

11. Sabine, G. H. (1973), A History of Political Theory. New Delhi: Oxford and IBH Publishing

Suggested Web

Links: <https://www.fjc.gov/sites/default/files/trials/Anthony%20Teacher%20Handout.pdf>
<https://www.parliament.uk/about/how/role/sovereignty/>

PROGRAM: 5yr Integrated Law

Second Year B.L.S /LL.B

Semester: III

Course Title: Sociology

Course Code:

Credits: 4

Course Objectives:

This course provides a comprehensive understanding of society, its structure, institutions, social behavior and wide understanding of topics that affects people on local, national and international level. Law is born in the society and it is a tool to control and regulate the society. The course provides an interdisciplinary approach to analyse and interpret the law, the legal phenomenon, the relationship between these two and also their relationships with the society. To briefly introduce social research as a means of understanding social reality. Overall, this course aspires to provide intrinsic understanding of correlation, connection and association of law and society in order to augment to students' ability to study law in the social milieu.

Course Outcomes:

After completing this course, students will be able to:

- Apply sociological concepts, terms and theories to the processes of everyday life.
- Analyze and draw critical links between social structures, social forces and individual circumstances.
- Apply the knowledge of society, social research methods in social planning, finding causative factors of a social problem and solutions and thus bring change in society.
- Students will learn sociological understanding of causes and effects of crimes and deviant behavior in society.
- Apply sociological knowledge in interpretation of Law.

Module 1

Introduction to Sociology

1. **Meaning and Definition**
2. **Nature and Scope of sociology- Specialistic and synthetic schools.**
3. **Relevance of Sociology to Law**
4. **Theoretical Perspectives- Evolutionary, Functionalist, Conflict, Social Exchange theory, Symbolic Interaction, Post Modernism.**
5. **Basic concepts-**

1.5.1 Society (Meaning & Characteristics, Types of Society, Pluralistic Nature of Indian Society- Linguistic, Regional, Ethic & Cultural

Pluralism)

1.5.2. Social groups (Meaning & Characteristics, Types of & Groups- Primary & Secondary, In-group & Out group, Organized & Unorganized groups, Reference groups)

1.5.3. Norms, Values, Community, Associations, Institutions, Status and Role, Socialization, Culture, Social structure and Social system.

1.6. Social Institutions-

1.6.1 Marriage (Meaning, Functions of Marriage, Forms of Marriage, Recent Trends of Marriage)

1.6.2 Family - Meaning, Functions of Family, Theories of Origin of Family, Types of Family, Changing Patterns of Family

1.6.3 Kinship (Meaning, Types of Kinship, Degrees of Kinship, Kinship Usages, Kinship & Descent)

1.6.4 Political Parties and Voting Behavior, Pressure group, Welfare State

1.6.5 The concept of Economic system, Social Importance of Work and Occupation, mechanization of Work and the Decline of Traditional Skills, Property, Division of Labor as a socio-economic system, Social Consequences of Division of Labor, Work & Alienation, Capitalism and Socialism as forms of Economy Jajmani System, Social Determinants of Economic Development

1.6.6 Definition & Characteristics of Religion, Social Functions of Religion, Structural aspects of Religion, Theories of Origin of Religion, Organization of Religion- Church, Denomination, Sect, Cult

1.6.7 Media -Meaning, Characteristics, Functions, Mass media and its impact

1.7 Social Stratification- caste, class, sex and gender, race and ethnicity.

Module 2

Crime, Deviance, Disorganization and Social Control

2.1 Crime and Social Deviance

2.2 Social Disorganization

2.3 Social Control- Meaning and Purpose, Types of social control- formal and informal

Module 3

Social Processes and Change

3.1 **Social Processes-** Competition, Conflict, Accommodation, assimilation, tolerance, compromise, super-ordination and subordination, integration, isolation etc

3.2 Change- Social change -

3.2.1. Meaning, Characteristics, factors or causes of social change, processes of social change (Westernization, Modernization, Industrialization, Sankritisation, Liberalization, Globalization)

3.2.2. Theories of social change : Evolutionary Theories, Cyclical Theories, Functionalist Theories, Conflict Theories)

3.3 Social Research- Nature and Purpose, Types of methodology – comparative, descriptive, diagnostic, exploratory, experimental.

3.4 Research methods – documentary, empirical and survey method

3.5 Tools of data collection- observation, interview, questionnaire and schedule, case study, sampling, Stages of data collection- conceptualizing problem, laying down hypothesis, defining the variables, choosing the tools of data collection, phase of data collection, data analysis.

