



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FIRST SEMESTER MASTER OF LAWS

PAPER – I (PAPER CODE - 41901) : (PAPER NAME – LAW AND SOCIAL TRANSFORMATION IN INDIA)

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit I: 1. Law and Social Change:

- a. Relations between Law and Public Opinion
- b. Law as an instrument of social change
- c. 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, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law:

- a. Religion – its meaning and relationship with law
- b. Evaluation of Religion as a divisive factor
- c. Secularism as a solution to the problem
- d. Reform of the law on secular lines : Problems
- e. Freedom of religion and non-discrimination on the basis of religion
- f. religious minorities and the law

Unit II: 1. Language and the Law:

- a. Multi-linguistic culture and its impact on policy on nation
- b. Language as a divisive factor : formation of linguistic states
- c. Constitutional guarantee to linguistic minorities
- d. Language policy and the Constitution ; Official language; multi language system
- e. Non-discrimination on the ground of language

2. Community and the Law:

- a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor
- b. Non-discrimination on the ground of caste
- c. Acceptance of Caste as a factor to undo past injustices
- d. Protective discrimination; Scheduled Castes, tribes and backward classes
- e. Reservation : Statutory Commissions, statutory provisions

Unit III: 1. Regionalism and the Law:

- a. Evaluation of Regionalism as a divisive and integrative factor
- b. Concept of India as one unit
- c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers
- d. Equality in matters of employment; the slogan “Sons of the soil” and its practice
- e. Admission to Educational Institutions; Preference to Residents of a State.

2. Women and the Law:

- a. Position and the Role of women in Indian society
- b. Crimes against women – Codified laws
- c. Gender injustice and its various forms, causes and remedies
- d. Women’s Commission
- e. Empowerment of women; Constitutional and other legal provisions

Unit IV: 1. Children and the Law:

- a. Child Labour
- b. Sexual Exploitation
- c. Adoption, Maintenance and Related Problems
- d. Children and Education – a Constitutional mandate

2. Modernization and the Law:

- a. Modernization as a value : Constitutional perspectives reflected in the fundamental duties
- b. Modernization of social institutions through law
- c. Reform of family law
- d. Agrarian reform – Industrialization of Agriculture
- e. Criminal Law : Plea bargaining; compounding and payment of compensation of victims
- f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats
- g. Democratic decentralization and Local Self-government

SELECTED BIBLIOGRAPHY:

1. Marc Galanter (ed.) : Law and Society in Modern India (1997), Oxford.
2. Robert Lingat : The Classical Law of India (1998), Oxford
3. U. Baxi : The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi, (ed.) : Law and Poverty Critical Essays (1988), Tripathy, Bombay
5. Manushi : A Journal about Women and Society.
6. Duncan Derret : The State, Religion and Law in India (1999), Oxford University Press, New Delhi
7. H. M. Seervai : Constitutional Law of India (1996)
8. D. D. Basu : Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta and Kiran Destha : Law and Menace of Child Labour (2000) Anmol Publications, Delhi.
10. Savitri Gunasekhare : Children, Law and Justice (1997), Sage
11. Indian Law Institute : Law and Social Change : Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani : Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India
13. M.P. Jain : Outlines of Indian Legal History (1993), Tripathi, Bombay.
14. Agnes, Flavia : Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.