AND GOVERNANCE **CENTRE FOR THE STUDY OF LAW AND GOVERNANCE** CENTRE FOR THE STUDY OF LAW AND GOVERNANCE

JAWAHARLAL NEHRU UNIVERSITY

COURSE BOOK 2013

Centre for the Study of Law and Governance
Jawaharlal Nehru University, New Delhi-110067
Email: chair_cslg@jnu.ac.in; dir.cslg@gmail.com
Phone: 011 26704021; Telefax: 011 26742506
Website: http://www.jnu.ac.in/CSLG

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ABOUT THE CENTRE

The Centre for the Study of Law and Governance adopts a multidisciplinary approach to framing research and teaching on the relationship between law and governance. The study of governance, in its various forms and at different sites, is central to several contemporary issues: the reform of public institutions and public law; the creation and establishment of procedures and rules that lead to greater efficiency, transparency, and accountability; and the challenge of making governance more inclusive and participatory through the strengthening of democracy and civil society.

The Centre's interdisciplinary focus draws on critical social science approaches in its attempt to explore how practices of law and governance are embedded in political, economic, social and historical processes; how practices of governance are dispersed over various sites ranging from the government, bureaucracy, judiciary, community and family; the socio-legal processes that deter or provide access to justice; and notions of governmentality, sovereignty and rights in specific politico-jural regimes.

The manifold agendas of public policy and legal reform in India remain impoverished in the absence of substantial research in many areas that impact the everyday life of Indian citizens. Since its inception, the Centre has initiated a new interest in examining how practices of governance get stabilised through law and how these practices open law to further contestation. The normative ideals of justice, equity and freedom thus inflect the Centre's critical interrogations of existing institutions and practices of law and governance. It is in this spirit that, while the Centre's academic programme produces scholarly research in these areas, it also seeks to translate theory into practices of governance and by initiating debate, sharing research and providing a platform for dialogue between the academy, government, civil society and international agencies.

In the decade since it came into existence the Centre for the Study of Law and Governance has developed at least three attributes that make it a distinctive part of the intellectual landscape. First, the Centre is explicitly inter-disciplinary, as evidenced by the diverse academic trainings of its faculty and its student body as well as in the teaching and research programme it has fostered. Second, the Centre has developed a reputation as a location where academic rigour can be meshed with reflection on policy and advocacy. Third, the Centre has become a focal point for understanding the links between the formal legal framework and governance in practice.

The Centre for the Study of Law and Governance is the only academic space in India, and possibly one of the few academic spaces in the world, to have directed intellectual energy to an interdisciplinary focus on the relationship between law and governance. The establishment of similar centres in other Indian universities in the recent past is testimony to the relevance and significance of this perspective. It is not an exaggeration to claim that the Centre for the Study of Law and Governance has become an academic niche for those young scholars who wish to promote interdisciplinary research on law, and do not find the academic space to do so within the existing structure of law schools; as also those who wish to explore governance issues in an inter-disciplinary mode.

ACADEMIC PROGRAMMES

The Centre for the Study of Law and Governance offers an MPhil/PhD programme as well as a doctoral programme of study, which has generated enormous interest from prospective candidates, whether it is students who have just completed their Master's degrees or employed professionals and officials. The Centre's doctoral programme has a distinctive student profile, which includes members of the defence and civil services, lawyers, teachers and people working with civil society organisations.

The programmes of study offered by the Centre are as follows:

1. Doctoral Programme of Study

Given its inter-disciplinary orientation, the Centre welcomes applications from scholars with M.Phil. degree in Political Science, Economics, Sociology, and Law. Those who do not have an M.Phil. degree should provide evidence of equivalent published work in the intended area of specialisation.

Eligibility for Admission

Admission to the doctoral programme of study is made through a viva voce examination. Only those candidates are considered for admission to the Direct Ph. D. Programme as have obtained an M.Phil. degree of a recognized University/Research Institution with minimum Final Grade Point Average (FGPA) of 6.00 in 10 point scale/comparable standard where the grading is based on system other than 10 point scale. The candidates who have obtained an M.Phil. degree from a University/Institution where the dissertation is not graded or grading is not on 10-point scale, are required to forward a copy of their M.Phil. dissertation along with the Application Form for the purpose of assessment of their credentials;

OR

at least 2 years research/administrative/legal experience in reputed institutions with research publication(s) comparable to M.Phil. standard. In addition, they should have obtained Master's Degree with FGPA of 6.00 in the 10 point scale/comparable standard or equivalent percentage.

2. MPhil/ PhD Programme in Law and Governance

The distinctive features of the M.Phil. Programme are its multi-disciplinary orientation in both course design and teaching plan; its substantive academic content; its distinctiveness when compared to available courses in other Indian Universities; and its coherence as a programme of study with a policy orientation.

The objectives of the M.Phil./Ph.D. Programme in Law and Governance include the following:

To prepare candidates for doctoral research in public policy and socio-legal research that is not limited by uni-disciplinary training.

To provide an inter-disciplinary perspective on the study of law and governance, by introducing the basic concepts, debates and the now extensive literature on governance and legal issues,

emanating from the disciplines of political science, economics, public administration/public policy, sociology and jurisprudence.

To equip students with the skills necessary to undertake research in areas of public policy, including a special focus on the legal implications of these issues, by developing their expertise in these diverse disciplinary areas, and so to enable a more complex and multifaceted approach to issues of governance, public policy and law.

To acquaint the qualified practitioner—policy-maker, civil servant, lawyer or civil society professional—with the major issues in this area.

The M.Phil. programme is a two-year (four-semester) programme of study from which students may move on to the doctoral programme provided they meet the minimum grade requirements laid down by the University. The M.Phil. programme consists of 3 compulsory courses; 3 optional courses; and a dissertation. Each course carries 3 credits, and the course requirements are to be completed in the first two semesters of the programme. The dissertation carries 10 credits and is to be completed by the end of the fourth semester. Total number of credits required for an M.Phil. degree are thus 28.

While the three core compulsory courses provide a general overview of the issues and debates in the area of law and governance, the optional courses provide the students with the opportunity to develop a specialization, and so build up an expertise that can be further channelized in the dissertation work. The pedagogy adopted by the Centre faculty is innovative: films and other multimedia resources are routinely used.

Admission to the MPhil./PhD Programme

Admission to the M.Phil./PhD Programme is by an entrance examination conducted by the University, followed by a viva voce for those candidates who qualify in the written examination. The eligibility conditions for taking the examination are a Master's degree in Political Science, Public Administration, Economics, Sociology, History, Philosophy or Law with 55% marks; or 60% in any branch of natural science. The written test has essay type questions from the fields of Political Science, Public Administration, Sociology, Economics, and Law. The test will evaluate the candidate's analytical abilities and competence in her/his discipline. The areas covered by the test will relate to issues such as the following: the changing role of the state; the relationship between the state, market and civil society; civil service reform and the new public management; regulatory regimes; local governance, both rural and urban; the rule of law and access to justice; the social and economic bases of law; and global governance.

LIST OF COURSES[1]

Compulsory Courses
LG 601   Research Methodology
LG 602   Governance I: Theories and Concepts
LG 603   Governance II: The Legal Dimension

Optional Courses
LG 621   Law, Constitutionalism and Political Theory
LG 622   Sociology and Politics of Law
LG 623   Law and Economics
LG 624   Administrative Reforms and New Public Management
LG 625   Contemporary Issues In Development
LG 626   Politics of Development
LG 627   Development Ethics
LG 628   Environmental Governance
LG 629   Urban Governance I: Definitions and Concepts
LG 630   Urban Governance II: Using a Practical Lens
LG 631   Thinking about Institutions
LG 632   Institutional Economics
LG 633   Regulation
LG 634   Economics and Ethics
LG 635   Global Governance
LG 636   International Economic Institutions
LG 637   History, Politics, and Ethics of Reparation, Restitution and Reconciliation
LG 638   Local Governance
LG 639   The Politics of Sustainable Development
LG 640   New thinking about Institutions and Development
LG 641   Law, Governance and Violence: Gendered Perspectives
LG 642   Enculturing Law
LG 643   District Planning and Implementation Process
LG 644   Citizenship: Challenges of Theory and Practice
LG 645   Political Anthropology in South Asia

[1] All courses carry 3 credits.

COMPULSORY COURSES

LG 601   RESEARCH METHODS

This course has the twin objectives of introducing students to some issues in the philosophy of social sciences and research techniques—both qualitative and quantitative. The course is divided into three parts:—

    Part I: Conceptual Issues in Social Sciences

    Part II: Qualitative Methods (Ethnographic Methods, Historical Research and PRA Methods)

    Part III: Quantitative Methods

I. Conceptual Issues in Social Sciences

1. The Science/Social Science Contrast
2. Causation
3. Interpretation and Meaning
4. Objectivity in Social Science
5. Methodological Individualism

II. Qualitative Methods

Ethnographic Methods

This section introduces students to ethnographic research methods. They are taught concepts like participant observation, emic and etic perspectives, informants, cultural patterning.

1. History, theory and ethics of anthropological fieldwork
2. Research methods: framing a research question, site selection, language learning, identifying informants, interviews (open ended, structured), questionnaires, surveys, participant observation, writing field–notes.
3. Personal accounts of fieldwork, with a special focus on gender.
4. Writing ethnographies
5. Visual anthropology (the use of photography and film in anthropology)

Historical Research

1. What is an archive and how to use it (including diaries, personal papers, letters, newspapers)
2. Oral History

PRA methods

1. Mapping, transects, focus groups, wealth ranking, preference ranking, season and historical diagramming (time lines, day in the life of etc.)
2. Critiques of PR

III: Quantitative Methods

The quantitative methods addresses the following issues:

a. To build familiarity with ideas and concepts of empirical investigation and modelling.
b. To develop technical skills for describing, analyzing, and presenting quantitative data.
c. To appreciate the role of judgment in drawing inferences from data and analysis.

The course covers the following heads:

1. Overview, Understanding Data, Measurement
2. Basic Probability, Probability Distributions, Statistical Inference and Hypothesis Testing
3. Sampling Strategies including Survey Design
4. Controlling for "Other" Variables

READINGS

I. Conceptual Issues in Social Sciences

Basu, K. (2000) *A Prelude to Political Economy*. Oxford: Oxford University Press.

Davidson, D. (1985) *Actions, Reasons and Causes*. Oxford: Oxford University Press.

Elster, J. (1995) *Political Psychology*. Cambridge: Cambridge University Press.

Fereyaband, P. (1975) *Against Method*. London: Verso.

Fereyaband, P. (1985) *Collected Papers*. Cambridge: Cambridge University Press.

Geertz, C. (1978) *The Interpretation of Cultures*. New York: Basic Books.

Gellner, E. (1974) *The Legitimation of Belief*. Cambridge: Cambridge University Press.

Giddens, A. (1974) *New Rules of Sociological Method*. London: Hutchinson.

Habermas, J. (1992) *On the Logic of Social Sciences*. Cambridge: Massachusetts Press.

Hart, H.L.A and Honoroe, A. M. (1963) *Causation in Law*. Oxford: Oxford University Press.

Hempel, C. (1963) "Covering Law Explanations." In Nagel, (ed.) *A Philosophy of Science Reader*. Oxford: Blackwell.

Hollis, Martin and Nell, E.J. (1975) *Rational Economic Man*. Cambridge: Cambridge University Press.

Lakatos, I. (1978) *The Methodology of Scientific Research Programs*. Cambridge: Cambridge University Press.

Lukes, S. (1982) "Are there Social Facts?" In Hollis, M. and Lukes, H. (eds.) *Rationality and Relativism*. Cambridge: MIT Press.

Macintyre, A. (1981) "The Character of Generalization in the Social Sciences." In Macintyre, A. *After Virtue*. Notre Dame: University of Notre Dame Press.

Popper, K. (1978) *Conjectures and Refutations*. London: Routledge.

Rosenau, J. (1992) *Post Modernism and the Social Sciences*, Princeton: Princeton University Press.

Rosenberg, A. (1988) *The Philosophy of Social Science*. London: Macmillan.

Ryan, A. (1968) *Philosophy of Social Sciences*. Oxford: Oxford University Press.

Sosa, E. (1988) *Causation and Conditionals*. Oxford: Oxford University Press.

Taylor, C. (1985) *Collected Papers*. Cambridge: Cambridge University Press.

Weber, M. (1956) *Objectivity in Social Science*. New York: Free Press.

Winch, P. (1968) *The Idea of Social Science*. London: RKP.

II. Qualitative Methods

Carr, E.H. (1961) *What is History*? Middlesex: Penguin.

Chambers, R. (1992) "The Self-Deceiving State." *IDS Bulletin*, 23(4), pp. 31–42.

Chambers, R. (1994) *Relaxed and Participatory Appraisal: Notes on Practical Approaches and Methods*, from Participation Group, Institute of Development Studies, University of Sussex, Brighton, United Kingdom.

Chambers, R. (1994). "The Origins and Practice of Participatory Rural Development." *World Development*, 22(7), pp. 953–969.

Clifford, J. and George M. (1986) *Writing Culture: the Poetics and Politics of Ethnography*. Berkeley: University of California Press.

Denzin, N. and Lincoln, Y. (eds.) (1994) *Handbook of Qualitative Research*. Thousand Oaks: Sage.

Edwards, E. (ed.) (1992) *Anthropology and Photography*. London: Royal Anthropological Institute.

Gupta, A. and Ferguson, J. (eds.) (1997) *Anthropological Locations: Boundaries and Grounds of a Field Science*. Berkeley: University of California Press.

Lecompte, M.D., Milroy, W. and Preissel, J. (eds.) (1992) *The Handbook of Qualitative Research in Education*. New York: Academic Press.

Mikkelson, B. (1995) *Methods for Development Work and Research: a Guide for Practitioners*. New Delhi: Sage.

Miles, M., and Huberman, M. (1994) *Qualitative Data Analysis: An Expanded Source Book*. Thousand Oaks: Sage.

Mosse, D. (1994) "Authority, Gender and Knowledge: Theoretical Reflections on the Practice of Participatory Rural Appraisal." *Development and Change*, 25 (3), pp. 497–526.

Pelto, P. J. and Pelto, G.H. (1978) *Anthropological Research: The Structure of Inquiry*. 2nd ed. Cambridge: Cambridge University Press.

Perks, R. and Thomson, A. (eds.) (1998) *The Oral History Reader*. London: Routledge.

Punch, K. F. (1998) *Introduction to Social Research: Quantitative and Qualitative Approaches*. London: Sage.

Srinivas, M. N., Shah, A. and Ramaswamy, E. (eds.) (1979) *The Fieldworker and the Field: Problems and Challenges in Sociological Investigation*. Delhi: Oxford University Press.

Sundar, N. (2000) "The Construction and Destruction of Indigenous Knowledge in India's Joint Forest Management Program." In Roy, E. (ed.) *Indigenous Technical Knowledge and its Transformations*. London: Harwood Press, pp. 79–100 (1st section on PRA).

Vansina, J. (1985) *Oral Traditions as History*. Madison: University of Wisconsin Press.

Wood, D. (1992) *The Power of Maps*. New York: Guilford Press.

III. Quantitative Methods

Fairley, W.B. (1977) "Accidents on Route 2: Two-Way Structures for Data." In Fairley, W. and Mosteller, F. (eds.) *Statistics and Public Policy*. Reading: Addison Wesley.

Moore, D.S. and McCabe, G.P. (2002) *Introduction to the Practice of Statistics*. 4th ed. New York: W.H Freeman and Co.

Paulos, J.A. (2001) "Correlation and Causation." In Paulos, J.A. *Innumeracy: Mathematical Illiteracy and its Consequences*. New York: Hill and Wang.

Singleton, R.A. and Straits, B.C. (1993) "Sampling". In Singleton, R.A. and Straits, B.C. *Approaches to Social Research*. Oxford: Oxford University Press.

Stokey, E. and Zeckhauser, R. (1978) *A Primer for Policy Analysis*. New York: W.H Freeman and Co.

Wackerly, D., Mendenhall, W. And Scheaffer, R. (2002) *Mathematical Statistics with Applications*. 6th ed. Pacific Grove: Duxbury Press.

LG 602   GOVERNANCE I: THEORIES AND CONCEPTS

About the Course

This foundational course provides students with a comprehensive survey of the literature on governance; the descriptive and normative dimensions of the concept, and, the theoretical approaches to its study; and the extensive literature on the measurability of governance. In its original formulation, provoked by neo-liberal policies of economic reform, and a concomitant reconceptualization of the role of the state, governance has been an embattled and contested

concept. It is however a concept that has shed some of these old associations and recovered new meanings, especially as it has come to inform the claims to justice, rights and accountability for disempowered groups.

Among the questions that the course addresses are the following. Should the state be the primary provider of public goods? If states have abdicated their central responsibility for citizen welfare, what is at stake in the claim that markets and civil society actors can do this better? Is civil service reform the answer, or should inefficient state institutions withdraw to make way for more effective public service provision through public-private partnerships? How can policy-making processes be made transparent, policy outcomes equitable, and policy-makers and implementers accountable? The course also discusses the multiplication in the levels of governance, from the local to the global.

Course Outline

I. The Concept of Governance
– Evolution of the concept of governance as part of the neo-liberal discourse, and its critique
– Critical Approaches to Governance
– The Idea of Governmentality

II. Theoretical Approaches to the Study of Governance
– Rational Choice and collective choice
– New Institutionalism
– Governance networks

III. The State
– State and Society: Autonomy, Strength and Weakness
– Determinants of State Capacity
– State and Development: the developmental state; embedded autonomy; regime types and development; the state and inclusive development
– State and Inclusive Development: Seeing Like a State and Seeing the State

IV. Reforming the State
– New Public Management and its critique
– Transparency and Accountability
– The rule of law and access to justice

V. State and Civil Society
– Civil Society: Conceptual History and Issues.
– Civil Society Organizations: Non-governmental Organizations, Social Movements, User Committees
– Civil Society and Development: State-Society Synergy, Social Capital and Co-production

VI. States and Markets
– The 'Retreat of the State' and emergence of neoliberal markets

- Limits of State power and politics of production and trade
- Internationalisation of production and the spatial mobility of capital
- Regulating markets

VII. Multi-level Governance
- Multilevel governance: context, institutional types and critiques
- Globalisation and Global Governance
- Global civil society and global social movements
- Local governance and decentralization: Conceptual rationale, institutional design and performance

VIII. Measuring Governance
- Rationale of measurement, major studies and their critiques
- Methodological and conceptual challenges
- Context-specificity of indicators
- Indian efforts at indices of governance: NHDR

READINGS

I. The Concept of Governance

Abrahamsen, R. (2000) *Disciplining Democracy: Development Discourse and Good Governance in Africa*. London: Zed Books (Chapters 1–3).

Chhotray, V. and Stoker, G. (2009) *Governance Theory and Practice: A Cross-Disciplinary Approach*. London: Palgrave Macmillan (Chapters 1–2).

Dean, M. (1999) *Governmentality: Power and Rule in Modern Society*. London: Sage Publications (Chapter 1).

Foucault, M. (1991) "Governmentality". In Burchell, G., Gordon C. and Miller, P. (eds.) *The Foucault Effect: Studies in Governmentality.* London: Harvester Wheatsheaf.

Guhan, S. (1998) "World Bank on Governance: A Critique." *Economic and Political Weekly,* 33(4), pp. 185–190.

Jayal, N.G. (1997) "The Governance Agenda: Making Democratic Development Dispensable." *Economic and Political Weekly*, 32 (8), pp. 407–412.

Leftwich, A. (1994) "Governance, State and Politics of Development." *Development and Change*, 25(2), pp. 363–86.

Williams, D. and Young, T. (1994) "Governance, the World Bank and Liberal Theory." *Political Studies*, 42(1), pp. 84–100.

II. Theoretical Approaches to the Study of Governance

Doornbos, M. (2001) "Good Governance: The Rise and Decline of a Policy Metaphor?" *Journal of Development Studies*, 37(6), pp. 93–108.

Fischer, F. & Forrester, J. (eds.) (1993) *The Argumentative Turn in Policy Analysis and Planning.* Durham and London: Duke University Press.

Hajer, M. & Wagenaar, H. (2002) *Deliberative Policy Analysis: Understanding Governance in the Network Society.* Cambridge: Cambridge University Press.

Special Issue on 'Governance' (1998). *International Social Science Journal,* 155, (March).

North, D.C. (1990) *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Olson, M. (1965) *The Logic of Collective Action: Public Goods and the Theory of Groups*. Cambridge: Harvard University Press.

Pierre, J. and Peters, B.G. (2000) *Governance, Politics and the State*. London: Macmillan

Pierre, J. (ed.) (2000) *Debating Governance: Authority, Steering and Democracy.* Oxford: Oxford University Press.

Singh, A. (2005) "Indian Administrative Theory: Context and Epistemology." *Administrative Theory & Praxis*, 27(1), pp. 51–80.

III. The State
Essential Readings

Corbridge, S. et al. (2005) *Seeing the State: Governance and Governmentality in India*. Cambridge: Cambridge University Press.

Evans, P. (1995) *Embedded Autonomy: States and Industrial Transformation*. Princeton: Princeton University Press. (Chapters 1 & 10).

Kohli, A. (2004) *State-Directed Development: Political Power and Industrialization in the Global Periphery.* Cambridge: Cambridge University Press. (Introduction and Conclusion).

Leftwich, A. (1995) "Bringing politics back in: towards a model of the developmental state." *Journal of Development Studies,* 31(3), pp. 400–427.

Migdal, J. (1994) "Introduction." In Migdal, J., Kohli A. & Shue, V. (eds.) *State Power and Social Forces: Domination and Transformation in the Third World*. Cambridge: Cambridge University Press.

Przeworski, A. and Limongi, F. (1993) "Political Regimes and Economic Growth." *The Journal of Economic Perspectives*, 7(3), pp. 51–69.

Scott, J. (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press. (Introduction and Conclusion).

Skocpol, T. (1985) "Introduction." In Evans, P., Rueschemeyer, D. and Skocpol, T. (eds.) *Bringing the State Back In*. Cambridge: Cambridge University Press.

Additional Readings

Nordlinger, E. (1980) *On the Autonomy of the Democratic State.* Harvard: Harvard University Press.

Almond, G.A. (1988) "The Return to the State." *American Political Science Review*, 82(3), pp. 853–874.

Nordlinger, E., Lowi, T. and Fabbrini, S. (1988) "The return to the State: Critiques." *American Political Science Review*, 82(3), pp. 875–901.

Mitchell, T. (1991) "The Limits of the State: Beyond Statist Approaches and their Critics." *American Political Science Review*, 85(1), pp. 77–96.

Bendix, J. et al. (1992) "Going Beyond the State? Responses to Mitchell and Response to Critics by Mitchell." *American Political Science Review*, 86(4), pp. 1007–1021.

IV. Reforming the State

Christensen, T. and Laegreid, P. (2001) *New Public Management: The Transformation of Ideas and Practice*. Aldershot: Ashgate.

Grindle, M. (ed.) (1997) *Getting Good Government: Capacity Building in the Public Sector in Developing Countries.* Cambridge: Harvard Institute for International Development/Harvard University Press.

Jenkins, R. & Goetz, A.M. (1999) "Accounts and Accountability: Theoretical Implications of the Right to Information Movement in India." *Third World Quarterly*, 20(3), pp. 603–622.

Lane, J.E. (2000) *New Public Management: An Introduction*. London: Routledge.

Peters, B.G. (1996) *The Politics of Bureaucracy*. London: Routledge.

Singh, A. (2005) *Administrative Reforms: Towards Sustainable Practices*. New Delhi: Sage.

Stone D. (2002) *The Policy Paradox: The Art of Political Decision Making*. New York: WW Norton & Co.

Turner, M. & Hulme, D. (1997) *Governance, Administration and Development: Making the State Work*. Basingstoke: Macmillan.

V. State and Civil Society

Jenkins, R. (2001) "Mistaking 'Governance' for 'Politics': Foreign Aid, democracy, and the Construction of Civil society." In Khilnani, S. & Kaviraj, S. (eds.) *Civil Society: History and Possibilities*. Cambridge: Cambridge University Press.

Jenkins, R. (2010) "Non-governmental Organizations." In Jayal, N.G. & Mehta, P.B. (eds.) *The Oxford Companion to Politics in India*. Delhi: Oxford University Press.

Howell, J. and Pearce, J. (2001) *Civil Society and Development: A Critical Exploration*. Boulder: Lynne Rienner Publishers.

Hulme, D. and Edwards, M. (1996) "Too Close for Comfort? The Impact of Official Aid on Nongovernmental Organizations." *World Development,* 24(6), pp. 961–973.

Ostrom, E. (1996) "Crossing the Great Divide: Coproduction, Synergy, and Development." *World Development,* 24(6), pp. 1073–1087.

Evans, P. (1996) "Government Action, Social Capital and Development: Reviewing the Evidence on Synergy." *World Development,* 24(6), pp. 1119–1132.

VI. States and Markets

Evans, P. (1998) "Transferable Lessons? Re-examining the Institutional Prerequisites of East Asian Economic Policies." *Journal of Development Studies*, 34(6), pp. 66–86.

Strange, S. (1988) *States and Markets*. London: Blackwell.

Strange, S. (1996) *The Retreat of the State: The Diffusion of the Power in the World Economy*, Cambridge: Cambridge University Press. (pp.3–90).

Strange, S. (1998) *Mad Money: When Markets Outgrow Governments*. Michigan: University of Michigan Press.

Watson, M. (1999) "Rethinking capital mobility, re-regulating financial markets." *New Political Economy*, 4(1), pp. 55–75.

Helleiner, E. (2010) "A Bretton Woods moment? The 2007–2008 crisis and the future of global finance." *International Affairs*, 86(3), pp. 619–636.

Kohli, A., Moon, C. & Sorensen, G. (eds.) (2004) *States, Markets and Just Growth: Development in the Twenty-first Century*. Tokyo/New Delhi: United Nations University Press/Rawat.

VII. Multi-level Governance

Bache, I. & Flinders, M. (2004) *Multilevel Governance*. Oxford: Oxford University Press.

Hooghe, L. & Marks, G. (2003) "Unravelling the Central State, but How? Types of Multi-level Governance." *American Political Science Review*, 97(2), pp. 233–43.

Hooghe, L. & Marks, G. (2001) "Types of Multi-Level Governance." *European Integration online Papers* (EIoP), 5(11), October. Available from: http://ssrn.com/abstract=302786 or http://dx.doi.org/10.2139/ssrn.302786.

Papadopoulos, Y. (2007) "Problems of Democratic Accountability in Network and Multilevel Governance." *European Law Journal,* 13(4), pp. 469–486.

Whitman, J. (2005) *The Limits of Global Governance*. Abingdon, Oxon: Routledge.

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Baylis, J. & Smith, S. (eds.) (1997) *The Globalisation of World Politics*. Oxford: Oxford University Press. [Chapter 15].

Clark, I. (1997) *Globalisation and Fragmentation: International Relations in the Twentieth Century*. Oxford: Oxford University Press.

Diehl, P.F. (ed.) (2005) *The Politics of Global Governance: International Organisations in an Interdependent World*. New Delhi: Viva Books.

Frieden, J. & Lake, D. (eds.) (2000) *International Political Economy*. New York: St. Martin's. (chapters by Stiglitz & Squire and Broad, Cavanagh & Bello).

Geoffrey G. (2000) "The Causes of Globalization." *Comparative Political Studies*, 33, pp. 941–991.

Germain, R. D. (ed.) (2000) *Globalisation and its Critics: Perspectives from Political Economy*. London: Macmillan [Ch. 2, 5, 8 & 9].

Ghils, P. (1992) "International Civil Society: International Non-governmental Organisations in the International System." *International Social Science Journal*, 133, pp. 417–31.

Global Civil Society Year Books, (2001 to 2006/7). New Delhi: Oxford University Press.

Guillén, M. F. (2001) "Is Globalization Civilizing, Destructive, or Feeble?: A Critique of Five Key Debates in the Social-Science Literature." *Annual Review of Sociology*, 27, pp. 235–60.

Harvey, D. (2005) *A Brief History of Neoliberalism*. New York: Oxford University Press.

Held, D. et al. (1999) *Global Transformations: Politics, Economics and Culture*. Stanford: Stanford University Press.

Special Issue on Global Governance and its Critics (2001). *International Social Science Journal*, vol. 170, (December).

Kaldor, M. (2003) *Global Civil Society: An Answer to War*. Cambridge: Blackwell.

Keohane, R. O. & Nye, J.S. (2000) "Globalization: What's New? What's Not? And So What?" *Foreign Policy*, (Spring), pp. 104–119.

Nayyar, D. (ed.) (2002) *Governing Globalization: Issues and Institution*. New Delhi: Oxford University Press.

O'Brien, R. et al. (2000) *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements*. Cambridge: Cambridge University Press.

Pieterse, J. N. (ed.) (2000) *Global Futures: Shaping Globalisation*. London: Zed Books.

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Local Governance

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Bardhan, P. and Mookherjee, D. (eds.) (2007) *Decentralization and Local Governance in Developing Countries: A Comparative Perspective*. Delhi: Oxford University Press (Introduction & Chapters 5 and 6).

Crook, R.C. and Manor, J. (1995) "Democratic Decentralisation and Institutional Performance: Four Asian and African Experiences Compared." *Journal of Commonwealth and Comparative Politics,* 33(3), pp. 309–34.

Hebbar, R. (2006) "Forest Bill 2005 and Tribal Areas: Case of Jharkhand." *Economic and Political Weekly*, 41(48), pp. 4952–4955.

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Jodhka, S.S. (2008) "Changing Caste and Local Democracy: Assertion and Identity among the Dalits of Rural Punjab." In Gellner, D.N. and Hachhethu, K. (eds.) Local Democracy in South Asia: Microprocesses of Democratization in Nepal and its Neighbours. New Delhi: Sage.

VIII. Measuring Governance

Blagescu, M. et al. (2001) "Assessing and Analyzing Governance: Lessons from the World Governance Assessment Pilot Phase." *World Governance Assessment Working Paper 2.* Tokyo: United Nations University.

Court, J. and Hyden, G. (2001) "Towards A World Governance Assessment: Preliminary Findings From the Pilot Phase." *World Governance Assessment Working paper 3*, Tokyo: United Nations University.

Hyden, G., Court. J. and Mease, K. (2005) *Making Sense of Governance: Empirical Evidence from 16 Developing Countries.* New Delhi: Viva Books.

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Kaufmann, Daniel, Kraay, Aart and Mastruzzi, Massimo. 2005. "Governance Matters-IV: Updated Indicators for 1996–2004." *World Bank Policy Research Working Paper* 3630. Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Massimo, M. (2006) "Governance Matters-V: Aggregate and Individual Governance Indicators for 1996–2005." *World Bank Policy Research Working Paper 4012.* Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Massimo, M. (2007) "Governance Matters-VI: Aggregate and Individual Governance Indicators for 1996–2006." *World Bank Policy Research Working Paper 4280.* Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Massimo, M. (2008) "Governance Matters-VII: Aggregate and Individual Governance Indicators for 1996–2007." *World Bank Policy Research Working Paper 4654.* Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Massimo, M. (2009) "Governance Matters-VIII: Aggregate and Individual Governance Indicators for 1996–2008." *World Bank Policy Research Working Paper 4978.* Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Zoido-Lobatón, P. (1999) "Aggregating Governance Indicators." *World Bank Policy Research Working Paper 2195.* Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Zoido-Lobatón, P. (1999) "Governance Matters-I." *World Bank Policy Research Working Paper 2196.* Washington: World Bank and World Bank Institute.

Kaufmann, D., Aart, K. and Zoido-Lobatón, P. (2002) "Governance Matters-II: Updated Indicators for 2000–01." *World Bank Policy Research Working Paper 2772.* Washington: World Bank and World Bank Institute.

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Prakash, A. "How Good is India's 'Own' National Human Development Report?" In *Governance and Development Review*, Institute of Development Studies, Brighton, Sussex, http://www2.ids.ac.uk/gdr/reviews/review-12.html

LG 603   GOVERNANCE II: THE LEGAL DIMENSIONS

This course examines the relationship between "law" and "governance." It examines questions such as: What is the "rule of law?" What are the legal dimensions of governance? How is legal authority constituted? How do judicial institutions have an impact on governance? How are judicial

institutions governed? Do social structures impinge upon the functioning of the judicial process? Does law actually have an impact? Is judicial decision–making socially efficient? In the process of answering these questions we will enter into a wide ranging examination of the place of law in economy and society and the different standpoints from which it can be assessed.

Course Outline

1. The Indian Judicial System
– The formal allocation of powers in the Indian Judiciary
– The relationship of the Judiciary to other branches of government
– The appointment and administrative machinery of the judiciary, etc.

2. Basic Concepts of Law, Jurisprudence and Ideas of Rights
– Legal positivism
– Critical legal theory
– Feminist jurisprudence
– Post Colonial Legality

3. The Concept of Law
– What is Law?
– The Relationship Between Law and Morality
– On Rights

4. Constitutionalism and the Judiciary
– Judicial Review in Practice
– Forms and Efficacy of Judicial Activism
– The Normative and Legal Basis for Judicial Review

5. Law and Society: Approaches
– Reading Durkheim's sociology of law
– Weber on Law in Economy and Society
– Foucault and Law

6. Legal Systems as Social and Cultural Institutions
– Cultural construction of law
– Forms and politics of legal pluralism
– The cunning of judicial reform
– Law, violence and gender
– Law, caste and sociality

7. Substantive Topics in Law
– Gender
– Violence
– Caste

- Labour Law
- Tort
- Property

8. Law and Economics
- economic analysis of law
- transaction cost approaches
- the economic efficacy of legal decision making

READINGS

Ahuja, S. and Murlidhar, S. (1997) *People Law and Justice*, vol. 1 and 2. New Delhi: Orient Longman.

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Ayres, I. and Talley, E. (1995) "Solomonic Bargaining: Dividing a Legal Entitlement to Facilitate Coasean Trade." *Yale Law Journal,* 104, pp. 1027–1117.

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Basu, K. (2000) *Prelude to Political Economy: A Study of the Social and Political Foundations of Economics.* Oxford: Oxford University Press.

Basu, S. (1999) "Cutting to Size: Property and Gendered Identity in the Indian Higher Courts." In Rajan, R.S. (ed.) *Signposts: Gender Issues in Post-Independence India.* Delhi: Kali for Women, pp: 248–29.

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Baxi, U. (1999) "Constitutionalism as a site of state formative practices." *Cardozo Law Review*, 21, pp. 1183–1210.

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Cambridge: Cambridge University Press.

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Das, V. (1995) "Suffering, Legitimacy and Healing." In Das, V (ed.) *Critical Events: An Anthropological Perspective on Contemporary India*. Delhi: Oxford University Press, pp. 136–174.

Dhagamwar, V. "The Shoe Fitted Me and I Wore It… Women and Traditional Justice in India." In Kannabiran, K. (ed.) *The Violence of Normal Times*. New Delhi: Women Unlimited, pp.46–66.

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Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. England: Penguin Books Ltd.

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Friedman, D. (2000) *Law's Order: What Economics Has to Do with Law and Why It Matters*. Princeton: Princeton University Press.

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Kaplow and Shavell (2002) *Fairness Versus Welfare.* Cambridge MA: Harvard University Press.

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Mackinnon, C. (2005) "Sex Equality and 'Personal Laws' under the Constitution of India." In Jaising, I. (ed.) *Men's Laws,Women's Lives: a constitutional perspective on religion, common law and culture in South Asia*. Delhi: Women Unlimited.

Medema, S.G. and Zerbe, R.O. (2000) "The Coase Theorem." In Bouckaert, Boudewijn and De Geest, G. (eds.) *Encyclopedia of Law and Economics*. Cheltenham: Edward Elgar. (http://encyclo.findlaw.com/0730book.pdf)

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Merry, S.E. (2004) "Colonial and Postcolonial Law." In Sarat, A. (ed.) *The Blackwell Companion to Law and Society*. Oxford: Blackwell Publishing Ltd.

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Nader, L. (2002) *The Life of the Law: Anthropological Projects*. Berkeley: University of California Press.

Narrain, A. (2008) "The Despicable Specimen of Humanity: Policing of Homosexuality in India." In Kannabiran, K. and Singh, R. (ed.) *Challenging the Rules of Law.* New Delhi: Sage.

Ogus, A.I and Veljanovski, C.J. (1984) *Readings in the Economics of Law and Regulation*. Oxford: Clarendon Press.

Perveez, M. (2002) "Love and the Law: Love-Marriage in Delhi." *Modern Asia Studies* 36(1), pp. 223–256.

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Pound, R. (1910) "Law in Books and Law in Action." *American Law Review* 44(12), pp. 12–36.

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Ramanathan, U. (2002) "Tort Law in India." *Annual Survey of Indian Law 2001*, pp. 615–628.

Rao, A. (1999) "Understanding Sirasgaon: Notes Towards Conceptualising the Role of Law, Caste and Gender in a case of 'Atrocity'." In Rajan, R.S. (ed.) *Signposts: Gender Issues in Post-Independence India*. Delhi: Kali for Women, pp. 204–47.

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Rose, C.M. (1997) "The Shadow of The Cathedral." *Yale Law Journal*, 106(7), pp. 2175–2200.

Sarat, A. (ed.) (2004) *The Blackwell Companion to Law and Society*. Oxford: Blackwell Publishing Ltd.

Sathe, S.P. (2002) *Judicial activism in India: Transgressing borders and enforcing limits*. New Delhi: Oxford University Press.

Scheppele, K.M. (1994) "Legal theory and Social Theory." *Annual Review of Sociology,* 20, pp. 383–406.

Schmitt, C. *The Crisis of Parliamentary Democracy* (1923), (translated by E. Kennedy).

Singh, J. (2006) "Separation of Powers and Erosion of the Right to Property." *Constitutional Political Economy,* 17, pp. 303–324.

Smith, P. (ed.) (1993) *The Nature and Process of Law: An Introduction to Legal Philosophy*. New York: Oxford University Press.

Solum, L.B. (2006) "Public Legal Reason." *Virginia Law Review*, 92, p. 1449. (Available at SSRN: http://ssrn.com/abstract=944532.)

Tushnet, M. (1984) "An Essay on Rights." *Texas Law Review*, 62(8), pp. 1363–1404.

University Press.

Waldron, J. (1981) "A Right to Do Wrong." *Ethics,* 92(1)*,* pp. 21–39.

Wayne M. (1995) *Jurisprudence: from the Greeks to Post-Modernism*. London: Cavendish.

OPTIONAL COURSES

LG 621   LAW, CONSTITUTIONALISM AND POLITICAL THEORY

This course examines the trajectory of liberal constitutionalism in the context of Indian Law. Its first purpose is to bring out the normative presuppositions of the Indian constitution as revealed in the constitution itself and the ways in which it has been interpreted and modified by subsequent interpretations. Its second purpose is to normatively assess developments in key areas of Indian law. The guiding principle behind this inquiry is that a liberal constitution takes as its starting point the thought that all citizens are free and equal. This course will examine the various ways in which freedom and equality have been interpreted by Indian Courts and whether those interpretations can withstand normative scrutiny. This course will blend constitutional history, law and political theory. Each section will blend philosophical texts, historical materials and assigned cases

Course Outline

- The Idea of Constitutionalism
- Normative Inquiry and the Law
- Liberalism in Relation to Law
- The Indian Constitution in a Normative Frame
- What Are Fundamental Rights?
- Harmonising Fundamental Rights and Directive Principles
- Equality with special reference to Article 14
- Equality and Affirmative Action
- Law and the Constitution of Secularism

READINGS

The Idea of Constitutionalism
Alexander, J. (ed.) (2000) *Constitutionalism*. Cambridge: Cambridge University Press.
Gordon, S. (2002) *Restraining the State*. Cambridge: Harvard University Press.
Mueller, D. (2000) *Constitutionalism and Democracy*. Cambridge: Cambridge University Press.

Normative Inquiry and the Law
Dworkin, R. (1985) *Law's Empire*. London: Fontana, 1985.
Fuller, L. (1963) *Law and Morality*. Cambridge: Harvard University Press.
Habermas, J. (1988) *Between Facts and Norms*. Cambridge, MA: MIT Press.
Hart, H. (2002) *The Concept of Law*. (revised.) Oxford: Oxford University Press.
Kelsen, H. (1953) *The Pure Theory of Law*. Berkeley: University of California Press.
Unger, R. (1985) *Critical Legal Studies*. New York: Columbia University Press.

Liberalism in Relation to Law
Dworkin, R. (2000) *Sovereign Virtue*. Cambridge: Harvard University Press.
Rawls, J. (1971) *A Theory of Justice*. Cambridge: Harvard University Press.
Rawls, J. (1985) *Political Liberalism*. New York: Columbia University Press.

The Indian Constitution in a Normative Frame

Austin, G. (1966) *The Making of India's Constitution*. Delhi: Oxford University Press.

Austin, G. (1999) *Working a Democratic Constitution. Delhi: Oxford University Press.*

Constituent Assembly Debates (Selections)

The Constitution of India
What Are Fundamental Rights?

Abraham and Abraham, (2000) *Freedom and the Courts.* Oxford: Oxford University Press.

Iyer, V. (2000) *States of Emergency.* London: Butterworths.

Jain, M. P. (2000) *The Supreme Court and Fundamental Rights. New Delhi:* Eastern Book Company.

Seervai, H. M. (1998) *Constitutional Law of India. New Delhi:* Tripathi.

Sripati, V. (1998–1999) "Toward Fifty Years of Constitutionalism and Fundamental Rights in India: Looking Back to See Ahead (1950–2000)." *American University of Int'l Law Review*, 14, pp. 413–498.

Assigned Cases

Harmonising Fundamental Rights and Directive Principles

Baxi, U. (1988) *The Crisis of the Indian Legal System*. Delhi: Tripathi.

Michaleman, F. (1978) "In Pursuit of Constitutional Welfare Rights: One View of Rawls' Theory of Justice." *Pennsylvania Law Review,* 121, pp. 962–1021.

Seervai, H. M. 1996. *Constitutional Law of India.* Delhi: Tripathi.

Sunstein, C. (2005–2006) "Why Does the American Constitution lack social and economic guarantees?" *Syracuse Law Review*, 56, pp. 1–26.

Waldron, J. (1988) *Rights.* Oxford: Oxford University Press.

Assigned Cases

Equality with special reference to Article 14

Dworkin, R. (2000) *Sovereign Virtue.* Cambridge: Harvard University Press.

Jain, M.P. (2002) *Constitutional Law of India*. Nagpur: Wadhwa.

Mackinnon, C. (1995) *Towards a Feminist Theory of the State.* Harvard: Harvard University Press.

Ripstein, A. (2001) *Equality, Responsibility and the Law*. Cambridge: Cambridge University Press.

Seervai, H. M. (1996) *Constitutional Law of India.* Delhi: Tripathi.

Williams, B. (2006) "Equality" In Pettit, P. and Goodin, R.E. (ed.) *Contemporary Political Philosophy: An anthology.* Oxford: Blackwell Publishing Ltd.

Assigned Cases

Equality and Affirmative Action

Galanter, M. (1988) *Competing Equalities*. Berkeley: University of California Press.

Nagel, et al. (1988) *Equal Opportunity and Discrimination*. Princeton: Princeton University Press.

Prasad, A. (1988) *Reservation: A Legal Analysis.* Lucknow: Eastern Book Company.

Assigned Cases

Law and the Constitution of Secularism

Audi, R. (2000) *Religious Reason and Secular Commitment*. Cambridge: Cambridge University Press.

Fish, S. (2000) *A Matter of Principle.* Cambridge: Harvard University Press.

Galanter, M. (1988) *Law, Religion and Society in Modern India*. Oxford: Oxford University Press.

Mahajan, G. (1998) *Rights and Identities.* Delhi: Oxford University Press.

Jacobsohn, G. (2003) *Ashoka's Wheel*. Princeton: Princeton University Press.

Rawls, J. (2000) *The Idea of Public Reason Revisited*. Harvard: Harvard University Press.

Smith, D. (1956) *India as a Secular State.* Princeton: Princeton University Press.
Assigned Cases

LG 622   THE SOCIOLOGY AND POLITICS OF LAW

This course is designed for students who will already have done the compulsory course on governance and law, and who are keen to do further reading in the sociology, politics and history of law. The course endeavours to:

- place legal processes within a particular social context and explain the manner in which these contexts influence outcomes
- study legal institutions—e.g. courts, tribunals, customary panchayats—as social institutions
- understand the legal system as a cultural phenomenon
- understand the ways in which laws create regimes of truth, by defining crime and criminals
- explore the political economy of law making and the definitional power of property laws
- enable students to critically examine judgements and legal issues relating to controversial issues in contemporary India.

Course Outline

I. Anthropological approaches to the law
- Legal centralism
- Legal evolution
- Legal pluralism
- Legal realism
- Law as process
- Law as discourse

II. Legal ethnographies (students to select one for critical reading)

III. Dispute Resolution and Panchayats in India
- Dispute Resolution
- Tribal Panchayats—panchayats in egalitarian communities
- Village Panchayats—panchayats in stratified communities
- Caste panchayats

IV. 'Crime' and Punishment
- Defining Crime
- Law as discourse
- Concepts of Punishment
- Critiques of the Rule of law

V. Civil Liberties and Extraordinary laws
- Criminalising communities
- Extraordinary laws and the Rule of Law

VI. Trials as spectacle and trial by media
- The role of race, sex and class in the working of the judiciary
- Media trials
- Trials as performance

VII. Law and Popular Culture
- How legal idioms influence our everyday lives
- Legal thrillers/novels
- Films on customary law (e.g. The story of Qiu Jiu, Massey Sahib)
- Impersonations and other 'curious' issues

VIII. Political economy of law-making: the Colonial Transformation of Property laws in India
- Political economy and law
- Rule by records
- Ideology of the Permanent Settlement

IX. The Legal Transformation of Common Property Resources
- Defining common property
- Privatisation of CPRs
- The role of judicial Interpretation of custom

X. Recognising Indigenous Property Law
- New Developments in Australian jurisprudence
- Culture, custom and law

READINGS

I. Anthropological approaches to the law
Black, L., Mindie and Hirsch, S.E. (1994) *Contested States: Law, Hegemony and Resistance.* New York: Routledge.
Newman, K. (1983) *Law and Economic Organisation*. Cambridge: Cambridge University Press.
Starr, J. and Collier, J. (1989) *History and Power in the Study of Law.* Ithaca: Cornell University Press.
Vincent, J. (1990) *Anthropology and Politics: Visions, Traditions and Trends*. Tucson: the University of Arizona press (sections on legal anthropology).

II. Legal ethnographies (students to select one for critical reading)
Gluckman, M. (1955) *The Judicial Process among the Barotse of Northern Rhodesia*. Manchester: Manchester University Press.
Malinowski, B. (1926) *Crime and Custom in Savage Society*. London: Kegan Paul
Nader, L. (1990) *Harmony Ideology: Justice and Control in a Zapotec Mountain Village*. Stanford: Stanford University Press.

III. Dispute Resolution and Panchayats in India
Archer, W.G. (1984) *Tribal Law and Justice: A Report on the Santhal*. New Delhi: Concept Publishing Company
Caplan, P. (1995) *Understanding Disputes: the Politics of Argument*. Oxford: Berg.

Cohn, B. (1965) "Anthropological Notes on Disputes and Law in India." In Cohn, B. *An Anthropologist Among the Historians and Other Essays*. Delhi: Oxford University Press, pp. 575–631.

Elwin, V. (1977) *Maria Murder and Suicide*. Bombay: Oxford University Press.

Galanter, M. and Baxi, U. (1992) "Panchayat Justice: An Indian Experiment in Legal Access." In Galanter, M. *Law and Society in Modern India,* Delhi: Oxford University Press, pp. 54–91.

Guha, S. (1998) "Wrongs and Rights in Maratha Country: Antiquity, Custom and Power in Eighteenth-century India." In Anderson, M. and Guha, S. (eds.) *Changing Concepts of Rights and Justice in South Asia*. Delhi: Oxford University Press.

Hayden, R. (1984) *No-one is stronger than the caste*: *Arguing Dispute Cases in an Indian Caste Panchayat*. New York: State University of New York.

IV. 'Crime' and Punishment

Foucault, M. (1979) *Discipline and Punish: The Birth of the Prison*. Harmondsworth: Penguin/Peregrine Books.

Foucault, M. (1980) "On Popular Justice: A Discussion with Maoists." In Gordon, C. (ed.) *Power/Knowledge: Selected Interviews and Other Writings 1972–1977 by Michel Foucault*. New York: Pantheon Books.

Hall, S., et al. (1978) *Policing the Crises: Mugging, the State and Law and Order*. London: Macmillan Education Ltd., pp. 1–76.

Hay, D. (1975) "Property, Authority and the Criminal Law." In Hay, D., Linebaugh, et al. *Albion's Fatal Tree*. New York: Pantheon Books.

Sumner, C. (1982) "Introduction." In Sumner, C. (ed.) *Crime, Justice and Underdevelopment*. London: Heineman.

V. Civil Liberties and Extraordinary laws

American Civil Liberties Union (2002) *Insatiable Appetite: The Government's Demand for New and Unnecessary Powers After September 11.* Washington: ACLU. (copy available in CSLG library and also from ACLU website: www.aclu.org).

Arendt, H. (1964) *Eichmann in Jerusalem*. New York: Viking Press

Berry, M.F. (1999) *The Pig Farmer's Daughter and Other Tales of American Justice: Episodes of Racism and Sexism in the Courts from 1865 to the Present*. New York: Vintage Books.

Hillyard, P. (1993) *Suspect Community: People's Experience of the Prevention of Terrorism Acts in Britain*. London: Pluto Press.

Liberty (UK) (2002) *Anti-Terrorism Legislation in the United Kingdom*. London: Liberty. (copy available in CSLG library and also from www.liberty-human-rights.org.uk).

Moore, S.F. (1995) "Imperfect Communications." In Caplan, P. (ed.) *Understanding Disputes: the Politics of Arguments*. Oxford: Berg.

Morrison, T. and Lacour, C.B. (ed.) (1997) *Birth of a Nationhood: Gaze, Script and Spectacle in the O.J. Simpson case.* Toronto: Random House.

People's Union for Democratic Rights (2002 & 2003) *POTA Report and A Trial of Errors (Parliament Attack) (copies available in CSLG Library)*.

Singh, U. (1998) *Poltical prisoners in India*, Delhi: Oxford University Press.

Singha, R. (1998) "Criminal Communities: the Thuggee Act XXX of 1836." In Singh, R. (ed.) *A Despotism of Law*. Delhi: Oxford University Press.

VI. Trials as spectacle and trial by media

VII. Property in India: the Colonial Transformation

Guha, R. (1982) *A Rule of Property for Bengal*. Paris: Orient Longman.

Saumarez, S.R. (1985) "Rule-by-records and Rule-by-reports: Complementary Aspects of the British Imperial Rule of Law." *Contributions to Indian Sociology* 19 (1), pp. 153–176.

Washbrook, D. (1981) "Law and the Agrarian State in India." *Modern Asian Studies*, 15 (3), pp. 649–721.

VIII. The Legal Transformation of Common Property Resources

Arneil, B. (1996) "The Wild Indian's Venison: Locke's Theory of Property and English Colonialism in America." *Political Studies*, 44 (1), pp. 60–74.

Chakravarty, M.K. (1996) *Common Lands and Customary Law: Institutional Change in North India over the Past Two Centuries*. Delhi: Oxford University Press.

Pathak, A. (2002) *Law, Strategies and Ideologies: Legislating Forests in Colonial India*. New Delhi: Oxford University Press (chapters 4–7)

Singh, C. (1986) *Common Property, Common Poverty*. Delhi: Oxford University Press

Thompson, E.P. (1993) "Custom Law and Common Right." In Thompson, E.P. *Customs in Common*, New York: the New Press.

IX. Recognising Indigenous Property Law

Hinchman, L.P. and Hinchman, S.K. (1998) "Australia's Judicial Revolution: Aboriginal Land Rights and the Transformation of Liberalism." *Polity* 31(1), pp. 23–52.

Tonkinson, R. (1997) "Anthropology and Aboriginal Tradition: the Hindmarsh Island Bridge Affair and the Politics of Interpretation." *Oceania* 68(1), pp. 1–26.

LG 623   LAW AND ECONOMICS

This course addressed the following questions: What explains the evolution of various legal institutions?, How people will respond to the existing legal rules and changes therein? Will such responses result in a socially desirable outcome?, etc. The analytical tools and normative criteria will be that of economics. The focus of the course is on three substantive bodies of civil law; namely, property law, contact law and the law of torts. The course also covers some important topics in criminal law, litigation, and law enforcement.

Course Outline

I. Economic Analysis of Law
– What is economic analysis of law?
– Efficiency criteria in law and economics; Pareto efficiency, Kaldor–Hicks criterion, wealth maximization
– Price and sections

II. Property Law
– Emergence and nature of property rights,
– Acquisition and transfer of property rights
– Externality; conflict in the use of property
– Economics of property rights: property right and efficient use of resources
– Economic justifications of what is privately and publicly owned
– Property rights in information
– Intellectual Property Rights

III. Contract Law
– What is a (legal) contract?
– When is a contract enforceable?
– Efficient and inefficient contracts

– Risk sharing and remedies for breach: Specific Performance and Damage Measures
– Economics of various contract doctrines; formation defences—Incompetence and Unconscionability, performance excuses—Impossibility

IV. Tort Law
– What is a tort
– Three requirements of torts law-harm, causation and negligence
– The Hand rule and causation
– Various liability rules
– Economic analysis of tort law: Risk bearing and incentive to take socially desirable care
– Various issues in liability: Liability and insurance, non-tort systems
– Product liability

V. Other Topics
– Theory of enforcement
– Economics of crime and punishment
– Litigation costs and incentive to bring suits

READINGS

Becker, G. S. (1968) "Crime and Punishment: An Economic Approach." *Journal of Political Economy*, 76, pp. 169–217.

Brown, J. P. (1973) "Toward an Economic Theory of Liability." *Journal of Legal Studies*, 2, pp. 323–50.

Burrows, P. (1999) "A Deferential Role for Efficiency Theory in Analyzing Causation-Based Tort Law." *European Journal of Law and Economics*, 8, pp. 829–49.

Calabresi, G. (1970) *The Costs of Accidents*. New Haven: Yale University Press.

Cooter, R. D. and Ulen, T.S. (2000) *Law and Economics*. 3rd ed. New York: Addison–Wesley.

Cooter, R.D. (1987) "Torts as the Union of Liberty and Efficiency: An Essay on Causation." *Chicago-Kent Law Review*, 63, pp. 522–551.

Hart, H.L.A. and Honore, T. (1985) *Causation in the Law*. 2nd ed. Oxford: Oxford University Press.

Hatzis A. (2003) *Economics Analysis of Law: A European Perspective*. London: Edward Elgar.

Jain, S.K. and Singh, R. (2002) "Efficient Liability Rules: Complete Characterization." *Journal of Economics*, 75(2), pp. 105–24.

Kahan, M. (1989) "Causation and Incentives to Take Care under the Negligence Rule." *Journal of Legal Studies*, 18, pp. 427–447.

Kambhu, J. (1982) "Optimal Product Quality under Asymmetric Information and Moral Hazard." *Bell Journal of Economics*, pp. 483–492.

Landes, W.M. and Posner, R.A. (1987) *The Economic Structure of Tort Law*. Cambridge, Massachusetts: Harvard University Press.

Miceli, T.J. (1997) *Economics of the Law: Torts, Contracts, Property, Litigation*. Oxford: Oxford University Press.

Polinsky, A. M. (1989) *An Introduction to Law and Economics*. 2nd ed. Boston: Little, Brown and Co.

Shavell, S. (1987) *Economic Analysis of Accident Law*. Cambridge, Massachusetts: Harvard University Press.

Viscusi, W.K. (1991) *Reforming Products Liability*. Cambridge, Massachusetts: Harvard University Press.

LG 624   ADMINISTRATIVE REFORMS AND NEW PUBLIC MANAGEMENT

This course scans the footprints of administrative reforms in India and enables the student to understand both the desirability and the credibility of reform processes. An analysis of the institutional history of

reforms from transformation of the colonial institutions after independence to the adoption of the new institutional economics brings into focus the role of various actors in the application of substantive and procedural policy options The changes in the context of globalization, liberalization and privatisation combined with the expansion of the electronic governance has reduced the whole world into a global village and overlapping institutional governance. The issues related to the retreat of the state have given rise to a set of new problems such as those of citizen's privacy and access to decision-making. The spread of trans-national business has evoked greater need for accountability and transparency in public dealings. The scope and tendency of rent-seeking and its socio-economic impact on developmental policies is an important issue explored in this course. The new public management reforms and the citizen's role in the improvement of service delivery through voluntary and deliberate action may also highlight the direction and the difficulties of the changing character of democratic state.

Course Outline

- Context of Administrative reforms in India
- Institutional and the ethical dimensions of administrative reforms. The design and impact study to find answers to who benefits from reforms and who pays the price for restructuring.
- The values of the private and the public interest in the new institutionalism. Transformation of the welfare state to the entrepreneurial state.
- The efficiency and economy debate, de-bureaucratization of democracy to the Reinvention of government.
- Public-private partnerships in service delivery and poverty elimination programmes.
- Public sector enterprises and the disinvestment drive.
- Reforms in infrastructure esp. health services and education, social security systems like Child care services, retirement benefits, old age pension, crop insurance.
- Management of goods and services; institutional arrangements for outsourcing, contracting out and privatisation.
- New Public Management and the global reform Movement.

READINGS

Anderson, K S. (2001) "National, International and Transnational Constructions of New Public Management." In Christensen T. and Laegreid, P. (eds.) *New Public Management*. USA: Ashgate, pp. 43–72.

Bates, R.H. (1998) "Institutions as Investments." In Silvio Borner and Maltin Paldam. (eds.) *The Political Dimension of Economic Growth*. New York: St. Martin's Press Inc.

Boston, J. (1991) "The Theoretical Underpinnings of Public Sector Restructuring in New Zealand." In Boston, J. (ed.) *Reshaping the State: New Zealand's Barcurahi Revolution*. Auckland: Oxford University Press.

Caiden, G. E. (1969) *Administrative Reforms.* Allen Lane: The Penguin Press.

DFID (1997) *Eliminating World Poverty: A Challenge for the 21st Century.* White Paper, London: Department for International Development.

Farazmand, A. (1999) "Globalization and Public Administration." *Public Administration Review*, 59(6), pp. 509–522.

Fifth Pay Commission (1998) *Report of the Fifth Central Pay Commission (As accepted).* New Delhi: Creative Arts Private Limited.

Flynn, N. (1993) *Public Sector Management*. 2nd edn. London: Harvestor & Wheatsheaf.

Gore, A. (1993) *Creating a Government that works better and costs less: The Report of the National Performance Review.* New York: US Government Printing Press.

Hood, C. (1991) "A Public Management for All Seasons." *Public Administration*, 69, pp. 3–19.

Leemans, A. F. (1972) "Aspects of Administrative Change and Reform." In Rothwell, K. J. (ed.) *Administrative Issues in Developing Economies*. London: Lexington Books.

Mansbridge, J. (1990) *Beyond Self-Interest*. Chicago: Chicago University Press.