Module 4

Law, Society and Social Thought

4.1 Relation of law and society

4.2 Law and social change

4.3 Sociology of legal profession

4.4 Legal Pluralism

4.5 Contributions of Classical Social Thinkers-

4.5.1 August Comte: Positivism, Law of three stages, Social Statics and Social Dynamics.

4.5.2 Emile Durkheim: Theory of Religion, Theory of Suicide, Division of Labour and Social Solidarity.

4.5.3 Karl Mar: Historical and Dialectical Materialism, Theory of Social Class, Theory of Social Conflict, Alienation

4.5.4. Max Weber: Social Action and types, Power and Authority, Protestant Ethics and the Spirit of Capitalism, Bureaucracy

Recommended Resources:

1. Haralambos & Holborn Sociology: Themes And Perspectives, London : Collins 8th Edition
2. Bhushan, V., and Sachdeva, D. (1961). An Introduction to Sociology (edition) Kitab Mahal Publishers
3. Shankar Rao, C N (1990). Sociology. 7th revised edition. S Chand & Company Pvt. Ltd.
4. Shankar Rao, C N Sociology of Indian Society. Revised Edition. S Chand & Company Pvt. Ltd.
5. Ahuja Ram, Research Methods (2001). Rawat Publications
6. Ritzer George, Sociological Theory. 8th Edition. McGraw Hill
7. Oommen T.K and Venugopal C.N. Sociology for Law Students. Eastern Book Company
8. Oommen T.K and Mukherji P.N. Indian Sociology: Reflections and Introspections (1986). Popular Prakashan
9. Dev Indra. Sociology of Law. (2009) Oxford India Paperbacks
10. Galendar Marc. Law and Society in Modern India
11. Deflem Mathieu. Sociology of Law: Visions of a Scholarly Tradition. (2008). Cambridge University Press

PROGRAM: 5yr Integrated Professional Law**Second Year B.L.S /LL.B****Semester: III****COURSE TITLE: Political Science-II - Foundations of Political Obligation****COURSE CODE:****CREDITS: 4****TEACHING SCHEME:****Course Objectives:**

The significance of the study of Foundation of Political Obligation is to acquaint students with the conceptual theories of Power, Authority and Legitimacy. Students will understand and problematize the idea of political obligation and the views of different thinkers and practitioners on the right to resistance. The course seeks to enable comprehension of the philosophical underpinnings and identification of the features of various theories of punishment and analysis of their implications. It will provide a comparative understanding of various political ideologies and influences on the Constitution of India .This course aims to enhance the comprehension of the vital role of political entities like political parties and interest groups, the working of democracy in India in the context of decentralisation model at grassroots level: Rural and Urban.

COURSE OUTCOMES –

After completing the course students will be able to:

- Recognise the working of Power, Authority and Legitimacy within an actual Political System.
- Evaluate and analyse the basis of Political Obligation and the importance of Right to Resistance with the help of select case studies.
- Deliberate over the ideas of various thinkers on the forms of Punishment and its real life effects both Positive and Negative on the society.
- Critically read and analyse major Political Ideologies, their impact on various provisions of the Constitution of India.
- Elucidate select views of different thinkers and main constitutional provisions regarding the decentralisation model of Indian Democracy at the local level.

FOUNDATIONS OF POLITICAL OBLIGATION

MODULE 1

Power, Authority and Legitimacy

1.1. Power as a concept in Political Science

1.1.1 Meaning and definitions of Power

1.1.2 Exercise of political power and role of the Government in decision making

1.1.3 External influences on Exercise of Political Power

(Role of Interests groups, Lobbying as a technique, Examples from India and the USA)

1.1.4. Theories of Power- Elite theory and Marxist theory of Power (Specified)

1.2 Authority as a Concept in Political Science

1.2.1 Meaning and Features of Authority - De jure and De facto Authority

1.2.2 Max Webber's Classification of Authority

1.2.3 Sources – How is Power legalised?

1.3. Comparative Study – Power and Authority (Specified)

1.4. Legitimacy - Concept and Relevance of Legitimacy in the Exercise of Political Power

MODULE 2

Political Obligation - State Authority and Citizen

2.1. Concept of Political Obligation

2.1.1 Command and Obedience Relationship

2.1.2 Grounds of Political Obligations-Why do people obey laws?

2.1.3 D.D. Raphael's views on Political Obligation.

2.2. Theories of Political Obligation

2.2.1. Divine Right Theory of Kings, Social Contract/ Consent Theory, Theory of Force,

2.2.2. Theory of Prescriptive Possession, Views of Karl Marx (Specified)

2.3. Problems of Obedience to Unjust Laws

2.3.1. What is Unjust Law?

2.3.2. Right to Resistance and Dissent – T.H. Green, M. K. Gandhi, Harlod Laski, Martin Luther King Jr and Nelson Mandela (New)

