



KLE SOCIETY'S KLE COLLEGE OF LAW, NAVI MUMBAI

COURSE PLAN

AY 2022-2023

SECTION-I

CLASS: 1st year LL.M

SEMESTER: 2nd

COURSE NAME: Judicial Process

HOURS PER WEEK: 6

FACULTY NAME: Prof. Dinkar Gitte

CREDITS: 4

COURSE OBJECTIVES:

- 1) To impart knowledge about significance of law and justice in the society
- 2) To educate students about judicial activism and bring about creativity.
- 3) To provide Guidelines to legislature to adopt significant legislative changes.
- 4) To evaluate Judicial Process by studying various laws
- 5) To analyse terms and terminology as per the acts provided

COURSE OUTCOME

This course enables students

- 1) To develop acquaintance with various theories of justice.
- 2) To acquire skill of judgment writing.
- 3) To efficiently use of various rules of Interpretation of statutes in dealing with the cases.
- 4) To implement the constitutional laws through measures available with the judiciary.

Unit	number	Unit details	Weeks	Hours	Teaching	Resource/
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and title			per week	learning methods used)/ activities and or class trips/ dates for assessment	Reference details
1) Nature of judicial process:	Judicial process as an instrument of social order Judicial process and creativity in law – common law model – Legal Reasoning and growth of law – change and stability	2	6	Lecture, Presentation, group Discussion	Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi.
	The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified systems			Lecture, Presentation, group Discussion	Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi.
2.Special Dimensions of Judicial Process in Constitutional Adjudications:	Notions of judicial review ‘Role’ in constitutional adjudication – various theories of review	2	6	Lecture, Presentation, group Discussion	Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.
	Varieties of judicial activism Problems of accountability and			Lecture, Presentation, group Discussion	Cardozo, The Nature of Judicial Process (1995) Universal,

	judicial law making				New Delhi.
3. Judicial Process in India:	<p>Indian debate on the role of judges and on the notion of Judicial review.</p> <p>The independence of judiciary and the political nature of judicial process</p>	2	6	Lecture, Presentation, group Discussion	<p>U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.</p> <p>W. Freidmann, Legal Theory (1960), Stevens, London.</p>
	Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity			Lecture, Presentation, group Discussion	<p>U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.</p> <p>W. Freidmann, Legal Theory (1960), Stevens, London.</p>
	<p>Institutional liability of courts and judicial Activism—scope and limits.</p>			Lecture, Presentation, group Discussion	<p>U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.</p> <p>W. Freidmann, Legal Theory (1960), Stevens, London.</p>
	Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges		1	Lecture, Presentation, group Discussion	<p>U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.</p> <p>W. Freidmann, Legal Theory</p>

					(1960), Stevens, London.
4. The Concept of Justice:	The Concept of justice or Dharma in Indian thought Dharma as the foundation of legal order in Indian thought. The concept and various theories of justice in western thought.	2	6	Lecture, Presentation, group Discussion	Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000), Universal, Delhi.
	Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition			Lecture, Presentation, group Discussion	Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000), Universal, Delhi.
5 Relation between Law and Justice:	Equivalence Theories – Justice as nothing more than the positive law of the stronger class	2	6	Lecture, Presentation, group Discussion	Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000), Universal, Delhi.
	Dependency theories – For its realization justice depends on law, but justice is not the same as law.	1		Lecture, Presentation, group Discussion	Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000),

					Universal, Delhi.
	Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice			Lecture, Presentation, group Discussion	

SECTION-III

Course Outcome (CO) and Programme Outcome (PO) & Programme Specific Outcome (PSO1) Mapping

Course Outcome	Programme Outcome					
	PO1	PO2	PO3	PO4	PO5	PO6
CO1	✓	✓				
CO2			✓			
CO3	✓	✓		✓		
CO4					✓	
CO5						✓