Mansbridge, J. (1992) "Public Spirit in Political Systems." In Aaron, H.J. et al, (eds.) *Values and Public Policy.* Washington: The Brookings Institution.

Mathur, K. (2001) "Strengthening Bureaucracy: State and Development in India." In Jayal, N.G. and Pai, S. (ed.) *Democratic Governance in India: Challenges of Poverty, Development and Identity*. New Delhi: Sage Publications.

Mathur, K. (2003) "Privatization as Reform: Liberalization and Public Sector Enterprises in India." In Mahajan, G. (ed.) *The Public and the Private: Issues of Democratic Citizenship*. New Delhi: Sage.

Mbaku, J. M. (1999) "Democratization and the Crisis of Policy Reform in Developing Countries." In Kimenyi, M.S. and Mbaku, J.S. (eds.) *Institutions and Collective Choice in Developing Countries.* Ashgate.

Minister, P. (1994) *The Civil Service, Continuity and Change*. London: HMSO.

OECD. (1995) *Governance in Transition: Public Management Reforms in OECD Countries.* Paris: OECD.

OECD. (1996) *Performance Auditing and the Modernization of Government*. Paris: OECD.

Osborne, D., and Gaebler, T. (1992) *Reinventing Government.* Reading, MA.: Addison Wesley.

Peters, B. G. (2001) *The Future of Governing*. Lawrence: University of Kansas Press.

Pigou, A.C. (1938) *The Economics of Welfare.* London: Macmillan.

Pollitt, C. (1990) *Managerialism and the Public Services.* Oxford: Basil Blackwell.

Pollitt, C. and Bouckaert, G. (2000) *Public Management Reform: A Comparative Analysis*. Oxford: Oxford University Press.

UNDP. (1995) *Public Sector Management: Governance and Sustainable Human Development*. New York: UNDP.

Weingast, B. (1992) *The Economic Role of Political Institutions*. Stanford: Hoover Institution, Stanford University.

LG 625   CONTEMPORARY ISSUES IN DEVELOPMENT

This course introduces students to the dilemmas of development theory and practice, particularly the complexities introduced by the varied socio-cultural contexts into which standard models of economic development are introduced. Students will be taught to understand the politics inherent in defining the problem, identifying the range of actors involved, exploring possible solutions in the light of consequences, both intended and unintended. The course will draw upon various ethnographic cases of development practice, seeking through these cases to introduce students to the range of possibilities open in any development encounter—from adoption and adaptation to resistance, to negotiation, to transformation. The course will also have a special focus on development in relation to the environment and gender. The course will be useful both for those interested in the theory of state practice and politics more widely as well as those who plan to take up a career in development, administration or the media.

Course Outline

I. Development: Definitions and Theories
• Defining development
• Modernisation theory

- Dependency and world systems theories
- Post-structural approaches

II. Anthropological Political Economy
- Ethnographic experiences with 'development'
- Capitalism and resistance (also everyday resistance)
- Development practice and culture

III. Discourses of Development
- Constructions of backwardness and poverty
- Participation
- Community

IV. State and Civil Society
- NGOs
- Social movements
- Role of media and other institutions

V. Globalisation and the New Economic Order
- Aid Industry
- WTO regime
- Patents, indigenous knowledge

VI. India's Development Experience
- History of capitalism in India
- Experience of Planned Development
- Human development
- Alternatives to standard model—Gandhian, Left etc.

VII. Gender and Development
- WID vs. GAD theories (empowerment etc.)
- Feminisation of poverty
- Women in the informal sector
- National income accounting and women's work

VIII. Gender and Environment
- Ecofeminism
- Critiques of ecofeminism
- Women and property

IX. Environmental Politics
- Historicising degradation
- Theories of sustainable development
- Environment and security (the politics of oil and other natural resources)

READINGS

I. Development: definitions and theories

Frank, A.G. (1988) "The Development of Underdevelopment." In Wilber, C. (ed.) *The Political Economy of Development and Underdevelopment*. New York: Random House, pp. 109–120.

Denis G. (1988) "Development… or Liberation?" In Wilber, C. (ed.) *The Political Economy of Development and Underdevelopment*. New York: Random House, pp. 480–488.

Cowen, M. and Shenton, R. (1995) "The Invention of Development." In Crush, J. (ed.) *The Power of Development*. New York: Routledge, pp. 27–43.

Sen, A. (1999) *Development as Freedom*. Delhi: Oxford University Press.

Wallerstein, I. (1984) "The Development of the Concept of Development." *Sociological Theory,* 2, pp. 102–116.

II Anthropological Political Economy

Culture, Resistance and Identity at the Peripheries of the World System, 1980s perspectives (capitalism and resistance)

Nash, J. (1981) "Ethnographic Aspects of the World Capitalist System." *Annual Review of Anthropology,* 10, pp. 393–423.

Roseberry, W. (1988) "Political Economy." *Annual Review of Anthropology*, 17, pp. 161–85.

Scott, J. (1985) *Weapons of the Weak*. Yale: Yale University Press (also special issue of JPS on everyday resistance).

Wolf, E. (1982) *Europe and the People without History*. Berkeley: University of California Press.

1990s Perspectives (development and negotiation)

Li, T.M. (1999) "Compromising Power: Development, Culture, and Rule in Indonesia." *Cultural Anthropology*, 14 (3), pp. 295–322.

Moore, D. (1999) "The Crucible of Cultural Politics: Reworking Development in Zimbabwe's Eastern Highlands." *American Ethnologist*, 26 (3), pp. 654–689.

Tsing, A.L. (1999) "Becoming a Tribal Elder, and Other Green Development Fantasies." In Li, T.M. (ed.) *Transforming the Indonesian Uplands: Marginality, Power and Production*. Harwood: Amsterdam.

Poverty, Isolation, Backwardness

Escobar, A. (1995) *Encountering Development: The Making and Unmaking of the Third World*. Princeton: Princeton University Press.

Ferguson, J. (1994) *The Anti-Politics Machine*. Minneapolis: University of Minnesota Press (Preface, Chs. 1, 9, Epilogue).

Ludden, D. (1992) *India's Development Regime.* In: Nicholas Dirks. (ed.) *Colonialism and Culture*. AnnArbor: University of Michigan Press.

Scott, J. (1998) *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. New Haven: Yale University Press (ch 1: Nature and Space).

III. Discourses of Development

Participation and Community

Agrawal, A. and Gibson, C.C. (1999) "Enchantment and Disenchantment: The Role of Community in Natural Resource Conservation." *World Development*, 27 (4), pp. 629–649.

Breman, J. (1997) The Village in Focus. In: Breman, J., Kloos, P. and Saith, A. (eds.) *The Village in Asia Revisited*. Delhi: Oxford University Press.

Henkel H. And Stirrat, R.L. (1996) "Participation as Spiritual Duty: The Religious Roots of the New Development Orthodoxy." In Grillo, R.D. and Stirrat, R. L. *Discourses of Development: Anthropological Perspectives*. Oxford: Berg Publishers.

Li, T.M. (1996) "Images of Community: Discourse and Strategy in Property Relations." *Development and Change*, 27 (3), pp. 501–527.

Nelson, N. and Wright, S. (1995) Participation and Power. In: Nelson, N. and S. Wright. (eds.) *Power and Participatory Development*. London: Intermediate Technology Publications.

Robert C. (1983) *Rural Development: Putting the Last First*. London: Longman.

IV. The State and Civil Society

Crewe, E. and Harrison, E. (1999) *Whose Development?: An Ethnography of Aid*. London: Zed Books.

Edwards, M. and Hulme D. (1996) *Beyond the Magic Bullet: NGO Performance and Accountability in the Post Cold War World*. West Hartford, CT: Kumarion Press.

Farrington, J. and Bebbington, A. (1993) *Reluctant Partners?: NGOs, the State and Sustainable Agricultural Development*. London: Routledge.

Fine, B., Lapavitsas, C. and Pincus, J. (eds.) (2000) *Development Policy in the Twenty-First Century: Beyond the Post-Washington Consensus*. London: Routledge (especially introduction by Ben Fine and article on privatization by Bayliss and Kramer).

Fisher, W. (1997) "Doing Good?: The Politics and Antipolitics of NGO Practices." *Annual Review of Anthropology*, 26, pp. 439–64.

Guhan, S. (1998) "World Bank on Governance: A Critique." *Economic and Political Weekly*, 33 (4), pp. 185–90.

Harriss, J. (2002) *Depoliticizing Development: The World Bank and Social Capital*. Wimbledon: Anthem Press.

Sainath, P. (1999) *Everybody Loves a Good Drought*. New Delhi: Penguin.

Suman Sahai—articles on patenting (*sumansahai-blog.blogspot.com/*)

V. Globalisation and the New Economic Order

Dreze, J. and Sen, A. (1995) *India: Economic Development and Social Opportunity*. Delhi: Oxford University Press.

Guhan, S. (2001) *India's Development Experience*. Delhi: Oxford University Press.

Gupta, A. (1999) *Postcolonial Developments: Agriculture in the Making of Modern India*. New Delhi: Oxford University Press.

Omvedt, G. (1993) *Reinventing Revolution: New Social Movements and the Socialist Tradition in India*. New York: ME Sharpe.

VIII. India's Development Experience

Vivian, J. (1994) "NGOs and Sustainable Development in Zimbabwe: No Magic Bullets." *Development and Change*, 25, pp. 181–209.

Williams, D. and Young, T. (1994) "Governance, the World Bank and Liberal Theory." *Political Studies*, XLII (1), pp. 84–100.

VI. Gender and Development

Folbre, N., Bergmann, B., Agarwal, B. and Floro, M. (eds.) (1992) *Women's Work in the World Economy*. New York: NYU Press.

Janet M. and Kinnaird, V. (1993) *Different Places, Different Voices: Gender and Development in Africa, Asia and Latin America*. London: Routledge.

Moser, C. (1993) *Gender, Planning and Development: Theory, Practice and Training*. London: Routledge.

Raju, S. and Bagchi, D. (eds.) (1993) *Women and Work in South Asia*. London: Routledge.

Rowbotham, S. and Mitter, S. (eds.) (1994) *Dignity and Daily Bread: New Forms of Economic Organizing Among Poor Women in the Third World and the First*. London: Routledge.

VII. Gender and Environment

Agarwal, B. (1998) "Environmental Management, Equity and Ecofeminism: Debating India's Experience." *Journal of Peasant Studies*, 25 (1), pp. 55–95.

Jackson, C. (1993) "Environmentalisms and Gender Interests in the Third World." *Development and Change*, 24 (4), pp. 649–77

Jackson, C. (1993) "Questioning Synergism: Win-Win with Women in Population and Environmental Policies." *Journal of International Development*, 5 (6), pp. 651–68.

Rocheleau, D., Thomas-Slayter, B. and Wangari, E. (1996) *Feminist Political Ecology: Global Issues and Local Experiences*. London: Routledge.

VII. Environmental Politics

Fairhead, J.and Leach, M. (1996) "Rethinking the Forest-Savanna Mosaic: Colonial Science and its Relics in West Africa." In Leach, M. and Mearns, R. (eds.) *The Lie of the Land: Challenging Received Wisdom on the African Environment*. London and Oxford: The International African Institute and James Curry.

Gavin M. (2000) "A World of Tribes." In Fry, G. and O'Hagen, J. (eds.) *Contending Images of World Politics*. Macmillan.

Mehta, L. (2001) "The Manufacture of Popular Perceptions of Scarcity: Dams and Water Related Narratives in Gujarat, India." *World Development*, 29 (12), pp. 2025–2042.

Pelsuo, N. and Watts, M. (2001) "Introduction." In Peluso and Watts (eds.) *Violent Environments*. Cornell: Cornell University Press.

Knowledge and practice

Agrawal, A. (1995) "Dismantling the Divide between Indigenous and Scientific Knowledge." *Development and Change*, vol. 26, pp. 413–439.

Hobart, M. (ed.) (1993) *An Anthropological Critique of Development: the Growth of Ignorance*. London: Routledge.

Long, N. and Long, A (eds.) (1992) *Battlefields of Knowledge: The Interlocking of Theory and Practice in Social Research and Development*. London: Routledge.

Mosse, D. (1994) "Authority, Gender and Knowledge: Theoretical Reflections on the Practice of Participatory Rural Appraisal." *Development and Change*, 25 (3), 497–526.

Sivaramakrishnan, K. (1999) Introduction in *Modern Forests: Statemaking and Environmental Change in Colonial Eastern India*. Stanford: Stanford University Press. (see also 1960s/70s debates: Popkin Migdal vs others on peasant rationality, Sahlins vs Obeysekhare).

LG 626   POLITICS OF DEVELOPMENT

The rationale of the course lies in the formulation that development is not apolitical. Indeed, politics determines the choices made with regard to various options/ policies/ programmes for development, their implementation and outcomes. While the economic aspects of development are undoubtedly critical, the socio-political context of development is increasingly being recognised as crucial. Therefore, evolution, contestation and reformulation of theories of development that emerged since the 1950s and have been the leitmotif of national and international politics will be critically examined, with a special focus on India.

Course Outline

I. Invention of 'Development': Genealogy of Development Thought and Politics
Enlightenment, Rationality, Modernity and Development; Modernization and its critiques; Post-development; Sociology of Development; Development and Democracy; Alternative Development, Human Development

II. Politics and International Development
Eurocentricity, Development and Underdevelopment; World System, Role of donor agencies, International Politics of Development

III. State and Development
Role of State versus Market in Development; Political Definitions and Social Choices; Paradigm of Social Development versus Economic Development; corporatist state, predatory states and developmental state.

IV. Politics of Development in India
Planned Development; Liberalisation and Privatisation; Roll-back of the State; Expanding Domain of Public Policy and Governance; New Actors in Development

V. Idiom of Development and Political Mobilisation: Development, Politics and Identity
Participation and Development; Political Mobilisation around Developmental Issues in India; Development and Identity Articulation

VI. Issues in Development Politics: Gender and Environment
Development, Gender and Environment inter-linkages; Development and Environment in India; Gender Imbalances and Development; Gender Empowerment and Development, Sustainable Development

VII. Politics, Development and Civil Society Actors
Civil Society, Social Capital and Development, 'De-politicised' Development

READINGS

I. Invention of 'Development': Genealogy of Development Thought and Politics

Bernstein, H. (2006) "Studying Development/ Development studies." *African Studies*, 65(1), Special Issue: Festschrift for Bill Freund, pp. 45–62.

Corbridge, S. (1998) "Beneath the Pavement only Soil: The Poverty of Post Development." *Journal of Development Studies*, 34(6), Special Issue: East Asian Development: New Perspectives, pp. 138–148.

Corbridge, S. (2002) "Development as Freedom: The Spaces of Amartya Sen." *Progress in Development Studies*, 2(3), pp. 183–217.

Corbridge, S. (2007) "The (Im)possibility of Development Studies." *Economy and Society*, 36(2), pp. 179–211.

Eisenstadt, S. N. (2000) "Multiple Modernities." *Daedalus*, 129(1), Special Issue on Multiple Modernities, pp. 1–29.

Eisenstadt, S.N. (1965) "Transformation of Social Political and Cultural Orders in Modernization." *American Sociological Review*, 30(5), pp. 659–673.

Escobar, A. (1991) "Anthropology and the Development Encounter: The Making and Marketing of Development." *American Ethnologist*, 18(4), pp. 658–682.

Kaviraj, S. (2000) "Modernity and Politics in India." *Daedalus*, 129(1), Special Issue on Multiple Modernities, pp. 137–162.

Kiely, R. (1999) "The last Refuge of the Noble Savage? A Critical Assessment of Post Development Theory." *The European Journal of Development Research*, 11(1), pp. 30–55.

Kothari, U. (ed.) (2005) *A Radical History of Development Studies: Individuals, Institutions and Ideologies*. Zed Books.

Kothari, U. & Minogue, M. (eds.) (2002) *Development Theory and Practise: Critical Perspectives*. Basingstoke: Palgrave.

Leys, C. (1996) "The Crisis in Development Theory." *New Political Economy*, 1(1), pp. 41–58.

Leys, C. (1996) *The Rise and Fall of Development Theory*. London: James Currey.

Morgan, B. (2002) "Post-development, Foucault and the Colonisation Metaphor." *Third World Quarterly*, 23(3), pp. 421–436.

Munck, R. & O'Hearn, D. (ed.) *Critical Development Theory: Contributions to a New Paradigm*, London: Zed Books.

Ortiz, R. (2000) "From Incomplete Modernity to World Modernity." *Daedalus*, 129(1), Special Issue on Multiple Modernities, pp. 249–260.

Pieterse, J.N. (1991) "Dilemmas of Development Discourse: The Crisis of Developmentalism and the Comparative Method." *Development and Change*, 22(1), pp. 5–29.

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LG 627   DEVELOPMENT ETHICS

Part I
- Development Ethics: the normative dimensions of development.
- The ethical underpinnings of the various discourses of development: development as economic growth; development as capability enhancement; anti-development.
- Efficiency and effectiveness as criteria of development planning and implementation.
- Equity: the costs of development, the rights of redress, and the responsibility for remedies.

- Alternatives to the mainstream approach to development: Basic Needs, Quality of Life and Capability Expansion.
- The Right to Development or a Right Against Development?
- Cross-cultural issues and the limits of ethical discussion on development.
- Culture, development and gender: ethical issues.

Part II
- Ethical Issues in Development
- Hunger
- Displacement and Development Refugees
- Environmental Ethics
- Bioethics and Indigenous Knowledge
- Global Justice: Inequality Between Nations

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LG 628   ENVIRONMENTAL GOVERNANCE

This course covers the major milestones in the evolution of environmental governance from the conservation syndrome to a major policy option for a sustainable and ethically just developmental process. It entails the study of institutions in the management of environmental crisis by seeking answers related to the role of grassroot institutions in selecting technology, structure of international

trade institutions, corporate governance, regulatory regime for biodiversity protection, climate change, wetland conservation and habitat rights. These issues are embedded into the moral outrage of marginalized communities since they are not party to decision making which robs them off their resources. The paper would analyse the impact of the Capitalist and the Socialist mode of growth pattern on environmental governance.

I.   Concerns of environmental governance, the questions of property such as those of personal and the Common property and the State owned; The issues concerning 'land ethics' within the framework of natural resource management. The ecological niche of human and non-human or sub-human communities and its impact on the emerging paradigm of governance.

II. Role of the State; Environment-development debate and issues of equity and justice in global and local governance. Role of trans national companies and the theoretical framework of 'Sustainable development'; issues of scarcity, of carrying capacity, intra-generational and inter-generational equity and justice, gender justice, habitat right.

III. Sustainable livelihood practices; Green Revolution sustainable agriculture, Joint forest management, Alternative or Appropriate technology, Watershed Treatment practices and the issues of big dams, Environmental practices and the village republics for the management of grasslands and wastelands.

IV. Environmental law; Regulatory framework in India, Public Liability of industries, Environmental Impact Assessment of Mega projects. Global Environmental standards and Trans-national companies.

V.   Environmental Movements: Issues in Environmental Movements from the Coastal Zone to the Himalayas, the mainland protests, the stakeholders and the Green groups, the gene campaigners, forest rights, water rights and the rights over mineral resources.

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LG 629   URBAN GOVERNANCE I: DEFINITIONS AND CONCEPTS

This course will engage the students in exploring various facets of urban governance. We will begin with exploring some of the main approaches and unpacking definitions and concepts which will lead towards a better understanding of the processes and patterns of urbanisation. This will be followed by analysing the causes behind the current urban crisis, both in the international (brief synopsis) and Indian context; an assessment of key stakeholders and their roles; and finally the mechanisms adopted by State and other development agencies towards improving the general quality of urban governance.

Course Outline

I. Definition and concepts of urban governance
– What is urban governance?
– How similar or dissimilar is it to urban planning and management?
– Understanding the larger processes of urbanisation

II. The Urban problematic-taking stock and addressing the challenges
– Condition of public services in cities–especially in developing countries.
– Reasons behind the poor distribution and quality of urban services

III. Who are the players?
– Understanding the form, condition, challenges and limitations of:
– Urban local government
– Civil Society—NGOs, CBOs, Academia, Media, Consumer forums etc.
– Private (corporate) agencies
– The Donor community

IV. Modes of engagement of the players
– Political (electoral) participation
– Popular (civic) participation
– Mixed forms of participation, Political will: progressive legislation for urban decentralisation
– International examples of recent legislation for better governance: case studies from countries such as Bolivia, Brazil, Mexico, Mozambique, South Africa, India and the Philippines.
– Detailed study of Indian urban legislation: 74th Constitutional Amendment Act—provisions in the Act, list of activities, critique.

VI. Mechanisms for change
– Transparency
  • Definition
  • Quality and content of public information
  • Issues regarding Right to Information
  • Sources (channels) of information dissemination
  • Mechanism to operationalise transparency
– Accountability
  • Definition
  • Various levels of accountability (such as bureaucrat to elected representative, bureaucrat to citizens and elected representative to citizens)
  • Mechanism to operationalise accountability
– Collaboration–synergy
  • Definition
  • Forms of collaboration (within and across sectors)
  • Segregated look at the role of different players in collaborative projects
  • Mechanisms to operationalise/initiate collaborative ventures

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LG 630   URBAN GOVERNANCE II: USING A PRACTICAL LENS

This course, which follows from Urban Governance I, is designed to encourage students to choose a particular city, Indian or international (subject to availability of data) with the intention of situating it within the theoretical debates discussed in the previous course.

Along with the city, the students will be required to choose a particular urban issue and devise indicators and sub-indicators to assess their proposition.

Course Outline

- Introductory session about the course.
- Selection of cities and sectoral issues as case studies.
- Discussion about research proposition, research question(s) and methodology.
- Presentation (in groups) of case studies by students. In case the batch is too small, they can do individual presentations.
- Based on the presentations, generate discussion-linking these case studies with the theoretical and conceptual issues discussed in the previous paper. This should give them an opportunity to reflect and even perhaps contribute their insights on broader issues of urban governance.
- Students choose a particular topic (or continue with what they presented) to write a term paper.

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LG 631   THINKING ABOUT INSTITUTIONS

What are institutions? How do institutions function? How do they evolve? What are the different trade-offs in designing institutions? This course examines these questions conceptually. The second half of the course uses the theoretical materials of the first half to shed light on some India's leading public institutions. Why do some institutions function better than others? How do we appraise institutional effectiveness?

The course requires students to write two short papers on the readings and undertake a larger study of an institution of their choice.

Course Outline

I. What Are Institutions?
– economic approaches
– anthropological approaches

- evolutionary approaches
- political approaches

II. Issues in Institutional Design
- rules v/s discretion
- statutory autonomy
- transparency v/s effectiveness
- incentive structures

III. Explaining Institutional Change
- are institutions dependent or independent variables/
- theories of institutional transformation

IV. India's Public Institutions: Design and Performance
- Parliament
- Independent Commissions-
- Institutions of Oversight-
- Institutions of Regulation

V. Explaining Variation Across Institutions
- Why do some institutions fare better than others?
- can institutional performance be explained by statutory design
- incentive structures within institutions

VI. Institutions and Civil Society
- Is Civil Society in India 'weakly' institutionalized?
- Does the character of social relations have an impact on institutions?

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LG 632   INSTITUTIONAL ECONOMICS

This course provides an understanding of economic institutions, which is rooted in a conceptual and theoretical apparatus. It is aimed that at the end of the course students will be in a position to embark on theoretical, public policy or empirical research projects using the tools and insights of institutional economics.

Course Outline

- Overview of Institutional Economics
- Economic Organization
- Contracting
- Employment
- Bureaucracy Government and State
- Law, Economics, and Organization
- Regulation
- Empirical Institutional Economics

READINGS

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LG 633   REGULATION

This course examines the needs and the modes of government interventions to regulate markets. Theories of socio-economic regulations and enforcement are reviewed. The course involves applying concepts introduced in the course to an appropriate regulatory matter. In the light of such theories, a variety of case studies are undertaken. The course also discusses liability vs. safety regulation, environmental regulation, etc.

Course Outline

I. Public Interest Theories of Regulation, Justification for Intervention
• Monopolies
• asymmetric information
• externalities
• co-ordination problems
• distributional justice.

II. Regulatory Instruments and Forms
• Standards
• information disclosure
• economic instruments
• price and quality regulation

III. Regulatory Structures and Practices
• Centralized versus decentralised regulation
• delegated and self-regulation
• accountability.

IV. Case Studies: Case studies related to regulation in
• Telecommunication
• Insurance
• Environment
• Production
• Liability vs. Safety etc.

READINGS

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LG 634   ECONOMICS AND ETHICS

This course explores the interaction between moral concerns and the practice of positive and normative economics. It also investigates the relation between the discipline of economics and the construction of moral philosophy.

Course Outline

- Morality and Economics (An Overview)
- Morality and Economic Rationality
- Morality and Welfare
- Liberty
- Equality
- Theories of Justice

READINGS

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LG 635   GLOBAL GOVERNANCE

The course focuses on the emerging issues and patterns in Global Governance with a view to understanding its inter-linkages with the processes of globalisation in its multi-faceted dimensions. It examines the history of the evolution of the regime of Global Governance along with a critical discussion of various conceptual and theoretical approaches to the study of global governance. Having thus underlined the close inter-linkage between global governance and the processes of globalisation, the course examines the meaning and various conceptual approaches to globalisation and its economic, social, cultural dimensions. The concept of global civil society as a central issue in the inter-linkage between global governance and globalisation is analysed with the help of patterns and issues arising from global environmental governance regimes. Further, the course also focuses

on the institutional dimensions of global governance before evaluating the overall impact of these multifarious issues, processes and patterns on the state, sovereignty and democracy.

I. Global Governance

Meaning, historical evolution, rationale, causal factors; Issues of transparency, accountability, equity and participation; theoretical approaches to Global Governance.

II. Globalisation: Meaning, Concept, trajectory and approaches

World Systems; Underdevelopment and *dependencia*; Internationalism, Interdependence, Americanisation, multilateralism, integration, Transformationalism and the Sceptics theses and their critiques

III. Globalisation and the Economy

The Bretton Woods System and the Washington and post-Washington consensuses, issues concerning openness and trade, integration, global markets, global financial flows; regionalism and regional trading regimes

IV. Globalisation: Social and Cultural Dimensions

Globalisation and Modernity/ post-modernity, Globalisation, democracy and Global citizenship; homogenisation, polarisation, Creolisation and hybridisation of culture; Alternative forms of ethics and of community

V. Global Civil Society/ Global Social Movements and Global Governance

Conceptual and definitional issues, global civil society, democracy and debates about re-constitution of citizenship; 'glocalisation', defence and critique; GSM/ GCS and Global Environmental Governance

VI. Institutional Dimensions of Global Governance, Complex Multilateralism

WTO, World Bank, IMF, the UN System and Environment Treaties Secretariats

VII. Global Governance, Globalisation, State and Sovereignty

Nation-states in a globalising world; debates of state sovereignty and autonomy: sovereign state, competition state, security state, normative state and democratic state; new forms of political community; global politics and local impact.

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LG 636   INTERNATIONAL ECONOMIC INSTITUTIONS

This explores the impact that international economic institutions such as the WTO, World Bank IMF, United Nations and its various branches have on law and governance—both domestic and international.

I. History and Description of Key International Economic Institutions

II. Impact on National and International Law and Governance

(In particular some areas discussed will pertain to intellectual property rights, dumping, international standards—environmental and labor, competition policy and international torts)

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LG 637   THE HISTORY, POLITICS, AND ETHICS OF REPARATION, RESTITUTION AND RECONCILIATION

This course is designed to make students think critically about contemporary demands for reconciliation and reparation. By taking up certain concrete cases of restitution and reparation demands (e.g. to Japanese Americans for internment during WWI, German reparations to Jews, the demand for reparations for slavery etc.), students are asked to reflect on why certain issues get taken up for reparation demands and others don't or why certain groups are successful and others aren't. They also discuss the ethics of providing distributive justice across time, of what the appropriate units of reparation should be, of the clash between new entitlements based on need or current legal standing and old entitlements based on expropriation.

Restitution claims also raise questions of memory; how historical injustices are framed and transmitted in national history texts and popular narratives; how the symbols of a nation—e.g. monuments, founding days, flags, anthems—are implicated in previous histories of conquest and violence; and whether restitution privileges certain moments in history as against others. In this context, the students are introduced to the German historians' debate over the holocaust, and questions of individual culpability for national crimes.

The course also discusses the politics of Truth and Reconciliation Commissions, the 'adequacy' of positivist notions of truth, and the legal and moral discourses within which reconciliation commissions operate.

Finally, it addresses the politics of International War Crimes Tribunals and covers questions like victor's justice, the retrospective application of laws, definitions of crimes against humanity etc.

Course Outline

I. Demands for restitution
• German reparations to Jews
• American recompense to Japanese Americans for WWII

- Korean Comfort Women vs the Japanese government
- Lustration in Eastern Europe
- Russian–German debates over artwork
- Reparations for slavery
- Native Americans: land and sacred objects
- Australian aborigines and the judicial revolution
- Ramjanmabhoomi issue

II. Individual vs. state culpability for genocide
- German historian's debate
- The anthropology of genocide

III. Truth and Reconciliation Commissions
- Guatemala
- South Africa

IV. International War Crimes Tribunals
- Nuremberg
- Tokyo
- Rwanda
- Yugoslavia

READINGS

I. Restitution/Reparations

Barkan, E. (2000) *The Guilt of Nations: Restitution and Negotiating Historical Injustices*. New York: WW Norton.

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II. State vs. Individual Culpability

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III. Truth and Reconciliation

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IV. War Crimes

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LG 638   LOCAL GOVERNANCE

In India, the issue of local governance tends frequently to be equated exclusively with the processes of decentralisation set in motion by the 73rd and 74th constitutional amendments. This course is underpinned by the recognition that, along with the revival of panchayati raj institutions, there has also, simultaneously, occurred a proliferation in the number and variety of actors involved in governance at the local level. Non-governmental organizations, for instance, are increasingly engaged in the delivery of public services; and user groups/committees are involved in the management of natural resources, sometimes in partnership with the state. There are also a number of Self-Help Groups engaged in a variety of activities from micro-credit to development programmes. This course provides an overview of the experience of the new panchayats as institutions of self-government, and especially the way in which the provisions for greater inclusion—through reservations for scheduled castes, scheduled tribes, women, and, in some cases, the backward classes—are working out. It examines legal and institutional aspects of panchayats, especially the rather minimalist way in which conformity laws in the States have interpreted the constitutional amendments, resulting in an inadequate devolution of powers and finances. Finally, will seeks to provide an understanding of the complex interrelationships that obtain at the local level between panchayat institutions, the local state and bureaucracy, the nongovernmental organisations, and various other civil society actors.

Course Outline

I. The concept of decentralisation.
- Why decentralisation? Is decentralisation inherently democratic?
- The economic argument for decentralisation
- Decentralisation, devolution and deconcentration

II. The evolution of Panchayati Raj institutions in India: an historical perspective.

III. Pre-Amendment panchayats in select states
- West Bengal, Karnataka, Kerala and Maharashtra.

IV. The legal framework for panchayati raj: the 73rd and 74th Constitutional
- Amendments and the states' conformity laws, an analysis of their provisions and lacunae.

V. Panchayats and the District Administration: the role of the District Collector;
- District Planning Boards/Committees; and the Block Development Officer.

VI. State Election Commissions and the record of elections to panchayats in different states.

VII. An evaluation of the new PRIs in terms of their functions and powers.

VIII. Resourcing the PRIs: the State Finance Commissions and the devolution of finances to the three levels of the PR system.

IX. Panchayats and the project of social inclusion: an assessment of the experience of reservations for scheduled castes, scheduled tribes and women.

X. The experience of extending the PR system to scheduled areas: PESA [or the Panchayat (Extension to Scheduled Areas) Act, 1996]

XI. Panchayats Old and New: Nyaya Panchayats as mechanisms of Alternative
- Dispute Resolution; and the persistence of customary panchayats today.

XII. Panchayats and Non-governmental organizations, Self-Help Groups and User Committees.

XIII. How region-specific is the impact of panchayats? What are the variables that explain the relative success or failure of the PRIs in different states? Comparative insights from other countries.

READINGS

Decentralization

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Panchayats and Political Participation

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Fiscal Decentralization

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Panchayats and Poverty Alleviation

Bardhan, P. & Mookherjee, D. (2005) *Pro-Poor Targeting and Accountability of Local Governments in West Bengal*. (on CD)

Besley, T. et. al. *The Politics of Public Goods Provision: Evidence from Indian Local Governments.* (on CD)

Gaiha, R. (2001) "*Decentralisation and Poverty Alleviation in Asia.*" In Poverty, Growth and the Role of Institutions. Manila: Asian Development Bank.

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Panchayats and Social Inclusion

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Panchayats in the Scheduled Areas

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Nyaya Panchayats, Customary Panchayats and Case Law

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LG 639   THE POLITICS OF SUSTAINABLE DEVELOPMENT

This course uses the notion of "sustainable development" as an entry point to the shifting politics of environmental sustainability in the developing world. Students examine the range of different actors—governments, NGOs, corporations and international organizations—engaged in debates over environment and development and the interaction between them. In particular, the course material will cover the alternative frameworks each brings to the debate, the methods they use to project their ideas, and the multiple scales at which the ideas of sustainable development are debated. It illustrates how local problems are shaped by national and international forces, and how international decisions are constrained by local factors. The course also examines whether and how "environmentalism" has become a mainstream political force, and with what impact.

The majority of the course is designed around case studies. The purpose is to encourage students to grapple with contemporary case materials, to develop greater facility with documentation of real cases, and to draw their own opinions about ongoing debates.

Course Outline

I. Sustainable Development Unpacked
• The Brundtland Commission: Sustainable Development Defined and
• Contextualized

- Critiques of Sustainable Development
- Environmental Sustainability: North and South

II. Political Ecology
- Political Ecology Defined and Debated: Access to and Control over
- Resources
- Case: Water Politics in India

III. The Rise of Social Movements Around Natural Resources and Environment
- Social Movements and their Transnationalization
- International Dams Campaign, with a focus on the Narmada Bachao Andolan
- Transnational Networks: The Case of the Multilateral Development Bank
- Campaign

IV. The "Greening of Business"
- The Next Bottom Line? Arguments for Green Business
- Case: The Monsanto Company and GMOs
- Critics of Green Business

V. Environmentalism in Global Governance
- Formal International Negotiations: Climate Change
- The "Mainstreaming" of Environmental Concerns: Financial Markets
- Multi-stakeholder Negotiations at the Global Scale: The Case of the World
- Commission on Dams
- The World Summit on Sustainable Development and Beyond

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LG 640   NEW THINKING ABOUT INSTITUTIONS AND DEVELOPMENT

Institutions are increasingly seen as a precondition for economic growth and a key variable in explaining alternative development trajectories. But the consensus on the importance of institutions is not accompanied by a similar clarity about what we mean by institutions, their role in development, and how they come to be constructed. This course surveys the conventional wisdom around the "institutional turn" in development thinking and critically examine this renewed attention to institutions from a variety of perspectives. The first half of the course examines theories around institutions from a range of disciplinary perspectives. In the second half, these theories are applied to one recent, and significant, institutional development in India—the emergence of independent regulatory agencies. By examining the political economy of regulatory agencies in the utility sector, students are encouraged to explore how institutional forms are embedded in historical, political and social context.

Course Outline

I. The Washington Consensus and its "Institutional Turn"
- Emergence of a Washington Consensus
- Critiques of the Washington Consensus
- Articulation of a "Post-Washington Consensus"

II. Institutional Economics: Old and New
- "Old" Institutional Economics
- New Institutional Economics and its Variants
- Historical Institutional Economics
- Transaction Cost Economics
- Economics of Information
- Law and Economics

III. Beyond Economism
- Institutionalism in Sociology
- Institutionalism in Political Science
- Institutonalism in Organizational Theory
- Cultural Theory and History

IV. New Institutionalisms and Governance: What is the Link?

V. Lost in Translation? Policy Transfer and the Danger of Institutional Monocropping

VI. Independent Regulatory Agencies: An Example of Policy Transfer
- Economic Rationale for Regulation: Incentives and Credible Delegation
- Policy Transfer in Practice: The Emergence of Electricity Regulators
- Politics of Regulation: Independence and Authority
- Organizational Practices in Regulators
- Regulatory Governance: Regulators as Sites for Democratic Practice?

READINGS

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LG641   LAW, GOVERNANCE AND VIOLENCE: GENDERED PERSPECTIVES

This course explores the relationship between law, governance and violence through agendered perspective. It will explore how practices of governance stabilise through law and how these practices open law to further contestation. The course specifically addresses everyday and collective forms of violence to examine how "judicial governance" monopolises, sanctions and controls gendered violence. The course examines the following issues:

1. How the state law on rape, sexual harassment, murder, unnatural sexual offences and domestic violence institutes hetero–normativity and regulates sexuality in everyday contexts.
2. How specific forms of "democidal" governance are stabilised through the criminal law on riots in India.
3. The histories of mass violence through a gendered analysis of the use of the writ of *habeas corpus* during the Partition in India.
4. The practices of governance that are stabilised through non–state law, such as caste panchayats, to explore how these forms of adjudication sanction and control gendered violence.

The overall aim of this course is to establish how competing modes of judicial governance engender violence. It uses a range of sources including documentary films, statutory provisions and judgments to establish the ways in which judicial governance permits, sanctions, normalises and/or challenges gendered violence.

I. Overview
*   Gender and Law
*   Gender, and Governance
*   Gender and Development
*   Gender and Globalization

II. Colonial Law, Gender and Violence
*   Sati
*   Age of Consent
*   Slavery: *Dhareecha*

III. Sexual Governance, "De-eroticing" Law"
*   Sexual regulation: the law on rape
*   Pathologising sexuality: Unnatural sexual offences
*   Domestic Violence
*   Grave and Sudden Provocation
*   "Crimes of Honour"

IV. Caste, Law and Sexual Governance
*   The SC and ST [Prevention of Atrocity] Act
*   Caste Panchayats, Governance of Communities and Gendered Violence

V. Engendering Citizenship, Nationalism and law in the Context of Collective Violence
- Partition: The Writ of *Habeas Corpus*
- Riots: Diminished Responsibility of Crowds

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I. Overview

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II. Colonial Law, Gender and Violence Sati

Anagol-McGinn, P. (1992) "The Age of Consent Act (1891) Reconsidered: Women's Perspectives and Participation in the Child Marriage Controversy in India." *South Asia Research*, 12, pp. 100–118.

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III. Sexual Governance, "De-eroticing" Law"

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IV. Caste, Law and Sexual Governance

Chakravarti, U. (2003) *Gendering Caste: Through a Feminist Lens*. Calcutta: Stree.

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V. Engendering Citizenship, Nationalism and law in the Context of Collective Violence

Baxi, U. (2005) "The Gujarat Catastrophe: Notes on Reading Politics as Democidal Rape Culture." In Kannabiran, K. (ed.) *The Violence of Normal Times: Essays on Women's Lived Realities*. Delhi: Women Unlimited.

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LG 642   ENCULTURING LAW

This course explores anthropological and sociological debates on law, culture and power. It critically interrogates classic and contemporary legal ethnographies detailing the cultural dimensions of law, and focuses on examining how the ethnographic method has been used to study law and legal institutions. In particular, the following themes are explored:

1. The colonial genealogies of legal anthropology to explicate how custom and law were defined through the study of "other cultures" that lacked western forms of law and legal institutions.

2. The role of law during colonization in India.
3. The debate on "legal pluralism" and the impact of these debates on the study of law in India in four specific contexts: *nyayapanchayats*, *lokadalats*, *nariadalats* and caste panchayats. The course raises the question whether "legal pluralism" is a useful category to understand the different sources of law and varied forms of institutions in India.
4. The course introduces courtroom ethnographies to understand how the power of state law is dispersed over different sites, and how legal discourse is constitutive of everyday life. The course maintains the emphasis on the ethnographic method as a technique of demonstrating how law is mediated by social and cultural categories.
5. The course engages with the relationship between law, violence and rhetoric. It also explores how the architecture of law is linked with picturing law and justice.
6. Finally, the course engages with the relationship between law and popular culture.

Course Outline

I. Finding Law in the Colony
• Colonial Legal Ethnographies
• Interrogating Legal Realism
• Colonial and Postcolonial Law

II. Making Law in the Colony
• Law and Colonialism in India: Overview
• Customary Law
• Colonial Law and Agrarian Society
• Penal Institutions, Punishment and Torture
• "Criminal" Tribes
• Colonial law, science and power

III. Subaltern in the law

IV. Legal Pluralism
• Legal Centrism
• Legal Pluralism

V. Forms of Legal Pluralism in India
• Caste Panchayats
• Nyaya Adalats
• Nari Adalats
• Lok Adalats

VI. "Compromise" Or "Conciliation" in State Law: The Bhopal Catastrophe

VII. Law, Power and the State: Courtroom Studies

VIII. Picturing Law

IX. Law, Rhetoric and Violence

X. Thinking about History, Memory and Law: Race

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LG 643   DISTRICT PLANNING AND IMPLEMENTATION PROCESS

Even though decentralized district planning found expression in the first Five Year Plan and the creation of District Development Councils (DDC) initiated the participation of districts in the planning process yet planning continued to be a top down vertical process. The role of local bodies, NGOs and voluntary support institutions has largely been ignored or has gone unnoticed. As a result most developmental programmes have worked in contravention to inclusive growth. As a result poverty and vulnerability of ordinary people could not be sufficiently addressed in most of the flagship programmes of governance.

Integrated District Planning is one of the crucial instruments for achieving inclusive growth. This has been consistently reiterated in the Eleventh Plan as well as subsequent Guidelines issued by the Planning Commission in 2006. Even the Fifteenth Report of the Second Administrative Reforms Commission on 'State and District Administration' (2008) draws attention on the implementation challenges of developmental programmes. The term 'District Planning' held different connotations for different people. This paper attempts to bridge knowledge gaps

persistently prevailing in governance studies due to its distancing with the varieties of models, institutions and practices prevailing in the Indian districts which has been more than a 200 year old institution in Indian Administration.

I. District Planning and Inclusive Growth

 i. A Critique of decentralized district planning in India
 ii. Formulation of District/Sub-district Plans
 iii. Consolidating urban and rural planning
 iv. State legislation and constitution of District Planning Committees

II. Constitutional and Legal Aspects of District Planning

 i. Activity Mapping of the District Collector as a Magistrate and Revenue Collector of the District
 ii. Multilevel structures of Panchayats and Municipalities (3-levels in Panchayats, Wards and Area Sabhas in Municipalities)
 iii. Multiplicity of developmental sectors (health, education, nutrition, sanitation, livelihood etc.)
 iv. Town and Country Planning Acts, UDPFI Guidelines, Change of Land Use policies in the context of the 5th Schedule.
 v. Land and Dispute Resolution

III. Process Re-engineering and Application of Information and Communication Technology

 i. Knowledge management and the challenge of people's participation
 ii. Harnessing GIS and ICT tools for integrating baseline data
 iii. District Statistical Cells and census data for implementing plans
 iv. NRDMS and the Study of NIC softwares for decentralized planning (Plan Plus, GRAM++, Riddhi Soft, DISNIC, PRIA Soft, CDAC, DIPS)
 v. Best Practices in e-governance (students will have to select and evaluate any one of the best practices listed on the GKC website of DARPG)

IV. Agencies and NGOs in Programme Implementation

 i. A study of major developmental programmes Health (NRHM), Education (SSA), Nutrition (ICDS, MDM, PDS), Sanitation (TSP, JNNURM), livelihood (SGSY, NREGA)
 ii. Fiscal Transparency and preparation of Potential Linked Credit
 iii. Plan (PLCP) for Districts along with NABARD.
 iv. Agencification: Departments and Stakeholders (District Planning Officers, District Town and Country Planning, District Statistics Office, Urban Development Offices, Industrial Development offices, District Informatics Office.)
 v. Collaboration with NGOs and Mother NGO scheme

V. Integrated Planning in the North-East

 i. Autonomous Regional/District Councils under the Sixth Schedule
 ii. Conflict between the 73rd Amendment and Village Self Governance

iii. Customary Bodies and Hill District Councils.
iv. A Study of Naga and Kuki traditional system in Manipur.
v. Role of District Technical Support Committee (DTSC–Sikkim) and Tripura
vi. Tribal Area Autonomous District Council (TTAADC–Tripura)in District Planning

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LG 644   CITIZENSHIP: CHALLENGES OF THEORY AND PRACTICE

Course Outline

Part I. Citizenship as Legal Status
- Why is Citizenship Important? What is its relation to nationality and the nation-state? Citizenship as the architecture of Inclusions and Exclusions.
- Can Immigrants be Citizens? What citizenship rights can they properly claim?
- Are alienage and statelessness a violation of people's rights? What arguments can be adduced to defend their rights? Do these arguments conflict with the rights of citizens?
- The Indian Law of Citizenship and its Judicial Interpretation
- Do Emigrants Have Rights? Arguments for and against Dual Citizenship and Political Rights.
- How can Citizens be Recognized and Identified? On what basis are new citizens admitted?