2.3.3 Satyagraha – Gandhian Technique of Resistance against Unjust Laws

2.4. Punishment – Objectives, Justification and Deviation

2.4.1 Responsibility of the Modern State to Punish

2.4.2 Philosophical underpinnings: Kant's Retributivism, Jeremy Bentham's Utilitarian

2.4.3 Justification of Punishment

2.4.4 Deterrent, & Preventive approaches

2.4.5 Gandhian thought on Reformative Approach to Punish

2.4.6 Implicit Biases in the Justice Delivery System , Social Injustice and Social Inequality

2.4.7. Ethnic profiling in the European Union and US ,Case Study- Black Lives Matter Movement

MODULE 3

Political Ideologies

3.1. Liberalism

3.1.1. Meaning and Definition, Basic Principles, Arguments in Favour and Against.

Shift from Negative Liberty to Positive Liberty (Classical and Modern Liberalism)

3.1.2. J.S Mill views on Liberty – Influence on Indian Constitution

3.2 Utilitarianism

3.2.1 Meaning and Definition, Basic Principles, Arguments in Favour and Against.

Jeremy Bentham's Views and J.S Mill's Modification of Benthamite Utilitarianism

Comparison to Sarvodaya (Specified)

3.3. Socialism

3.3.1 Meaning and Definition, Basic Principles, Arguments in Favour and Against.

Influence on Indian Constitution

3.4. Communism

3.4.1 Basic Principles and Evaluation of Communism

3.4.2 Comparative Study of Socialism and Communism (Specified)

3.4.3 Comparative Study of Gandhism and Communism (Specified)

MODULE 4

Indian Democracy at Work

4.1. Significance of Political Parties in India

4.1.1. Political Parties -Meaning, differences between Political Parties and Interest Groups

4.1.2. Features of Political Parties in India

4.1.3. Coalition Politics and Future of Multi- Party System in India

4.2. Political Legitimacy and Democracy

4.2.1. Democracy and the Consent of the Governed

4.2.2. Conditions Essential for the Success of Democracy

4.2.3. Ethical Decay of Democracy

4.2.4. Challenges to Indian Democracy – Old and New

4.3 Democratic Decentralisation and Local Governments

4.3.1. Beginnings - Gandhian Gram Swaraj and Dr Ambedkar's Views Decentralisation

4.3.2. Key features of Article 40, 73 and 74 Constitutional Amendments
Gram Sabha and Participatory Democracy

4.3.3. Implications for gender and social inclusion- Promises & Limitations

Recommended Resources:

1. Appadurai, A. (2021) How to kill a democracy. Social Anthropology <https://doi.org/10.1111/1469-8676.13041>
2. Austin, G. (1999) Indian Constitution: Corner Stone of a Nation, New Delhi: Oxford University Press.
3. Bachrach, P. and Baratz, M. (1962) Two Faces of Power. *American Political Science Review*, 56(04), pp.947-952.
4. Basu, D.D (2005), An Introduction to the Constitution of India, New Delhi, Prentice Hall.
5. Berry, N. (1981), An Introduction to Modern Political Theory, London: Macmillan.
6. Dalton, D. (2012). Mahatma Gandhi: Nonviolent Power in Action, New York: Columbia University Press
7. Gauba O.P. (2009), An Introduction to Political Theory, New Delhi: Mac Millan

8. Gokhale B. L. (1994), Political Science (Theory and Government Machinery), Mumbai: Himalayan Publishing House.
9. Heywood, A. (1992). Political Ideologies: An Introduction, 6- ed., London: Palgrave MacMillan
10. Jayal, N.G. and Mehta, P.B. (eds.) (2010), The Oxford Companion to Politics in India, New Delhi: Oxford University Press.
11. Laxmikanth M. (2016) Indian Polity for Civil Services Examinations, New Delhi: Tata McGraw Hills
12. Manor, J. (2004) 'Democratisation with Inclusion: Political Reforms and People's Empowerment at the Grassroots', *The Journal of Human Development*, 5(1), pp. 5-29.

