



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

Outline of Optional Course

LG 622 The Sociology and Politics of Law

This course is designed for students who will already have done the compulsory course on governance and law, and who are keen to do further reading in the sociology, politics and history of law. The course will aim to:

- place legal processes within a particular social context and explain the manner in which these contexts influence outcomes
- study legal institutions – e.g. courts, tribunals, customary panchayats - as social institutions
- understand the legal system as a cultural phenomenon
- understand the ways in which laws create regimes of truth, by defining crime and criminals
- explore the political economy of law making and the definitional power of property laws
- enable students to critically examine judgements and legal issues relating to controversial issues in contemporary India.

I. Anthropological approaches to the law

- Legal centralism
- Legal evolution
- Legal pluralism
- Legal realism
- Law as process
- Law as discourse

II. Legal ethnographies (students to select one for critical reading)

III. Dispute Resolution and Panchayats in India

- Dispute Resolution
- Tribal Panchayats – panchayats in egalitarian communities
- Village Panchayats – panchayats in stratified communities
- Caste Panchayats

IV. 'Crime' and Punishment

- Defining Crime
- Law as discourse
- Concepts of Punishment
- Critiques of the Rule of law

V. Civil Liberties and Extraordinary laws

- Criminalising communities
- Extraordinary laws and the Rule of Law

VI. Trials as spectacle and trial by media

- The role of race, sex and class in the working of the judiciary
- Media trials

- Trials as performance

VII. Political economy of law making: the Colonial Transformation of Property laws in India

- Political economy and law
- Rule by records
- Ideology of the Permanent Settlement

VIII. The Legal Transformation of Common Property Resources

- Defining common property
- Privatisation of CPRs
- The role of judicial Interpretation of custom

IX. Recognising Indigenous Property Law

- New Developments in Australian jurisprudence
- Culture, custom and law