



Anand Law College
 (An Autonomous Institute, Under UGC Regulation-2023)
 Managed by Shri Ramkrishna Seva Mandal,
 Near Grid, Anand, Gujarat
 (Affiliated to S. P. University & Approved by BCI, New Delhi)
 NAAC Accredited, 'B++' Grade, CGPA 2.97 - 1st Cycle



Name of Programme: Master of Laws (Business Law Group)

Year: 2 year course

Course Code: ALCPG3CLBL1

Course Name: Business Law Group

Course Type: Choice Based Credit System (CBCS)

Year of Implementation: 2026-27

Master of Laws (Business Law Group)
LL.M. Business Law Group - Semester: III

Course Code	ALCPG3CLBL1	Title of the Course	Judicial Process
Total Credits of the Course	5	Hours per Week	

Course Objectives:	1. The aim of the course is to make the learners aware about the nature and scope of judicial process, interpretive techniques, relevance of law to provide justice, role of judge's social engineering helping the state to maintain law and order and shape contents of law with the passage of time. 2. The course is useful for the learners in learning the method to read and analyze the judgments, techniques of drawing the analogies by judges from the arguments of the counsels, application of legal principles and legal concepts to resolve the disputes for operationalizing the law. 3. To understand how judicial process is an instrument of social ordering. 4. To understand the various tools and techniques of judicial creativity and precedent. 5. To understand the meaning and limitations of independence of judiciary and the political nature of judicial process. 6. To understand the relation between law and justice with the help of various theories.
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Course Outcomes: Having completed this course, the learner will be able to	
1.	The course will help the learners to understand the intricacies of judicial process and growth of law through the judgments. It will sharpen the logic and enable the learners to evaluate the impact of the judgments on impact constituencies.
2.	Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.



Course Content		
Unit	Description	Weightage* (%)
1.	Nature of Judicial Process 1.1 Judicial Process as an instrument of social ordering 1.2 Judicial process and creativity in law – common law model – Legal Reasoning and Growth of law – change and stability 1.3 The tools and techniques of judicial creativity and precedent 1.4 Legal development and creativity through legal reasoning under statutory and codified systems 1.5 Doctrine of <i>Stare Decisis</i> 1.6 Doctrine of <i>Ratio Decidendi</i> 1.7 Doctrine of <i>Obiter Dicta</i>	20%
2.	Special Dimensions of Judicial Process in Constitutional Adjudication 2.1 Notions of judicial review 2.2 'Role' in constitutional adjudication – various theories of judicial role 2.3 Tools and techniques in policy-making and creativity in constitutional adjudication 2.4 Varieties of judicial and juristic activism 2.5 Problems of accountability and judicial law-making 2.6 Judicial Activism in Constitutional Amendments with special reference to Basic Structure Doctrine	20%
3.	Judicial Process in India 3.1 Indian debate on the role of judges and on the notion of judicial review 3.2 The “independence” of judiciary and the “political” nature of judicial process 3.3 Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity 3.4 Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges 3.5 Institutional liability of courts and judicial activism – scope and limitations 3.6 Judicial Over-reach 3.7 Appointments and Removal of Judges 3.8 Recent Trends – 2018 Press Conference by Supreme Court Judges, Post-retirement Appointments	20%



4.	The Concepts of Justice 4.1 The concept of justice or Dharma in Indian Thought 4.2 Dharma as the foundation of legal ordering in Indian thought. 4.3 The concept and various theories of justice in the western thought 4.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition	20%
5.	Relation between Law & Justice 5.1 Equivalence Theories – Justice as nothing more than the positive law of the stronger class 5.2 Dependence theories – For its realization justice depends on law, but justice is not the same as law 5.3 The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering 5.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.	20%

PSDA (Professional Skill Development Activities)

❖ Statutes and Judgment Analysis
❖ Preparation of One Research Paper/Research Article
❖ Access to Legal Resources: E-Library, E-Books and E-Database
❖ Developing Comparative Analysis Skills

Teaching-Learning Methodology	• Lecture Method • Power Point Presentation(including audio/video) • Expert talk • Case study
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Evaluation Pattern

Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination	30%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance.	10%
3.	External Examination	60%



Suggested References:	
Sr. No.	References
1.	Text books: 1. The Province and Function of Law, Henry J. Abraham 2. The Nature of Judicial Process (1995) Universal, New Delhi 3. The Judicial Process (1998) 4. Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth • Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi
2.	Reference books: 1. Legal Theory (1960), Stevens, London, Bodenheimer 2. Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi 3. The Indian Supreme Court and Politics (1980), Eastern, Lucknow 4. The Supreme Court of India – A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay • J. Stone, Legal System and Lawyers' Reasoning's (1999), Universal, New Delhi • Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago
3	Journal: 1. Indian Journal of Constitutional & Administrative Law Indian Constitutional Law Review

On-line resources to be used if available as reference material

On-line Resources:

1. SWAYAM
2. Manupatra
3. Hein Online
4. JStor
5. Bloomsbury