Suggested Web Links:

<https://plato.stanford.edu/entries/legitimacy/><https://www.britannica.com/topic/Black-Lives-Matter><https://www.amnesty.org/what-we-do-/detention/><https://www.epw.in/elections-age-social-media><https://www.coe.int/en/web/commissioner/-/ethnic-profiling-a-persisting-practice-in-europe><https://www.justiceinitiative.org/publications/ethnic-profiling-european-union-pervasive-ineffective-and-discriminatory>

Program: 5yr Integrated Professional Law

Second year B.L.S LL.B

Semester: III

Course Title: History of Courts

Course Code:

Credits: 4

Course Objective:

This course aims to emphatically explain the prime importance of Courts in the administration of justice. It also aims to elucidate the historical development of courts-pre-and post-independence, including various Charters, Act, etc. It further helps the students develop an understanding of legal system, various judicial reforms and the importance of dual judicial system in maintenance of law and order in the society. It intends to familiarize them with concepts such as Rule of Law, independence of Judiciary, the importance of legal profession and understand the code of conduct of an advocate and law officers.

Course Outcome:

After completing this course, the students will be able to:

- Understand the various stages which lead to the establishment of well-defined legal system in India.
- Identify various laws, Charters and Acts formed, modified, amended and deleted to develop a Code governing the conduct of courts and their officers.
- Appreciate features of the Indian Legal System, amendments, new trends in Legal System and Constitutional laws.
- Understand the theoretical basis and practical application of certain provisions and doctrines such as the Rule of Law, Doctrine of Independence of Judiciary.
- Understand the administration of justice during the initial British period 1600- 1800
- Appreciate the issues of dual judicial system and the powers of the Privy Council
- Know about the establishment of the High Courts
- Know in detail the courts system under the Constitution of India
- Understand the history of legislatures in India
- Learn the history and evolution of legal profession in India

Module I

Administration of Justice (1600-1780), Regulating Act of 1773 & Settlement Act of 1781

1. Administration of Justice in the presidency Towns and Development of courts under East India Company (1600- 1773)

1.1.1 Period from 1600- 1726, Establishment of Mayor's Court (1726),

1.1.2 Changes introduced by the Charter of 1753, Warren Hastings Plan of 1772, Reforms under the plan of 1774 and Recognition in 1780.

1.2 **Regulating Act of 1773:** Provisions of the Act, Establishment of Supreme Court at Calcutta under the Charter of 1774, Working of Supreme Court at Calcutta

Cases: Trial of Raja Nandkumar, Trial of Radha Charan, Patna Trial, Kamalluddin's Case

Cossijurah Case, Saroopchand's Case, Gora Gopichand's Case.

1.3 Settlement Act of 1781

1.4 **Judicial Reforms of Lord Cornwallis-** Judicial Plan of 1787, Judicial Plan of 1790, Judicial Plan of 1793, Progress of Adalat System under Sir John Shore.

Module II

Conflict Arising out of the Dual Judicial System & Judicial Committee of the Privy Council

2.1 Conflict Arising out of the Dual Judicial System

2.1.1. Indian High Court Act 1861, High Court under GOI Act 1915, High Court under GOI Act 1935.

2.2. Judicial Committee of the Privy Council

2.2.1. Appeals to Privy Council between 1726-1860, Appeals to Privy Council between 1861-1949.

Module III

Court System under the Constitution of India & Rule of Law, Independence of Judiciary & Separation of Powers:

3.1 Court System under the Constitution of India: Supreme Court, High Court, Subordinate Courts & Writ Jurisdiction

3.2 Rule of Law, Independence of Judiciary & Separation of Powers: Before independence and after independence

Module IV

History of Legislature & History of Legal Profession:

4.1 History of Legislature

4.1.1 Charter of 1600

4.1.2 Charter of 1813 & 1833

4.1.3 Indian Council Act of 1861, 1892 & 1909

4.1.4 Government of India Act, 1919 & 1935

4.1.5 Indian Independence Act, 1947

1. History of Legal Profession:

4.2.1. Legal profession in Pre-British India

4.2.2. Law Practitioners in the Mayor's Court 1726

4.2.3. Legal Profession under Charter of 1774

4.2.4. Legal Profession in the Company's Court and Legal Practitioners Act, 1853

4.2.5. High Court Act, 1861

4.2.6. Legal Practitioners Act, 1879 and All India Bar Committee of 1951

4.2.7. Introduction to Advocates Act, 1961

4.2.8. Law Reporting in India.

Recommended Resources

1. History of Courts, Legislative and Legal Profession- Kailash Rai
2. Indian Legal History- M. A. Jain
3. Indian Constitution and Legal History- S.D. Kulashresh
4. Herbet Cowall- The History and Constitution of the Courts and Legislative Authorities in India, 1936

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