

Objective:-

Being a student of Law, student must be acquainted with judicial process of our country that is the main reason for introducing this course in Master of Law.

1. Nature of Judicial Process:

- 1.1 Judicial process as an instrument of social ordering
- 1.2 Judicial process and creativity in law - common law model. - Legal Reasoning and growth of law-change and stability.
- 1.3 The tools and techniques of judicial creativity and precedent.
- 1.4 Legal development and creativity through legal reasoning under statutory and codified systems.

2. Special Dimensions of Judicial Process in Constitutional

Adjudications :

- 2.1 Notions of judicial review
- 2.2 Role in constitutional adjudication - various theories of judicial role.
- 2.3 Tools and techniques in policy - making and creativity in constitutional adjudication.
- 2.4 Variants of judicial and juristic activism.
- 2.5 Problems of accountability and judicial law-making.

3. Judicial Process in India :

- 3.1 Indian debate on the role of judges and on the notion of judicial review.
- 3.2 The "independence" of judiciary and the "political" nature of judicial process.
- 3.3 Judicial activism and creativity of the Supreme Court the tools and techniques of creativity.
- 3.4 Judicial process in pursuit of constitutional goals and values-new dimensions of judicial activism and structural challenges.
- 3.5 Institutional liability of courts and judicial activism-scope and limits.

4. The Concept of Justice :

- 4.1 The concept of justice or Dharma in Indian thought
- 4.2 Dharma as the foundation of legal ordering in Indian thought
- 4.3 The concept and various theories of justice in the western thought.
- 4.4 Various theoretical based of justice : the liberal contractual tradition, the liberal Utilitarian tradition and the liberal moral tradition.

5. Relation between Law and Justice :

- 5.1 Equivalence Theories - Justice as nothing more than the positive law of the stronger class.
- 5.2 Dependency theories - For its realization justice depends on law but justice is not the same as law.
- 5.3 The independence of justice - the relationship in the context of the Indian constitutional ordering.
- 5.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Bibliography.

- 1. Henry J. Abraham, The Judicial Process (1998), Oxford.