines

4.1.5. Reparation by the offender/by the court

5. Sentencing

5.1. Principal types of sentences in the Penal Code and special laws

5.2. Sentencing in white collar crime

- 5.3. Pre-sentence hearing
- 5.4. Sentencing for habitual offender
- 5.5. Summary punishment
- 5.6. Plea-bargaining
- 6. Imprisonment**
- 6.1. The state of India's jails today
- 6.2. The disciplinary regime of Indian prisons
- 6.3. Classification of prisoners
- 6.4. Rights of prisoner and duties of custodial staff.
- 6.5. Deviance by custodial staff
- 6.6. Open prisons
- 6.7. Judicial surveillance - basis - development reforms

Select Bibliography

- S. Chhabra, *The Quantum of Punishment in Criminal Law* (1970).
- H.L.A. Hart, *Punishment and Responsibility* (1968)
- Herbert L. Packer, *The Limits of Criminal Sanction* (1968)
- Alf Ross, *On Guilt, Responsibility and Punishment* (1975)
- A. Siddique, *Criminology* (1984) Eastern, Lucknow.
- Law Commission of India, *Forty-Second Report Ch. 3* (1971)
- K.S. Shukla, "Sociology of Deviant Behaviour" in *3 ICSSR Survey of Sociology and Social Anthropology 1969-179* (1986)
- Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990).
R.Campray & Co., Calcutta.