

CCLW 2002. Law and Social Transformation in India

100 (4 Credits)

Objective:-

India is governed by rule of Law. Law and society are complementary to each other. There is also close relationship between Religion, Language, Community and Regionalism. There is alternative approach to law required to learn by all students of LL.M that is the reason this subject is selected as a core subject. Reformation is essential in modern world.

1. Law and Social Change :

- 1.1 Law as an instrument of social change
- 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Law and its Inter-relationships with Religion, Language, Community and Regionalism

- 2.1 Religion, language, community and regionalism as divisive factors
- 2.2 Responses of law to
 - a. Religion - through secularism
 - b. Language - through constitutional guarantees
 - c. Community - through non-discrimination
 - d. Regionalism - through unity
 - e. Non-discrimination and protective discrimination (reservation)

3. Women and the Law

- 3.1 Crimes against woman
- 3.2 Gender injustice and its various forms
- 3.3 Woman's Commission
- 3.4 Empowerment of woman : Constitutional and other legal provisions

4. Children and the Law :

- 4.1 Child labour
- 4.2 Sexual exploitation
- 4.3 Adoption and related problems
- 4.4 Children and education

5. Modernization and the Law :

- 5.1 Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- 5.2 Modernization of social institutions through law
 - 5.2.1 Reform of family law
 - 5.2.2 Agrarian reform - Industrialization of agriculture
 - 5.2.3 Industrial reform : Free enterprise v. State regulation – Industrialization v. environment protection
- 5.3 Reform of court processes :
 - 5.3.1 Criminal law : Plea bargaining; compounding and payment of compensation to victims
 - 5.3.2 Civil law : (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats
 - 5.3.3 Prison reforms
- 5.4 Democratic decentralization and local self-government

6. Alternative Approaches to Law :

- 6.1 The jurisprudence of Sarvodaya - Gandhiji, Vinoda Bhave; Jayaprakash Narayan – Surrender of dacoits; concept of grama nyayalays
- 6.2 Socialist thought on law and justice : An enquiry through constitutional debates on the right to property
- 6.3 Indian Marxist critique of law and justice
- 6.3 Naxalite movement : causes and cure

Bibliography.

- 1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
- 2. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).
- 3. N.K. Indrayan – Law and Public Opinion in India.