



**Centre for the Study of Law and Governance
Jawaharlal Nehru University
New Delhi-110067**

Outline of Compulsory Course

LG 603 Governance II: The Legal Dimensions

This course examines the relationship between “law” and “governance.” It examines questions such as: What is the “rule of law”? What are the legal dimensions of governance? How is legal authority constituted? How do judicial institutions have an impact on governance? How are judicial institutions governed? Do social structures impinge upon the functioning of the judicial process? Does law actually have an impact? Is judicial decision making socially efficient? In the process of answering these questions we will enter into a wide ranging examination of the place of law in society and the different standpoints from which it can be assessed.

I. The Indian Judicial System

- the formal allocation of powers in the Indian Judiciary
- the relationship of the Judiciary to other branches of government
- the appointment and administrative machinery of the judiciary etc

II. Legal Process and the Forms of Law The idea would be to give students what used to be called an “idiots” guide to the legal process, perhaps limited to High Courts and the Supreme Court. The second lecture cum discussion could focus on distinctions between types of law (civil, criminal, tort, administrative etc)

Law Institute, Reports

The trajectory of a Sample Case

III. The Concept of Law

- What is Law?
- The Relationship Between Law and Morality

IV. Constitutionalism and the Judiciary

- Judicial Review in Practice
- Forms and Efficacy of Judicial Activism
- The Normative and Legal Basis for Judicial Review

V. Legal systems as social and cultural institutions This section will explore how legal systems are embedded in particular cultural processes and social structures. It will introduce students to the way the judiciary and the legal system as a whole operates in a society inflected by inequalities, whether of class, race or sex. It will also examine the social processes and struggles that underlie the construction of new legal orders or maintain ongoing legal orders, placing law squarely in the domain of both history and politics.

VI. Substantive Topics in Law (students choose amongst the following)

- Gender
- Environmental Law
- Religion
- Tort
- Property

VII. International Legal and Political Issues

- Human Rights Law
- Reparations and Restitution
- The Force of International Law
- War Crimes Tribunals

VIII. Law and Economics

- economic analysis of law
- transaction cost approaches
- the economic efficacy of legal decision making