

COMMON POOL OF GENERIC ELECTIVES (GE) COURSES

Credit distribution, Eligibility and Pre-requisites of the Course

GENERIC ELECTIVES (GE-18): Legal Philosophy

| Course title & Code | Credits | Credit distribution of the course | | | Eligibility criteria | Pre-requisite of the course |
|---------------------------|---------|-----------------------------------|----------|--------------------|----------------------|-----------------------------|
| | | Lecture | Tutorial | Practical/Practice | | |
| Legal Philosophy GE 18 | 4 | 3 | 1 | NII | 12th Passed | None |

Learning Objectives

The course in Philosophy of Law, seeks to:

- Familiarize students with the nature and purpose of law by examining questions such as “What is (the nature of) law?”, “How, if at all, is law connected with morality?” and “What is justice?”, and to instruct students about possible answers and arguments provided in legal philosophy and theory.
- Introduce students to philosophical schools such as Legal Positivism and Natural Law.
- Help students critically examine the institution of legal punishment that pertains to the coercive impact of law. Questions such as, “Is it ever right to punish someone?”, “What does it mean to say someone is innocent until proven guilty?”, “What are the various theories justifying punishment?” will be explored with a view to enhance student sensitivity and understanding of a legal issue.

Learning Outcomes

- The ideal outcome of this course is to make students understand the concept of law, its place in our lives, its formal structure, rules and modalities.
- Students should be able to discuss and argue on crucial legal questions that impact the life of common citizens with sensitivity, acumen, precision and insight.

UNIT 1 Law: Concept, Meaning and Definition (12 Hours, 4 Weeks)

1. Traditional Natural Law Theory – Thomas Aquinas
2. Legal Positivism – Austin
3. Law as System of Rules – Hart
4. Law as Integrity – Dworkin

Essential/Recommended Reading:

Altman, Andrew; *Arguing About Law: An Introduction to Legal Philosophy*, Australia: Wadsworth, 2001, pp 32-58 (Topic 1-4)

UNIT 2 Scope of Legal Obligation (12 Hours, 4 Weeks)

1. The Ambit of Legal Obligation
2. Freedom of Speech

Essential/Recommended Readings:

Fuller, Lon; The Case of the Speluncean Explorers, *Harvard Law Review*, Vol. 62, No. 4, February 1949, pp 616-645

van Mill, David; Freedom of Speech, *The Stanford Encyclopedia of Philosophy*, Edward N. Zalta (ed.), Metaphysics Research Lab, Stanford University, 2021, URL = <<https://plato.stanford.edu/archives/spr2021/entries/freedom-speech/>>

UNIT 3 Legal Issues and India (9 Hours, 3 Weeks)

1. Basic Structure of the Constitution
2. Impact of Judicial Decisions

Essential/Recommended Readings:

Abridged Judgement of *Kesavanand Bharati Vs. State of Kerala*; AIR 1973 SC 1461

Baxi, Upendra; Who Bothers about the Supreme Court? The Problem of Impact of Judicial Decisions, *Journal of the Indian Law Institute*, Vol. 24, No. 4 (October-December 1982), pp. 848-862

UNIT 4 Fundamentals of Law (12 Hours, 4 Weeks)

1. Jury System vs. Judge System
2. Crime and Punishment

Essential/Recommended Readings:

Brooks, Thom; *The Right to Trial by Jury*, Wiley, *Journal of Applied Philosophy*, Vol. 21, No. 2, 2004, pp. 197-212
Tebbit, Mark; *Philosophy of Law: An Introduction*, (3rd Edition), Routledge 2017, pp 242-253

Suggestive Readings

- Marmor, Andrei, *Philosophy of Law*, New Jersey: Princeton University Press, 2011
- Golding, Martin Philip, and Edmundson, William A., *The Blackwell Guide to Philosophy of Law and Legal Theory*, Oxford: Blackwell, 2005
- Marmor, Andrei (ed), *The Routledge Companion to Philosophy of Law*, New York: Routledge, (1st ed.), 2012
- Choudhary, S., Khosla, M. and Mehta, P.B., *The Oxford Handbook of the Indian Constitution* (1st ed.), Oxford: Oxford University Press, 2016
- Jain, M.P., *Indian Constitutional Law*, Lexis Nexis, (8th ed.), 2018
- Rai, Uday Raj, *Fundamental Rights and their Enforcement* India: Prentice Hall, 2011

GENERIC ELECTIVES (GE-19): Feminist Film Theory

Credit distribution, Eligibility and Pre-requisites of the Course

| Course title & Code | Credits | Credit distribution of the course | | | Eligibility criteria | Pre-requisite of the course |
|----------------------------|---------|-----------------------------------|----------|--------------------|----------------------|-----------------------------|
| | | Lecture | Tutorial | Practical/Practice | | |
| Feminist Film Theory GE 18 | 4 | 3 | 1 | Nil | 12th Passed | None |

Learning Objective

- This paper examines how the mainstream cinema has been affected by the patriarchal mindset of our society at large, and