

**MAHATMA GANDHI UNIVERSITY**  
**Ph.D. COURSE WORK IN THE DISCIPLINE OF LAW**  
**COURSE II – JUDICIAL PROCESS**

**I:** Judicial Process in Common Law and Civil Law Systems – Common Law System – Nature and Development.

**II :** Precedent – Nature, Meaning and Development – Doctrine of *Stare Decisis* – Ratio and Obiter – Methods for Determining Ratio – Prospective Overruling.

**III:** Declaratory Theory of Law and Judge as a Legislator – Judicial Discretion and Limits – Judicial Creativity and Judicial Restraint – Judicial Accountability

**IV :** Judicial Process in India – With Special Reference to Articles 32,226 136,141 and 142.

**Suggested Readings**

Cardozo, *The Nature of Judicial Process*, Yale University Press London (1949)

Rupert Cross, *Precedent in English Law*, Clarendon Press, Oxford (1991)

H.M.Seervai, *Constitution of India: A Critical Commentary*, N M Tripathi, Bombay (1993)

Jain and Jain, *Principles of Administrative Law*, Lexis Nexis, Butterworths,Nagpur (2007).