

## SCHOOL OF LAW, GOVERNANCE AND CITIZENSHIP

### 1<sup>ST</sup> MEETING OF THE BOARD OF STUDIES, 18 December 2017

#### MINUTES

**Persons present:** Prof B.S. Chimni, Dr. Ravi Sundaram, Dr. Usha Ramanathan, Prof. Janaki Nair, Prof. Praveen Singh, Dr. Rohit Negi, Prof. Lawrence Liang, Dr. Pooja Satyogi, Ms. Saumya Uma, Dr. Anuj Bhuwania, Mr. Siddharth Narrain, Dr. Nixon Ngoru, Dr. Anushka Singh, Mr. S. Prabhakaran

Apologies from and feedback received by email from BOS members– Prof. Ujjwal Kumar Singh and Dr. Arudra Burra.

The meeting started with a round of introduction

The Dean, Prof. Lawrence Liang welcomed the BOS members and spoke on the vision of the School of Law, Governance & Citizenship (SLGC). In recent times there has been a proliferation in legal scholarship coming from different vantage points particularly from outside the discipline of professional legal practice; SLGC tries to institutionally house this kind of scholarship and promote it. The School is conscious of the distinction between the external and the internal perspective to law. What it aims to create is not a binary between the two but a negotiating space does not undermine the significance of black letter law yet does not restrict the study of law to legal professional. We create a space for interaction and intersection between law and other disciplines.

Following details about SLGC were shared with the BOS members:

- Students' profile
- experiences of teaching in the first semester
- Trajectory of courses during the two years – core and elective courses; 6 themes they fall within, credit distribution
- Internship, dissertation
- Challenges faced – language, attendance, improving skills in reading and writing, job prospects for the students who graduate from the course
- Future plans – M.A. in Sociology of Law, M.A. in Human Rights Law and Politics, undergraduate courses in Legal Studies

## General Observations by the BOS on the Course Outlines Circulated

1. Strengthen the internal perspective on law – giving the non-lawyers exposure to technical aspects of law to be able to use it intelligently. Suggest adding basic courses on
  - criminal law (structure of what criminal law does – Parliament attack, encounter killings – criminal law can't produce justice, procedure as a central theme, fair trial, unfairness, body and the criminal law – forcibly take serum etc from our bodies in 2005; idea of punishment, victimology – theories coming back in different forms)
  - property law
  - environmental law
  - religion and the law
  - regulatory law
  - international law ('Law and justice in a globalizing world' - rivers water disputes with neighbouring countries, exchange of enclaves, issue of extradition, migration and refugees, negotiations over climate change, global economy and trade, money laundering etc.)
2. Include standalone courses on citizenship (the legal, constitutional, social, economic and cultural dimensions of citizenship in India)
3. Include courses addressing aspects of governance (The normative and empirical aspects of the new technological modes of governance - data and the cyberspace, the biometric digital identification processes, privacy, surveillance and technology, welfare and security)
4. A course on Introduction to laws in India in addition to Legal Methods course may be considered. The course may ease a person with or without a background or training in law into studying 'Law, Governance and Citizenship'. The course may address the following questions - What is meant by law? Are there different kinds of law? What are sources of law? Who makes laws? How are laws made? What is the relationship between law and social movements? What is the relationship between state formation and law? What are the different traditions of law?
5. Include course on law and development (convert Law & Economics II into this), law and poverty
6. Incorporate gender and international law components in all / most courses
7. Locate / focus on the 'rural' in the courses where possible. Include sociology of rural, what is the relevance of law to the rural population.
8. Include cultural and legal resources from the Indian past (Hindu and Islamic legal resources) where possible
9. Most courses are oriented towards India. The focus could be broadened to include South Asian / regional / international perspectives.
10. Be mindful of how we frame the title of the courses. Conventional titles that help make sense of the content, is always preferable
11. Readings in Course outlines:

- Not more than two texts (preferably one text) could be given as essential readings and encourage students to read more.
  - Other readings may be listed as additional/recommended readings.
  - Start with texts that the student is familiar with, move on to more difficult readings
  - Infuse readings by Indian authors
  - Include fiction where possible
  - Include audio visual clips where possible
  - Have reading sessions with students to inculcate a reading habit
12. It may not be possible for SLGC to offer every subject. Start with identifying broad themes, courses that fall within the themes, identify faculty who can teach it, and identify if other schools in AUD are already teaching it, so that students may be encouraged / compelled to take on that course. Use human resources at SLGC judiciously. Simultaneously, work towards adding a legal component to courses offered by other Schools at AUD

### Specific Observations to Course Outlines

	<b>Title of the course</b>	<b>Faculty</b>	<b>Observations &amp; Suggestions by the BOS</b>	<b>Status</b>
<b>1.</b>	<b>Sociology of Law</b>	Anuj Bhuwania	<ul style="list-style-type: none"> <li>a) This is a very difficult intro to sociology of law; so explain to the students at the beginning of the course as to what is being taught in the course and why</li> <li>b) Try flipping the course (start with Modules 5 &amp; 6) – start with Indian context (sociology in law) and move towards relevance of theory</li> <li>c) Use Baxi’s ‘Towards a Sociology of Law’ in the start of the course</li> <li>d) Rationale of the course – reformulate it in plain words without reference to Weber as students would not be acquainted with Weber’s writings by then</li> <li>e) Another possible pedagogy – take any 4 judgments (one each on caste, gender, land etc. where the prejudices are overt), pose the judgments as problems, elicit responses from the students about the conception of society that the judiciary works with and then take them through theory to see if that adds on to their understanding of society.</li> <li>f) Start with the concrete and then move on to the abstract (theory)</li> <li>g) Cut down on the readings – introduce students to basic texts only, exclude Carl Schmitt</li> <li>h) Cut down on the duration of the course – 12 weeks is what is practical</li> <li>i) Add to the readings one review article (per week / module) which surveys the texts – but review articles should not be a way of skipping the text itself.</li> </ul>	Approved
<b>2.</b>	<b>Law, State &amp; Politics</b>	Anushka Singh	<ul style="list-style-type: none"> <li>a) The course looks very interesting in terms of the juxtaposition of theory with actual developments. May be the module on Theorizing the Actually Existing Indian state could come in the beginning.</li> <li>b) Include concept / theory of state in the first module before a discussion on key concepts</li> <li>c) Include international aspect of sovereignty – relationship with other sovereign states and how that affects / influences internal sovereignty</li> </ul>	Approved

			<ul style="list-style-type: none"> <li>d) Include concept of due process and rights</li> <li>e) The module on Impunity is very interesting</li> <li>f) Contextualise political obligation rather than only as a theoretical concept – what does political obligation mean to a dalit, a woman, a person from religious minority. How does political obligation play out in an apartheid state?</li> <li>g) How is political obligation in the DPSP interpreted and manipulated to suit vested interests? E.g. concentration of wealth in a few hands is prohibited; interpretation – that is only if it is to the detriment of public interest</li> <li>h) Add to the readings – famous speech of Mandela, Gandhi’s duty about disaffection, book – State vs Nelson Mandela</li> <li>i) Improve clarity of focus in the course. Think more carefully about evaluation methods (description of evaluation scheme is ambiguous)</li> </ul>	
<b>3. Law, Society &amp; Crime</b>	Javed Wani	<ul style="list-style-type: none"> <li>a) Include a module on organized crime – trafficking, drugs, smuggling,</li> <li>b) Add a segment – contemporary issues in criminal law - Malimath Committee recommendations on reforms in the criminal justice system, criminalizing triple talaq</li> <li>c) Analysis of NCRB statistics</li> <li>d) Analysis of cases where the police is the accused vs individual as the accused – how the investigations differ</li> <li>e) The course requires anchor &amp; context</li> <li>f) The contexts and changing notions of crime need to be identified and located empirically as well, rather than in the abstract as they seem to be doing in most of the course, which seems to be drawing largely from western sources. This by itself is not a problem but the transformations specific to socio-economic context, and categories of crimes corresponding to these need to be stated. The works of E P Thompson and Peter Linebaugh are examples of how these relationships may be understood.</li> <li>g) Include crime as a sociological process– caste, class, gender, community – as categories</li> </ul>	Approved	
<b>4. Comparative Constitutional Law</b>	S. Prabhakaran	<ul style="list-style-type: none"> <li>a) Start the course with relevance of comparative constitutional law, why borrow- is it because we don’t want to reinvent the wheel, is it because we want to reproduce what has worked well elsewhere, or is it because we lack local</li> </ul>	Approved	

			<p>imaginings?</p> <p>b) Discuss nature of borrowings</p> <p>c) Discuss political geography understanding of borrowings and lendings – Global North to Global South, India wont borrow from Nepal, US wont refer to Indian judgments</p> <p>d) Try to adopt a regional if not international focus, rather than a national one (where the starting point is not India)</p> <p>e) Include B.N.Rau’s book (personal reflections and interactions) from his tour of UK, US and South Africa to study their Constitutions</p> <p>f) Include thesis of Arvind Elangovan on B N Rau’s contribution to the making of the Indian Constitution</p> <p>g) Include discussion on presidential system</p> <p>h) Ensure no major overlaps with courses on Transformative Constitutionalism, Constituent Assembly Debates and Indian Constitutionalism: Law, Politics and History</p>	
5.	<b>An Introduction to the Economic Analysis of Law</b>	Malabika Pal	<p>a) There is a problem with law and economics as a discipline itself especially in the way the course has been designed which relies on Posner where the field has been used to justify conservative moves in courts etc. Given the background what would it mean to teach this within the university - are we giving this strand of thought a legitimacy that we may not want to</p> <p>b) law and economics could be supplemented with law and development and also that more material around land, political economy etc could be incorporated into the course</p> <p>c) Include a much more critical perspective – apply economic analysis to legal problems / issues of social justice</p> <p>d) Two courses on Economic Analysis of Law are not required; retain the first one with major revisions to bring in the critical perspective, convert the 2<sup>nd</sup> course into ‘Law and Development’</p>	Approved with the rider that it would include a much more critical perspective

6.	<b>Law &amp; Modernity</b>	Ngoru Nixon	<ul style="list-style-type: none"> <li>a) Right now, the course seems like a cluster of topics on Western modernity put together</li> <li>b) Use Dipesh Chakravarty's critique of modernity as a starting point, and reorient / re-structure the course to include &amp; critique modernity in the Western context (pre-dating Enlightenment) and the Indian context</li> <li>c) Could peg the course around citizenship or secularization</li> <li>d) Include material structures that produce modernity – capitalism and modernity</li> <li>e) Consider using contemporary issues (such as khap panchayats) and moments in history (Constitution-making as a time when modernity came to be interrogated), what is so threatening about modernity</li> <li>f) Consider including Islam as modernity</li> <li>g) Include in the reading list Gandhi's writing – Hind Swaraj</li> <li>h) Include rationale / summary of contents and what is intended to be taught for each module</li> <li>i) The course is too vast, readings are too vast and need to be toned down, esp Module 4</li> </ul>	Not approved in the present form; modified version to be circulated to BOS members for approval
7.	<b>Law, Media &amp; Technology</b>	Siddharth Narrain	<ul style="list-style-type: none"> <li>a) Course looks very interesting in terms of the mix of material used</li> <li>b) A combination of case law and theory</li> <li>c) more basic texts such as McLuhan should be added</li> <li>d) commercial speech should also be discussed</li> </ul>	Approved

*Anj Bhunia*

Dean (Officiating)  
School Of Law, Governance & Citizenship  
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Karampura Campus

## **BOARD OF STUDIES MEETING**

School of Law Governance and Citizenship, AUD

21 APRIL 2018

### **Minutes of the Meeting**

**Members present:** Prof. Janaki Nair, Prof. Ujjwal Kumar Singh, Prof. Salil Mishra, Prof. Praveen Singh, Prof. Lawrence Liang, Dr. Arudra Burra, Dr. Rukmini Sen, Dr. Pooja Satyogi, Ms. Saumya Uma

**Special invitees:** Dr. Anuj Bhuwania, Dr. Javed Iqbal Wani, Dr. Ngoru Nixon, Dr. Anushka Singh, Mr. S.R. Prabhakaran

**Apologies from:** Prof. B.S. Chimni, Prof. Pratap Bhanu Mehta, Prof. Ravi Sundaram, Dr. Usha Ramanathan, Dr. Rohit Negi

Dr. Anuj Bhuwania, Deputy Dean, SLGC began by welcoming the members and gave a brief overview of the courses taught in the last semester and teaching experiences followed by a round of introduction. SLGC faculty members shared with the BOS that students have eased into the system and are getting acclimatized to a culture of reading. The 2<sup>nd</sup> semester in terms of course designs has been more interdisciplinary. We also undertook some remedial activities for students in terms of organizing informal tutorials, individual feedback sessions on written assignments to discuss the knack of critical engagement with the texts and writing. This semester we had also implemented an attendance policy after some discussion on it in the 1<sup>st</sup> BOS meeting. The School will now assess how the policy has worked in this semester based on student feedback and attendance data, and tweak it accordingly. Mentorship was another programme that SLGC implemented in this semester in which all faculty members were assigned specific students as their mentees. Mentorship sessions were held regularly to discuss the academic as well as non-academic issues that students raised with their mentors. In their feedback, the students informed the faculty members that the Mentorship programme has worked very well for them.

This was followed by a general session on course designs.

#### **Suggestions by BOS members on overall course designs and reading material:**

- The course structure should be kept realistic and while designing modules we should bear in mind the number of reading hours required for each course on a weekly basis. Planning for the courses should be done keeping the average students in mind and not the best.
- Reading list must be bifurcated into Essential and Additional. Reading list can be exhaustive but anything beyond the required readings must be made part of the additional reading list.
- For a week long module the readings should be between 2 to 3. 3 readings per week should be the higher end but with denser pieces, it may be a requirement to cut down further.
- Some lecture based classes where the readings are summarized in addition to discussions and presentations usually help the students. It would help us to think of something that recognizes the uneven standard of students. Spend first 2 weeks of every course in basic readings and writings.
- Spacing out the assignments and giving the students an assessment schedule in the beginning would be helpful. Identifying key texts (primarily legal) which courses would engage with might also be helpful
- Indian thought is missing in most course designs, we have to think of addressing that challenge. Reliance on western literature and theory needs to be counterbalanced.

The SLGC faculty members took the suggestions on board. Most of these suggestions are already being implemented. The course designs represent the aspirational side of each course while what we eventually do in class depends on the circumstances of the cohort.

**The faculty agreed that cutting down on readings and planning 2 to 3 readings per week must be implemented.**

This was followed by a discussion on specific courses. In all, 9 courses were tabled in the meeting, all part of the 3<sup>rd</sup> semester of the MA program starting August 2018

**Feedback on specific courses**

### **Research Methods**

The module on quantitative research is ambitious and will have to be cut down. Topics such as regression etc. may require more time and we can think of organizing separate workshops for the same and should not be done as part of the RM course. It should be more application based like teaching students how to interpret NCRB data, how to read graphs, diagrams, should use existing quantitative research as course material like NLUD's death penalty project. Drop 'Proposal writing' from the title as there is nothing in the course on it, so keep only Research Methods. For the History Module, Historiography should be replaced in the title by 'historical research.' Some basic texts like E H Carr should be introduced in the historical research section. Should use legal texts in historical writing or history in law, like court rooms, for instance, teaching works around the Ayodhya judgment. And then Carlo Ginzburg can come at the end of the module. The section on Doctrinal research – legal / doctrinal work needs to be re-worked.

Week 4 is very heavy, one theoretical piece can be dropped, Veena Das' AUD lecture on the urban poor can be used.

The course should inculcate basic skill of reading texts. It needs to be made more interdisciplinary, the modules are not speaking to each other. The course has less of the skills component and more theoretical.

BOS Approved the course

### **Policing and Society**

The section on police as an institution, its structure needs to be introduced where the Police Acts etc. can be discussed. Some fictional work on police can be made part of course material. Right now the focus is on the more punitive aspects of policing than the disciplinary aspects. Societies where police has "disappeared" like Singapore, providing an alternative to monopoly of violence that state enjoys through the police, can be introduced. Heavy readings, extremely dense, need to reduce reading materia

BOS Approved the course

### **Criminal Imaginaries and Legal Order**

The explanation on how the different 'criminal categories' are being arrived at would be helpful, are these intellectual, theoretical or legal categories (colonial criminal history)? The course in its current form contains too many readings. The readings should be reduced to 2-3 per week. Consider putting less emphasis on colonial and more on post-colonial, if possible. The course is well integrated but last module sticks out a bit. If it is

necessary then to bring in the aspect of state criminality, - Naxal violence (Balagopal's critique of revolutionary terror), massacres, pogroms, or the theme of election – nexus between economic offenders and state image of sexual and political offender. Imagination of the terrorist needs to be enlarged, look at contemporary proliferations. Also look at how society started believing in the stereotypes that states brought in.

### **Enironmental Law**

The course title can be “Law, Development and Environment”. Need to integrate, Some core issues that can be highlighted in the course are decentralisation and how that impacts environmental rights-73<sup>rd</sup> and 74<sup>th</sup> amendments, policies in the 1990s around water, apart from laws like Forest Rights Act. The course is heavy on pollution laws and skewed on Forest Acts, wildlife protection, mining etc. Course needs to be made more inter-disciplinary. Need to look at non-legal scholarship on environmental law and weave them into the modules.

BOS Approved the course

### **Law and politics of indigeniety**

The course focuses more on culture than law and politics, the readings are rich but do not address the question of law- text, jurisprudence and imagination/aspiration. Discussion on representation of tribals may help. Fiction should be made part of the core reading list, rather than just for assignments. Is indigeneity the best term in the Indian context to capture what the course is saying- there is a tension in the use of the word, can that figure in the course somewhere? Look at issues of inner line permits, border areas, it is about preservation of culture, but it is politics at the core, focus on Jharkhand, Chhattisgarh- mining issues, involvement of local population into it, etc.. Bring in the aspect of gender and indigeneity.

BOS Approved the course

### **Law, Speech and Crime**

This can be re-organized as a course on speech and law focussing on the philosophy and political value of free speech discussing Mill, Meiklejohn, etc. Either reduce the number of topics in Module 4, or give more space to each speech crime as part of separate modules. Introduce case studies on how law works as part of reading material. Why focus on only criminality, look at regimes of speech regulation which include censorship, and then focus on criminality due to the harm. First 2 weeks are unnecessarily heavy- Austin's work and speech act theory may be too difficult for students. Indian literature on historical wounds vs hurt of sentiments like the Ambedkar Cartoon or Padmavat controversy can be addressed. Have some component on the free speech discourse in India as it has evolved, the legacy of nationalist movement and its contribution to free speech debates.

BOS Approved the course

### **Feminist Jurisprudence and Gender Justice**

The brief description of the course does not accurately describe the deep theoretical underpinnings so the description could be modified. Modules 2 and 3 are heavy, Module 3 could be reframed into 2 parts, and one part of it could focus on violence against women. Consider debates around need for special laws and provisions for women, 'misuse of law' and due process as a separate module. Consider questioning the ideology of family, including debates on UCC and reservation as remedies. The last module could be redrafted and repackaged into – prospects of gender justice within the state and non-state law (incorporating aspects of pluralism vs. state (homogenous) law). 'Bill of Rights for Women' recommended in Justice Verma Committee report can be considered as a framework for the last module Meaning and import of justice, and particularly gender justice could be foregrounded in Module 1. Fieldwork component for evaluation – consider taking students to a district court / mediation centre, so that they are able to see aspects related to access to justice

BOS Approved the course

### **Transformative Constitutionalism**

It was suggested that the debates around literal versus purposive interpretation of the constitution would speak to the themes of this course. Some recent historical by Arvind Elangovan could also be added to check an over-reliance on Granville Austin Also the influence of British Constitutional ideas on India can be addressed through Ivor Jennings' work, and also by looking at Linda Colley's IESHR lecture. The title of the course can be reformulated as the course critiques the idea of the transformative. It can be reframed as 'Constitutionalism and Social transformation'. Module 2 excessively focuses on western thought, consider including Ambedkar and Motilal Nehru Report in the module. This would also help examine multiple imaginations of transformative constitutionalism other than 42<sup>nd</sup> amendment.

BOS Approved the course

### **Legal Trials and Public culture in India**

Include some theoretical work in context of political trials, its worth asking the question what is the idea of political that emerges through these trials. Course description to be made denser. The trials are historically situated and much has changed in terms of media gaze on trials, the course should focus on this. Is there is shift from spectacle to sensation? Trials related to environment can also be included. The methodology of looking at the trials and understanding public culture through these, must be spelt out.

BOS Approved the course

The BOS members after giving specific suggestions, approved all courses. Dean, Deputy Dean and other faculty members of SLGC thanked the BOS for their time.



Dean (Officiating)  
School Of Law, Governance & Citizenship  
Ambedkar University Delhi  
Karampura Campus

**SCHOOL OF LAW, GOVERNANCE AND CITIZENSHIP****3<sup>rd</sup> MEETING OF THE BOARD OF STUDIES, 10 Nov 2018****MINUTES**

Present: Dr. Usha Ramanathan, Prof. Ujjwal Kumar Singh, Dr. Ravi Sundaram, Dr. Rukmini Sen, Dr. Rohit Negi, Dr. Anuj Bhuwania, Dr. Anushka Singh, Dr. Javed Wani, Prof. Lawrence Liang, Dr. Malabika Pal, Dr. Ngoru Nixon, Dr. Saumya Uma & Mr. S. Prabhakaran

Feedback was received by email from Dr. Arudra Burra, who could not be physically present at the meeting.

The meeting commenced with adopting the agenda – considering 2 course outlines for the MA programme, 5 course outlines for the BA programme and 2 policy decisions to consider and approve of.

<b>A. Specific Suggestions for the two M.A Course Outlines to be offered in the Winter semester 2019</b>
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**1. THEORISING THE INDIAN STATE**

**Course Facilitator: Dr. Pooja Satyogi**

**Programme: M.A. LPS**

- This is an important course in terms of its conventional layout but it needs to be made relevant to the understanding of state in India, today. Conceptually, in its present forms, the course is situated in the 1980s and 1990s. Many changes have taken place in recent decades which need to be captured. Now, the State has to be viewed differently – with the use of technology, identification politics and its critique, Aadhaar, Special Economic Zones, land struggles viz. corporatization of the state, etc.. Mandal, market and mandir are debates from the 90s, they are still relevant but not enough to capture the reality of the Indian state in the 21<sup>st</sup> century. The contemporary aspect, which is presently in form of the last two weeks of the course, would need to be given more space and other modules can be shortened. Since this is a course being taught to post-globalization generation of students, it will need to be thought of and taught differently. The dominant lens used in theorizing the state in this course is political economy so it may be useful to reflect that in the title. The part on ‘Survey Course’ from the title may be dropped. Since the overwhelming emphasis is on class, it can be simply called a course on the Political

Economy of Indian state. If this is the only course offered on theorizing state in the entire 2 years MA then other aspects besides class need to be brought in. But if there are other courses, then this particular course can focus only on political economy.

- Specific suggestions on readings:
  1. Week 1 and 2- Jayal's recent book should replace her article, Chatterjee's introduction in Oxford Companion should replace his other piece. Baxi's piece on the foundational moment of Indian state in Chaube and Singh ed volume can be added, Manor may not be required.
  2. Week 3 and 4: early modernization debates are not very useful, the course can stick to just week 4 with its later modernization debates.
  3. Week 5: Week 5 and week 8 overlap so they can be collapsed into one. Sections of Venkat Iyer's book will be useful. Ways of contemporizing the emergency debate can be thought of, for instance, how to reflect of AFSPA like situation using the lens of emergency. Consider Menon and Nigam- Power and Contestation.
  4. Week 6 and 7: Pranab Bardhan's epilogue can be added from his book. There are ways of employing the Marxist method to contemporary literature to make sense of the nature of Indian state today like the World Inequality Index. Conventional topics should be blended with contemporary writings such as Raghuram Rajan's speech – what RBI says.
  5. Module 5: Globalization debates can be given space and more contemporary debates related to surveillance, identification etc. should be brought in. One of the chapters from Tarangini's book may be useful. The introductory chapter from Santana's book in relation to state and violence can be looked at. Akhil Gupta's piece on red tape may be considered.
- The question of resources can be theorized upon – land, mineral resources, water, data – how state views itself as a user, owner, controller, idea of certain things being exempt from the law, some that exists and some property that has to be created for the state to control (like data). This closely flows from the idea of eminent domain which not just about land. This isn't reflected in this course. Last 20-30 years this has been happening. There may not be enough literature on it, but students have to know it – technology and corporatizing state – what does it mean, difference between power and authority.
- The post-colonial idea of state at the foundational moment can be reflected upon in the beginning module, questions revolving around how the nature of state and politics would unfold post-independence, the logic of Indian state, its priorities, aspirations, on what was the thought behind the non-aligned movement, what led to the fading away of Nehru's internationalism
- Use Nivedita Menon, Recovering Subversion – deals throughout with the state and Veena Majumdar's article in Engendering Law: Essays in Honour of Lotika Sarkar, for the women's question and the Indian state
- Use Kafila & EPW articles esp on post Nandigram, SEZ etc.– easier for students to read.

Status: revised version to be sent to BOS by email for approval

## 2. RETHINKING DEVELOPMENT

**Course facilitator: Dr. Malabika Pal**

**Programme: M.A. LPS**

- The focus of the course needs to be spelt out more clearly, Development today is being re-thought from different vantage points, for instance climate change. The context and vantage point of this course viz. theorizing development should be emphasized
- The course plugs into all ongoing debates, will work for students.
- The fact that the course is ‘re’ thinking development, we assume that there is a conventional and dominant model of looking at the development discourse. Usually we critique the existing model and focus on the alternative but the dominant model is not really taught to students before critiquing. A focus on foundational concepts would be helpful as these students are not Economics honours students. A single module in the beginning on conventional paradigm of development may be added. The only approach towards the dominant model should not be to demolish it but to reflect on it to see if there are redeemable aspects to it going forward.
- Module 2- Schumacher’s Small Is Beautiful: A Study of Economics As If People Mattered, can be introduced as the backgrounder.
- Module 3 – 2 readings talk about 2 different things – can there be a reading which make the two aspects- hunger and inequality- talk to each other? Piketty is difficult, consider simpler commentaries as well as sympathetic critique of Piketty.
- You may consider specifying how the critiques of economic concepts are reflected and incorporated in laws, policies and judgments – within the course outline, if it can be indicated. As you discuss the themes, if connection can be made to black letter laws.
- Consider including the redistribution debate, early reports on land reforms are useful.
- Some debates on climate change can be included, geography offers an interesting entry point into the development debate.
- Consider including China – how reinforcing development of a certain kind is happening, as it’s a context that is influential to policies in India.

Status: Approved

**B. Discussion on the structure of the B.A programme in Law and Politics and proposed courses**

### **On the B.A. Law and Politics:**

- SLGC would have to think and state with clarity the objective for having a B.A in Law and Politics, the rationale behind why a student would want to exercise this option. A pre-law course is one such objective, there may be several others which need to be identified. This course can develop as a critical option for many students who either do not make it to law schools or IITs. We should think of how to make this programme attractive for such audience.
- The school needs to deliberate upon the logic of disciplinary grounding in law and politics. The separate sets of courses in both and law and politics at some stage will need to converge to justify a programme in Law and Politics. We are not offering an honours in any discipline for instance in political science so are not under obligation to teach all major areas of that discipline. We have to be selective about sub-areas within the discipline where a convergence with law may be possible.
- Need to focus our energy on highlighting the uniqueness of the BA course in flyers, promotional material, website with a good concept note to attract more and better students. The course is specific because it's neither the law school model nor the conventional political studies, this aspect needs to be played out.
- The admission press can be revisited- incase cut-off is not working out as a necessary filter, entrance maybe considered soon.
- The courses should have pedagogical experiments including field work, class blogs, journal entries etc. This will promote participation among the students. Summer internship for students may be helpful. If the University sanctions fund for teaching aid, consider having TAs that would help students not just with the academic content but basic skills of reading, writing, language proficiency. Think of well-trained M.A students as well as research students who can be hired as T.As.
- In the long run, work towards how the 6 law and 6 politics courses would speak to each other to form an organic whole.
- Reconsider giving too much space to political theory specifically western. Other areas of politics are not adequately addressed in the current structure.
- Consider including a course on state and citizenship – broadly around international relations and international law
- It may be advisable to have a course that maps at least one of the challenges – conflict, citizenship, national and international laws – Major 9 & 12
- Consider including a course on contemporary social theory – on violence, belief, anger (Martha Nussbaum), affect, freedom, self – teach Foucault, Periyar, 20<sup>th</sup> century debates- in the final year.
- 1<sup>st</sup> year – 50% should be non-academic texts.

- Consider a separate course on contracts and property rather than combining both in one course; Add concept of property to the course on jurisprudence. Teach jurisprudence through Salmond / Blackwell Companion

### **Some specific suggestion on courses already taught:**

These courses were not opened up for discussion, brief suggestions on readings were made

#### **a. Indian Constitutional and Democracy (course instructor: S.R Prabhakaran)**

In Module 1, Bare Text and mapping of Indian Constitution cannot be put together as readings. Bare text of the Constitution should be mentioned as part of reading list. In Module 3, the reading provided does not deal with separation of power, think of adding Madhav Khosla's piece there. In Module 7, consider adding Marc Galanter. In module 8, the readings of social movements are thin, consider adding M.S Rao's volume, T K Oommen's book.

#### **b. Introduction to Political Theory (course instructor: Dr. Nixon)**

Gender isn't adequately represented- consider added Anne Philip's Politics of Presence and Menon's Seeing Like a Feminist.

#### **c. Reading Ambedkar (course instructor: Dr. Anuj Bhuwania)**

Think of screening movies and theater plays to make Ambedkar more interesting for students.

### **Discussion on proposed courses**

#### **1. ANTICOLONIALISM AND POSTCOLONIAL FUTURES**

**Course facilitator: Dr. Ngoru Nixon**

**Programme: B.A. LP**

- Readings by Partha Chatterjee at UG level would be too difficult, consider taking them out. Instead, introduce pieces like Bipin Chandra's old article on 3 stages in colonialism.
- Module 1: Gandhi's Hind Swaraj can be introduced there as well.
- Module 2: A reading of Hind Swaraj to get to Gandhi's thoughts on nation is a challenging exercise. The courses instructor will have to shoulder the burden, cannot be expected from the students.
- Module 2: remove Kaviraj, difficult as this level. Hardiman should be enough. Savarakar should be moved from additional to essential. Nehru should also be introduced as part of

essential readings. The Module can be renamed as 'Nation and its Other'. Anupama Roy's Gendered Citizenship maybe added (ch 4)

- Module 3 is very heavy on readings, cut them down substantially. S Anandy on Mutthulakshmi Reddy can be introduced.
- Module 4: retain Cesaire but replace the reading. Introduce anti-apartheid discourse. I Write What I Like by Steve Biko may be helpful.

Status: Approved

## **2. WESTERN POLITICAL PHILOSOPHY I**

**Course facilitator: Dr. Javed Wani**

**Programme: B.A. LP**

- The two proposed courses on Western Political Thought can be collapsed into one. Its not possible to teach each thinker in detail for one or two themes for each thinker belonging to the canon, can be taught in one semester. Considering that these are first year students, the level at which the course should be pitched has to be very basic. Important to have classics but contemporary relevance of that has to be taught alongside
- The other possible manner of transacting this course can be theme wise rather than teaching thinker wise, however, it might become difficult at this level
- It is not important to know everything of a few thinkers, only the basic thought and contribution of many thinkers, and how that lays the groundwork to understand law and politics better
- The readings can be kept to minimum- two or three standard texts on western political thoughts can be enough at this level.
- Consider having a course on global political thought rather than western where thinkers from Asia, Latin America etc. can be included too. This can be thought of at a later stage as well.

Status: Approved

## **3. THE LEGAL IMAGINATION**

**Course facilitator: Prof. Lawrence Liang**

**Programme: B.A. LP**

- The course is innovative and the kind of course material it introduces would be enjoyed by the students but the main challenge would be to connect each theme with theory.

Consider adding theoretical pieces for each module. Reduce the readings, there are too many readings

- Module 1: first three topics are fine, the institutional themes can be dropped
- Module 2: focus should be on constitution and constitutionalism, other topics may not be necessary at this level
- The case study on Ganga in Module 4 can be shifted to Module 5
- Module 4 may not be needed as a separate module- the copyright debate can be shifted elsewhere. Module 6 and 4 can be interspersed as most case studies chosen are recent.
- Consider merging Modules 5 and 6.
- Rethink topics in each module, the introduction to each module maybe written differently which captures the objective of each module.

Status: Approved

#### **4. AMARTYA SEN: ETHICS, ECONOMICS AND POLITICS**

**Course facilitator: Dr. Malabika Pal**

**Programme: B.A. LP**

- The course summary and objective need to emphasize and give reasons to support a course on Amartya Sen being offered as a Foundation Course. The question- why should students engage with this one figure of contemporary India and the world- should be answered.
- It would be a good idea add a few pieces critical of Sen's thoughts. There are others contesting his ideas – exposure of this to students is required.
- In module 5 on India and its contradictions, consider discussing Amartya Sen's 'Identity and Violence'
- There is scope to use ' The Argumentative Indian' in Module 1

Status: Approved

#### **5. RIGHTS BASED POLITICAL MOVEMENTS IN CONTEMPORARY INDIA**

**Course facilitator: Dr. Pooja Satyogi**

**Programme: B.A. LP**

- Recent readings have to be added, some readings are outdated particularly for themes related to Right to Work, RTI etc, more literature have come up in last few years.

- Weeks 3 & 4 – are about conceptualization of state (Module 2)- this module can be removed, instead 2 or 3 weeks can be devoted to add two new themes- civil liberties and workers’ movement.
- Module 1 should start with civil liberties. It will give a good entry point to the state citizen debate. Add focus on civil liberties. It is problematic to limit the course to political movements that have produced a “right to”. Instead, focus on different forms of citizen engagement with state. We can’t have rights without civil liberties
- Workers’ movement can be the last module- particularly in the wake of recent labour reform codes, displacement, right to unionization etc.
- Anti-corruption is a misfit in the scheme of the course, it can be merged with the module on RTI. Most anti-corruption activists file RTIs as an investigative tool which can be used to peg the debate.
- Anti-corruption movement in the module needs to foreground the global context – Millennial Development Goals etc.
- Pedagogy - show short documentaries on RTI, bring in experts working actively with various movements, get students to file RTI applications

Status: Approved

#### **d. POLICIES FOR CONSIDERATION**

##### **1. Partial Repeat Policy**

Deputy Dean Anuj Bhuwania highlighted the need for a partial repeat policy as there were many instances of students missing on one component of the evaluations. He informed the BOS members that AUD did not have a partial repeat policy for Masters programmes generally, but there were School-specific exceptions such as in School of Education. The BOS deliberated on whether such a policy should be made applicable for both programmes or only the B.A. programme. Rukmini Sen informed the BOS members that at the B.A. level, the School of Undergraduate Studies had a partial repeat policy for only 30% (and not 40% as proposed by SLGC). She also wondered if the PR should be only in the form of an exam (as with the School of Undergraduate Studies). However, it was discussed that a PR exam would not be helpful in those courses where evaluation methods do not include exams (e.g. class presentations, book reviews, response essays, debates). So it was decided to leave it to each course facilitator to have PR in one of the components of evaluation as may be appropriate to each course, in such a manner that parity is ensured among the students.

Status: Approved as worded in Appendix B

## 2. One Year Diploma Policy

The need for a diploma at the end of one year of the two year M.A. programme was discussed. The policy was passed with a rider that it should be worded in an affirmative tone.

Status: Approved subject to rephrasing of Appendix C

The meeting ended with a vote of thanks to all members present.

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Dean (Officiating)  
School Of Law, Governance & Citizenship  
Ambedkar University Delhi  
Karampura Campus

**SCHOOL OF LAW, GOVERNANCE AND CITIZENSHIP**

**MINUTES OF THE 4<sup>TH</sup> MEETING OF THE BOARD OF STUDIES, 26 April 2019**

Present: Dr. Usha Ramanathan, Prof. Ujjwal Kumar Singh, Prof. B.S. Chimni, Dr. Arudra Burra, Prof. Rukmini Sen, Prof. Lawrence Liang, Dr. Malabika Pal, Dr. Anuj Bhuwania, Dr. Pooja Satyogi, Dr. Javed Wani, Dr. Anushka Singh, Dr. Ngoru Nixon and Mr. S.R. Prabakaran

Feedback was received by email from Prof. Janaki Nair who could not attend the meeting.

The meeting commenced with adopting the agenda- considering 2 outlines for the MA Programme and 7 course outlines for the BA programme and a policy decision regarding modification in the dissertation credit policy for the MA programme.

**A. Specific Suggestions for the 7 B.A. Course Outlines to be offered in the Monsoon semester 2019**

**1. MODERN POLITICAL THOUGHT**

**Course facilitator: Dr. Javed Wani**

**Programme BA LPS**

The course is important and lucid. There could be a question about how can one understand the overall logic of the course; who are these people and why must one be reading them. In trying to bring in the contemporary, we run into the danger of losing the historicity. The course shows development over a period of 70 years and there is a need to retain that sense. It is important to add a narrative which makes sense of how this movement of thought has taken place. The structure and the readings need to be separated. Some speeches, shorter writings from the thinkers need to be included. The students should be able to get an idea of the objective of the course and how it is connected to the other courses.

The specific suggestions are:

- Module I: The segment on Ramabai should be tied to a single concept.
- Module III: Instead of using the word communalism, it should be changed to communitarianism and nation.
- Partha Chatterjee's book 'Moment of Arrival' could be too difficult for BA students and Tagore's essay on nationalism should be included.
- Include thinkers from the left to represent the intellectual history of the left.
- The readings are individual based, e.g. Gandhi. They could be brought into a conversation with others, e.g. Gandhi-Marx-Tagore.

- There are some original texts that might even be easier than secondary readings on Ramabai. Three readings that could be included would be Rukhmabai Raut's letters to the editor (TOI) on age of consent, Ramabai's "The High Caste Hindu Woman", and Kamaladevi Chattopadhyay - full anthology titled "A Passionate Life".

Status: Approved.

## **2. NATIONALISM AND THE STRUGGLES FOR INDEPENDENCE IN INDIA**

**COURSE FACILITATOR: DR. Javed Wani**

**Programme BA LPS**

With respect to when this course is taught, if it is taught alongside modern Indian Political Thought, it makes sense. This should be a foundational course but it is an elective. There is a lot of primary and visual material that should be used.

The specific suggestions were:

- Some aspects of the national movement, many people have got left out (e.g. Subhas Chandra Bose, Bhagat Singh)
- S.Bandhopadhyay can be used as a thread.
- Module III on Partition does not include Ritu Menon and Urvashi Butalia. One suggestion for this section was Gyanendra Pandey's "The Other Side of Silence".
- The way courses speak to each other was highlighted by the example that in Modern Political Thought we use the term 'challenge of communalism' but here we have 'emergence of communalism'.
- There is a need for short readings on the real actors of the national movement; not a representation of the movement but the movement. There is a need to represent diversity within the movement.
- There is a need to include something that is about historiography and the thinking of the discipline.

Status: Approved

## **3. READING GANDHI**

**Course facilitator: Dr. Ngoru Nixon**

**Programme BA LPS**

There is a core philosophical question in this course; that must be preserved. The specific suggestions include:

- Some readings of Ambedkar should be included, otherwise it would be incomplete
- Regarding critique of modernity, need to include ideas of alternative modernity; Sanjay Subrahmanyam's "Connected Histories"
- On the global perspective, include something on Gandhi and relation to nonviolence and peace
- The argument on Gandhi and Race; Arundhati Roy's and Rajmohan Gandhi's response in EPW
- May need to bring back Gandhi and his Critics
- Need to problematize Gandhi and his times; short letters published - Gandhi on Peace, Gandhi on Caste; his response on how to deal with Hitler
- In Module I, Charles DiSalvo on Gandhi as a Lawyer and S.N. Agarwal on Gandhian Constitution could be included
- Suresh Sharma's work on the last two years of Gandhi could be included
- It is important to include "My Experiments with Truth" as essential reading
- Gandhi's sedition trial in 1922 needs to be included; for Gandhi and the Poona Pact, include the speech by Ambedkar on BBC Radio.
- Women autobiographies, to the extent that they intersect with Gandhi need to be included, e.g. Ashoka Gupta's "Those days in Noakhali"

Status: Approved.

#### **4. CITIZENSHIP: THEORIES AND CONTEMPORARY CONCERNS**

**Course facilitator: Dr. Pooja Satyogi**

**Programme BA LPS**

This course runs adjacent to the course on political movements and is important for a program in SLGC. The specific suggestions are:

- In Module IV, what is a Banoptican? This term should be removed.
- Terror and citizenship should be included; citizenship is given but taken on the ground of terror.
- Scales of citizenship – favoured citizenship in the forms of NRIs etc. What are the rights involved here?
- Economic citizenship should be foregrounded
- The United Nations is recognizing stateless citizens for the purpose of the Olympics.
- The gap seems to be the theory-India segment; Marshall's critique of citizenship seems to be separate from Indian debate. The question is how does one connect Marshall with Indian experience.
- There was a question whether we should use pluralism instead of multiculturalism. Gurpreet Mahajan is not very accessible.
- It was suggested that in Module IV, global concerns should be included; experiences of terror etc. are very crucial; the distinction between documented citizen and documentary citizen.

- The Citizenship Act and its amendments should be included; Maitrayee Chaudhuri's article on the First Plan and its solution to citizenship ["Citizens, Workers and Cultural Emblems: An Analysis of the First Plan Document of India 1938"]
- It was suggested that rather than Anupama Roy's "Becoming Citizens", her "Gendered Citizenship" should be included.
- How to address populism; can we use populism as a category to understand its relation to contemporary politics; lot of writing in German Law Journal, the issue of populism versus constitutionalism; Hannah Arendt on 'Totalitarianism'- the right to have rights.
- There is lack of clarity in Module III; the question of sub-nationalism should be included given how important it is.
- The brief submitted by the GOI and senior counsel with the Supreme Court on the Rohingya issue would be an interesting document to look at.
- Include the issue of buying citizenship, e.g. case of Estonia.

Status: Approved.

## 5. INDIAN CONSTITUTION AND POLITICS

**Course Facilitator: Dr. Anushka Singh**

**Programme BA LPS**

This course is the first formal introduction to the Law and Politics Course; its focus is on the design and structure of the Indian Constitution. Specific suggestions include:

- Along with Granville Austin, if one could add other readings which may have got left out.
- There was not enough 'Politics' in the course; if it has to be historical there needs to be more readings from that particular period on, for instance, the debate on centre-state relations, parliament v judiciary; the question is how much history you would want to include compared to how much of contemporary issues.
- The constitutional scheme on adoption of international norms needs to be included; the international dimension is completely missing at the moment.
- Lavanya Rajamani's article in the Oxford Handbook of the Indian Constitution and excerpts from the Shah Commission Report (which is available online) should be included. However, the readings from the Oxford Handbook may be difficult for undergraduates. In particular, remove the chapter written by Lawrence.
- Despite being a state subject in the Constitution, the WTO Agreement on Agriculture has been adopted by the Centre.
- The difference between Art.370 and 371 is difficult to understand unless one reads the constitutional text.
- The constitutional dimensions of Preventive Detention, the safeguards need to be included. Include a reading by M. K. Nambiar on Preventive Detention.
- It is important for the students to understand each provision, the constitutional amendments.

- Remove Judiciary v Parliament.

STATUS: Approved.

## **6. INTRODUCTION TO LAW**

**COURSE FACILITATOR: Dr. Saumya Uma**

**Programme BA LPS**

The focus of this course is on the dominant ideas. There is a need to incorporate the perspectives which are not so dominant. The specific suggestions are:

- It may be fruitful to teach how to read government reports, in addition to Law Commission Reports
- There needs to be an introduction to Tribunals.
- The students should be introduced to Parliamentary Standing Committees; not just statutes but also rules so include Standing Committee on Delegated Legislation.
- They need to be introduced to the pre-legislative process, from Cabinet to Parliament, there should be peoples' participation; Delhi High Court Judgment is coming up on knowing and assessing the laws.
- Study PRS as an institution
- In Module I, for the section on "Social and political context of law", there seems to be no corresponding readings. Include Lawrence Freidman, Law and Society.
- Some basic concepts need to be introduced- Rule of law or that the idea that law will take its own course; extra-parliamentary law making like ordinances; the use of the Money Bill route.
- One needs to incorporate the differential applications of the law (different kinds of laws- spatially or through definitions of communities).
- Need to add a small introduction to the structure of the legal profession; add professional dilemmas, e.g. representing the rapist or when the Bar Council says no one should defend a particular kind of defendant).
- Regarding evaluation, 30 marks for quizzes seem too much.

Status: Approved

## **7. INTRODUCTION TO MONEY AND FINANCE**

**COURSE FACILITATOR: Dr. Malabika Pal**

**Programme BA LPS**

The course highlights contemporary debates, including demonetization. The specific suggestions include:

- Include M.S. Sriram’s book, “Talking Financial Inclusion in Liberalised India- Conversations with Governors of the Reserve Bank of India”, Kenneth Rogoff’s book, “The Curse of Cash” and Sylvia Walby’s book “Crisis”.
- There is a need to bring in the relationship between technology and money

STATUS: Approved.

**B. Specific Suggestions for the 2 M.A. Course Outlines to be offered in the Monsson semester 2019**

**1. CITING AND INCITING: INTERSECTIONS OF LAW, LITERATURE AND LANGUAGE**

**Course facilitator: Prof. Lawrence Liang**

**Programme MA LPS**

The specific suggestions are:

- Drop “inciting” from the title of the course
- One can include the form of legal judgment and why do judgments have a paragraph form.

STATUS: Approved.

**2. CITIZENSHIP STRUGGLES AND PRACTICES IN INDIA: LEGALITY AND BEYOND**

**Course facilitator: Dr. Anushka Singh**

**Programme MA LPS**

Specific suggestions are:

- Whether global concerns were present in the course. For example, with respect to labour-Indians in the Gulf in comparison to Indians in the US.
- Regarding Module V, documentary citizenship be included along with insurgent citizenship. Include in discussions, NRIs and PIOs as well as ecological refugees and biological citizenship.

STATUS: Approved.

**Role of Syllabus Making and actual classroom implementation:**

Regarding the role of syllabus making and its relation to the actual student demographic, the dilemma is between how to balance what is ideal on paper and the reality of the classroom. Regarding the nature of the syllabus, the question is whether we should retain these despite their impracticability at the level of implementation or do we adjust the syllabus according to the level of the students. Rather than dealing with it as a matter of dilution, one should use diversity as a solution. Some of these courses could have been designed ten years ago; there is a need to make it more contemporary.

**Decision on Policy regarding Dissertation Credits:**

The proposal is for reduction of dissertation credits from 10 credits to 6 credits. The Board of Studies recommends that the dissertation should be dropped altogether. In case that is not done, as an alternative, the dissertation credits should be reduced to 6 credits along with reduced expectations.



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