

JUDICIAL PROCESS

- Nature of Judicial Process
- Judicial Independence and Accountability
- Appointment and Removal of Judges
- Interpretation of Statutes and Constitution
- Doctrine of *Stare Decisis* ó *Ratio Decidendi* and *Obiter Dicta* of a case
- Value Judgments in Law
- Judicial Reasoning
- Judicial Activism and Judicial Overreach

SUGGESTED READINGS*

Books

1. A. Lakshminath, *Precedent in Indian Law: Judicial Process* (2009).
2. Aharon Barak, *Purposive Interpretation in Law* (2005).
3. Aharon Barak, *The Judge in a Democracy* (Princeton University Press, 2008).
4. B.N. Cardozo, *The Nature of the Judicial Process* (1964).
5. Bernard C. Gavit, Ralph F. Fuchs, *Cases and Materials on an Introduction to Law and the Judicial Process* (1952).
6. Bodenheimer, *Jurisprudence: The Philosophy and Method of the Law* (2006).
7. Cass R. Sustein, *A Constitution of Many Minds: Why the Founding Documents Doesn't Mean What It meant Before* (Princeton University Press, 2009).
8. Craig R. Ducat, *Constitutional Interpretation* (2004).
9. Duncan Kennedy, *A Critique of Adjudication* (Harvard University Press, 1998).
10. Duncan Kenney, *Legal Reasoning: Collected Essays* (2008).
11. Edward H. Levi, *Introduction to Legal Reasoning* (1972).
12. F.A.R. Bennion, *Statutory Interpretation* (1992).
13. F.S. Nariman, *Before Memory Fades: An Autobiography* (2010).
14. George H. Gadbois, Jr., *Judges of the Supreme Court of India: 1950 – 1989* (OUP, 2011).
15. Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006).
16. Lloyd L. Weinreb, *Legal Reason: The Use of Analogy in Legal Argument* (Cambridge University Press, 2005).
17. Martin Philip Golding, *Legal Reasoning* (2001).
18. Mauro Cappellletti, *The Judicial Process in Comparative Perspective* (Clarendon Press: Oxford, 1989).
19. Morris R. Cohen and Felix S. Cohen, *Readings in Jurisprudence and Legal Philosophy* (Ninth Printing, Little Brown and Co.).

* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.

20. P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (2004).
21. Rajeev Dhavan and Alice Jacob, *Selection and Appointment of Supreme Court Judges: A Case Study* (1978).
22. Roscoe Pound, *Law Finding Through Experience and Reason* (University of Georgia Press, Athens, 1960).
23. Rupert Cross, J W Harris, *Precedent in English Law* (Clarendon Law Series, 1991).
24. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (2003).
25. Shimon Shetreet and Christopher Forsyth, *The Culture of Judicial Independence: Conceptual Foundations and Practical Challenges* (Martinus Nijhoff Publishers, 2011).
26. Shimon Shetreet and Jules Deschenes (eds.), *Judicial Independence: The Contemporary Debate*, (Martinus Nijhoff Publishers, 1985).
27. Sudhanshu Ranjan, *Justice, Judocracy and Democracy in India: Boundaries and Breaches* (Routledge, 2012).
28. Upendra Baxi, *Courage, Craft and Contention: The Indian Supreme Court in the Eighties* (1985).

Articles

1. Arthur L. Corbin, "The Judicial Process Revisited: Introduction" 71 *Yale L. J.* 195 (1961 ó 62).
2. Carol J. Ormond and John Denvir, "Justice Cardozo: A Mediator of Jurisprudential Thought in the 1920s and 1930s" 2 *Cooley L. Rev.* 143 (1984).
3. David A. Nelson, "The Nature of Judicial Process Revisited" 22 *N. Ky. L. Rev.* 563 (1994 ó 1995).
4. Eduardo J. Couture, "The Nature of Judicial Process" XXV (1) *Tulane Law Review* 1.
5. Gerhard O.W. Mueller, "The Problems of Value Judgments As Norms of Law: The Answer of a Positivist" 7 *J. Leg. Edu.* 567 (1954 ó 1955).
6. John Van Voorhis, "Cardozo and the Judicial Process Today" 71 *Yale L. J.* 202 (1961 ó 1962).
7. P. Puneeth, "Independence of Judiciary: In Search of Conceptual Clarity" 3 *Jindal Global Law Review* 87 (September 2011).
8. Ruggero J. Aldisert, "The Nature of Judicial Process Revisited" 49 (1) *Univ. of Cincinnati L. Rev.* 1 (1980).
9. S. P. Sathe, "India: From Positivism to Structuralism" in Jeffrey Goldsworthy, *Interpreting Constitutions: A Comparative Study* (OUP, 2006).
10. Thomas R. McCoy, "Logic vs. Value Judgment in Legal and Ethical Thought" 23 *Vand. L. Rev.* 1277 (1969 ó 1970).
11. Upendra Baxi, "The Avatars of Indian Judicial Activism: Explorations in the Geographies of [In] justice" in S.K. Verma and Kusum (ed.), *Fifty Years of the Supreme Court of India: Its Grasp and Reach* (OUP, 2001).
12. Vittorio Villa, "Legal Theory and Value Judgments" 16 (4) *Law and Philosophy* 447 ó 477 (Jul. 1997).