

Master in Laws

Second Year

Course Code– LM-107

Course Name -Judicial Process

Block I Nature of judicial process

Unit-1 Judicial process as an instrument of social ordering; The tools and techniques of creativity and precedents

Unit-2 Judicial process and creativity in law- common law model-Legal Reasoning and growth of law- change and stability

Unit-3 Legal development and creativity through legal reasoning under statutory and codified systems

Block II Special Dimensions of Judicial Process in Constitutional Adjudications

Unit-4 Notions of judicial review; Role in constitutional adjudication - various theories of judicial role

Unit-5 Tools and techniques in policy-making and creativity in constitutional adjudication

Unit-6 Problems of accountability and judicial law-making

Block III The Concepts of Justice

Unit-7 The concept of justice or Dharma in Indian thought; Dharma as the foundation of legal ordering in Indian thought and sources

Unit-8 The concept and various theories of justice in the western thought.

Unit-9 Various theoretical bases of justice: the liberal contractual tradition, the liberal; utilitarian tradition and the liberal moral tradition

Block IV Relation between Law and Justice

Unit-10 Equivalence Theories - Justice as nothing more than the positive law of the stronger class

Unit-11 Dependency theories - For its realization justice depends on law, but justice is not the same as law

Unit-12 The independence of justice theories - means to end relationship of law and justice; The relationship in the context of the Indian constitutional ordering

Unit-13 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice