

COURSE TITLE	JUDICIAL PROCESS
COURSE CODE	10CL01002
COURSE CREDITS	4

Objective:

- 1 Understand contemporary judicial principles: separation of powers, judiciary independence, and legal profession's role.
- 2 Analyze judicial interpretation methods: philosophy, history, sociology, and their impact on decision-making.
- 3 Evaluate judicial review's constitutional basis, democratic nature, and limitations
- 4 Assess court institutional structures and alternative dispute resolution mechanisms
- 5 Examine precedent doctrine in common law, civil law, and its application in India.

Course Outcomes: After completion of this course, student will be able to:

- 1 Understand the concept of rule of law, separation of powers, and judiciary independence concepts.
- 2 Apply diverse interpretation methods to legal analysis
- 3 Understand judicial review's constitutional role and its boundaries.
- 4 Evaluate court structures and dispute resolution alternatives.
- 5 Critically analyse precedent impact on legal decisions, including judicial innovation and overruling effects.

Pre-requisite of course: THE CONSTITUTION OF INDIA, 1950

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	CONTEMPORARY NATURE OF JUDICIAL PROCESS Nature of the Judicial Process: Legislative Intention and Methods of Interpretation, Rule of Law and Independence of the Judiciary, Notions of Judicial Review: Constitutional Basis, Democratic Character, and Scope, Judicial Activism vs. Judicial Self-Restraint: Accountability Issues in Justice, Supreme Court's Jurisdiction: Article 32 & Article 136, Judicial Appointments and Transfers	15
2	INSTITUTIONAL STRUCTURING OF COURTS Judicial Structure and Strategic Planning, Comparative Analysis of Alternative Dispute Resolution Mechanisms, Challenges facing the Indian Adjudicatory System	8

Contents : Unit	Topics	Contact Hours
3	DOCTRINE OF PRECEDENT STARE DECISIS Distinguishing Ratio Decidendi and Obiter Dicta, Comparative Precedent Analysis, Innovative Constitutional Interpretations, Supreme Court's Overruling Authority, Advisory Jurisdiction and Precedent, Prospective Overruling Practice, Basic Structure Doctrine and Limitations to Constitutional Amendments	10
4	INDIAN JUDICIAL PROCESS AND THE POLITICAL PROCESS Judicial Role Debates: Supersession, Commitment, and Transfer, Socio-Economic Background of the Indian Judiciary, Influence of Public Opinion on the Judicial Process, Appellate Court's Role in Constitutional Goal Development and Renovation, The Collegium System: Evolution, Critiques, and Prospects	12
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Issues related to Judicial Process Issues related to Judicial Process	15
Total Hours		15

Textbook :

- Judicial Process, G. P. Tripathi, 2nd edition, 2023

References:

- "The Nature of Judicial Process", "The Nature of Judicial Process", Benjamin N. Cardozo, Universal Law Publishing Co., 1995

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery					
Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00