Part II. Citizenship as Rights
- What are the rights entailed by Citizenship? Why are civil and political rights typically privileged over social and economic rights?
- Social Citizenship: Theory and History.
- Social Citizenship: Comparative Perspectives

Part III. Citizenship as Identity
- Is Citizenship a bond forged by the glue of a common culture and the territorial boundaries of a nation-state? How are a people constituted? What can Citizenship mean in a global age?
- Citizenship in a Multicultural Society: Group-Differentiated Citizenship and the Possibility of a Civic Community.
- Competing Claims of Cultural and Social Citizenship: must the claims of recognition conflict with the demands of redistribution?
- Cosmopolitanism and the tension between universalism and nationally-bounded citizenship.

Part IV. Citizenship as Practice and Performance
- The Duties of Citizenship
- Civic Republicanism and the project of creating the good citizen.

READINGS

I. Citizenship as Legal Status

Why is Citizenship Important? What is its relation to nationality and the nation-state? Citizenship as the architecture of Inclusions and Exclusions.

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LG 645   POLITICAL ANTHROPOLOGY IN SOUTH ASIA

Course Content

I. An Anthropology of Politics: Nature and Scope

II. Some Basic Concepts
- The State
- Power and Authority
- Governmentality
- Ideology and Resistance

III. Ethnographies of the State
- Bureaucracy
- Corruption
- Populations

IV. Development
- Development and the Welfare State
- Development as Violence

V. Citizenship
- Cultural Citizenship
- Domestic Citizenship
- Biological Citizenship

VI. Democracy

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RELEVANT ORDINANCES AND REQUIREMENTS OF THE CENTRE

A. Ordinance Relating to the Award of Degree of Doctor of Philosophy[1]

1. **Definitions**
    1.1 "Course" means a Semester Course
    1.2 "Credit" (C) is the weightage assigned to a course in terms of Contact hours.
    1.3 "Grade" means a letter grade assigned to a student on the basis of evaluation of a course on the ten point scale.
    1.4 "Grade point" (g) means the numerical equivalent of a letter grade assigned to a student in the ten point scale.
    1.5 "Cumulative Grade Point Average" (CGPA) means a cumulative index grade point average of a student calculated in the following manner:

$$CGPA = \frac{(g1xc1)+(g2xc2)}{\text{Total number of credits offered by the student upto and including the semester for which cumulative index is required.}}$$

    1.6 "Final Grade Point average" FGPA is the final index of a student in the courses.
    1.7 The final grade point average of students in the courses be worked out on the basis of the formula indicated below:

$$FGPA = \frac{\sum_{i=1}^{n} c1 \, X \, g1}{\sum_{i=1}^{n} ci}$$

    c1   =   Credit of the ith course
    g1   =   Grade point secured by the student in the ith course
    n   =   Total numer of courses prescribed for the student
    FGPA =   Final Grade point Average of the student concerned.

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[1] Approved vide Resolution No. 15.1/E.C/20.3.1971 and revised vide Resolution No. 5.5 (i)/ E.C/11.5.1984.

2. [2]A Candidate shall be eligible for admission to a course of research leading to the Degree of Doctor of Philosophy (Ph.D.) if he/she had taken the Master's degree of the University or a degree recognized by the University for this purpose as its equivalent. However, candidates seeking admission direct to the Ph.D. Programme will be governed by Clause 6(iv) of the Ordinance.

3. The procedure for receiving applications for admission to the course shall be laid down from time to time by the Committee for Advanced Studies and Research of the School concerned.

4. The application shall be considered by the Department/Centre concerned which shall then forward the application along with its opinion to the Committee for Advanced Studies and Research and recommend the name of an Adviser or Supervisor(s) at the appropriate time.

5. **(a)** The Committee for Advanced Studies and Research shall satisfy itself:

    i. that research on the proposed subject can be profitably pursued;

    ii. that the research work can be suitably undertaken at the University; and

    iii, that the candidate possesses the competence for the proposed research.

  (b) If the Committee is so satisfied, it may, subject to confirmation by the Board of the School, admit the candidate provisionally to the course leading to the award of the Ph.D. degree, and at the appropriate time, appoint, on the recommendation of the Department/Centre concerned, a teacher of the University as an Adviser or Supervisor(s) to guide and supervise the work of the candidate.

    Provided that the Committee for Advanced Studies and Research may, on the recommendation of the Department/Centre concerned, appoint Joint Supervisors in any particular case.

    Provided further that in case a Supervisor, under whose guidance a thesis has been prepared in part or in full, ceases to be a teacher of the University he/she may subject to his/her availability and recommendation of the Department/Centre be continued by the Committee for Advanced Studies and Research as Joint Supervisor of the student concerned.

6.1 [3]The candidate shall be considered for confirmation by the Committee for Advanced Studies and Research on the basis of any of the following requirements:

  [4]**(i)** Completion of M.Phil./M.Tech./MPH programme of the University with a minimum CGPA of 6.00 including grade of dissertation/field work and courses (5.5 in case of SC/ST and disabled students).

    Provided that confirmation in Ph.D. programme of a student who has completed the course requirement of the M.Phil./M.Tech./MPH programme and the result of whose M.Phil./M.Tech./MPH dissertation/field work is awaited may be considered provisional and made final only after the result is known and he/she has secured the requisite CGPA/ FGPA.

  (ii) Completion of M.Phil./M.Tech./MPH courses carrying a minimum of 14 credits with a minimum CGPA of 6.5;

  (iii) Completion of the courses carrying a minimum of 14 credits of prePh.D. programme

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[2] Amended vide Resolution No. 5.8/EC/4.10.1991 and 5.9/EC/13.2.1991.

[3] Amended vide Resolution No 5.4/EC/6.10.1989 and 6.2/EC/6.7.2000.

[4] Amended vide Resolution No. 6.1/EC/2.6.2005.

of the University with a minimum CGPA of 6.5 (6.00 in case of SC/ST students).

(iv) In exceptional cases directly to the Ph.D. programme on the basis of their previous research experience in a recognized University/Research Institution or research publication(s) comparable to M.Phil./M.Tech./MPH standard. Where, however, course work is prescribed by the Centre/School for such category of students, as prerequisite for confirmation, they would be required to secure a minimum CGPA of 6.5 in the Course/ Courses to be eligible for confirmation and continuation in the programme. Every such prerequisite course, shall carry such credit as may be approved by the Board of the School on the recommendation of the Centre/ Department.

In case of a student admitted under this subclause 6.1(iv), the Centre/ School may advise him to audit a course or courses, which would be treated as noncredit course/ courses without subjecting him/her to evaluation process.

6.2 [5]A student admitted to the Ph.D. Programme under 6.1 (iii) and 6.1 (iv) above shall be required to clear the course work within the first two consecutive semesters. In any course where an end semester examination is prescribed, a student clears the course only if he/ she has participated in the sessional work and appeared in the end semester examination and secured a weighted grade higher than 'F'. In no case shall a student be allowed to repeat a course either in the event of failure or for improving the performance. However, after having registered in a semester, a student with the permission of the Centre/Department concerned be allowed to add, drop or substitute course(s) within a period of three weeks from the commencement of the semester.

6.3 [6]A student shall be graded in each course on a ten point scale, that is:

Grade	Grade Point
A+	9
A	8
A–	7
B+	6
B	5
B–	4
C+	3
C	2
C–	1
F	0

Note:
1. There shall be no rounding off of SGPA/CGPA/ FGPA.
2. The SGPA/CGPA/FGPA obtained by a student is out of a maximum possible 9 points.

6.4 [7]The name of a student admitted to prePh.D./Ph.D. programme under (iii) and (iv) of Clause 6.1 above may be removed from the rolls of the University at the discretion of the

[5] Amended vide Resolution No. 5.8/EC/4.10.1991, 5.9/ EC/13.12.1991 and 6.2/EC/6.7.2000.
[6] Amended vide Resolution No. 6.2/EC/6.7.2000.
[7] Amended vide Resolution No. 6.2/EC/6.7.2000.

Committee for Advanced Studies and Research if the student:

(i) fails to clear at least 50% of the course work of the programme in the first semester; or

(ii) fails to secure SGPA of 5.5 in the first semester course (5.00 in the case of SC/ ST/PH categories); or

(iii) lacks interest and motivation for research after completion of course work. Note:The above (amended) clause shall apply to students admitted to the Ph.D. Programme from July, 1989 onwards.

7. [8]Consequent upon the confirmation of admission of the candidate, the Committee for Advanced Studies and Research/ Special Committee of the School/ Special Centre shall on the recommendation of the Centre/ School concerned approve the PhD synopsis/ broad area of work plan leading to the award of Ph.D. degree with a provision that the process of approval is completed within four semesters (two years) from the date of submission of M.Phil. dissertation or four semesters (two years) from the date of admission to the Direct PhD programme.

8.1 [9]No candidate shall be permitted to submit his/her thesis for the Ph.D. degree, unless he/she has pursued the said programme of research at the University for not less than two years after confirmation of his/her admission.

Provided that the residency period for the M.Phil./Ph.D. students whose admission to the Ph.D. programme has been confirmed from the date of award of M.Phil., the residency period of two years shall be counted from the date of submission of M.Phil. dissertation.

Provided further that in case of M.Phil./Ph.D. students whose admission to Ph.D. programme has been confirmed after the completion of course work with requisite CGPA the residency period shall be counted from the date of confirmation of admission to the Ph.D. programme by the CASR/ Special Committee of the Schools/ Special Centres.

Provided further that in the case of students directly admitted to the Ph.D. programme the residency period of two years shall be counted from the date of successful completion of course work in case course work has been prescribed and in other cases, the residency period shall be counted from the date of their admission to the Ph.D. programme.

Provided further that a student in employment may be given provisional registration to a maximum period of two semesters in order to enable him/her to get study leave from his/her employer. In case he/she fails to get study leave his/her admission will be cancelled. However, the residency period of two years in such cases will be reckoned from the beginning of study leave.

Provided that a semester or a year may be declared zero semester or zero year in the case of a student if he/she could not continue with the academic programme during that period due to illness and/ or hospitalization or due to accepting a foreign scholarship/ Fellowship subject to the fulfilment of requirements as laid down by the regulations. Such zero semester/ year shall not be counted for calculation of the total duration of the programme in case of such a student.

8.2 [10]Provided further a student shall be permitted to de-register from the Ph.D. programme only after completion of two years residency period as prescribed in Clause 8.1

[8] Amended vide Resolution No. 6.1/EC/20.11.2012.
[9] Amended vide Resolution No. 6.1/EC/20.11.2012.
[10] Amended vide Resolution No. 6.1/EC/20.11.2012.

9. **[11](a)** The name of the candidate shall stand automatically removed from the rolls of the University if he/she:
    (i) fails in any course prescribed for prePh.D/Ph.D. programme.
    (ii) fails to secure a CGPA of 6.5 in the course work for prePh.D. programme (6.00 in case of SC/ST students) or 6.5 in the course work of Ph.D. Programme.
    (iii) fails to secure the requisite CGPA/FGPA in M.Phil./M.Tech/MPH, if he/she was provisionally admitted to Ph.D. programme pending the result of his/her M.Phil./M.Tech/MPH dissertation/field work.
    (iv) fails to submit his/her thesis within six years of the date of his/her initial admission to the M.Phil./M.Tech./MPH/Ph.D. Programme, or four years from the date of his/her confirmation to the Ph.D. Programme, whichever is earlier.
        Provided, however, that in respect of candidates who had discontinued after obtaining their M.Phil. and who are readmitted to the programme by the Centre/School, the period for which such candidates had discontinued shall not be counted while calculating the period of six years as above.

    (b) The Committee for Advanced Studies and Research on the recommendations of the concerned Centre/Department may, however, subsequently accept the request of a candidate whose name has been removed from the rolls of the University under sub-clause 9(a) (iv) above, to get reenrolled and become eligible for submission of his/her thesis, provided that he/she submits his/her thesis within one year from the date of his/her reenrollment.

10. [12]Before completing the minimum period prescribed in clause 8, no candidate admitted to course of research for the Ph.D. degree shall:
    (a) Undertake any employment:
        Provided that those engaged in teaching and research in recognized institutions located in Delhi may be exempted from the limitation of this sub-clause;
        Provided further that in no School/Centre should this category exceed 12½ % of the number enrolled for M.Phil./Ph.D.
    (b) Join any other course of study; or
    (c) Appear in any other examination other than those prescribed by the Department/Centre concerned without the prior permission of the Committee for Advanced Studies and Research.
        Note: The above (amended) clause shall apply to students admitted to the Ph.D. programme from July 1989 onwards.

11. The Committee for Advanced Studies and Research may cancel the admission of a candidate for a breach of the provisions of clauses 9 and 10 or on account of his/her unsatisfactory progress, in the manner prescribed in Regulations.

12. A candidate shall submit his/her thesis for the Ph.D. degree in the manner prescribed by Regulations. Any original paper(s) pertaining to the area of specialization published by the candidate during the course of work leading to the Ph.D. degree and/or the dissertation submitted by him/her for the Master of Philosophy degree, may be submitted as subsidiary or supporting material in favour of his/her candidature for the award of the Ph.D. degree.

[11] Amended vide Resolution No. 6.2/EC/6.7.2000.
[12] Amended vide Resolution No. 5.4/EC/6.10.1989.

13. [13]The thesis submitted by the candidates for the award of Ph.D. degree shall be examined by two examiners appointed by the Academic Council and the Executive Council on the recommendations of the Committee for Advanced Studies and Research and the Board of the School, from amongst those who are not on the staff of the University and/or on the Committee of the Centre/ Board of the School concerned.

Provided further that in case of an examiner to whom the thesis has been sent for evaluation fails to forward the report to the University within six months from the date of dispatch of the thesis, the University may appoint another examiner out of the panel approved by the Vice-Chancellor to evaluate the thesis.

14. Each Examiner, after examining the thesis submitted by the candidate for the award of the Ph.D. degree, shall submit a report to the Dean of the School concerned containing a clear recommendation whether, in his/her opinion: (a) the viva–voce examination of the candidate should be held; or (b) the thesis should be referred back to the candidate for revision; or (c) it should be rejected.

The examiner shall not recommend that the vivavoce examination be held unless he/she certifies that the thesis constitutes a contribution to knowledge characterized either by the discovery of new facts or by reinterpretation of known facts or development of new techniques and that the methodology pursued by the candidate is sound and its literary presentation satisfactory.

15. **(a)** If the Dean of the School is satisfied that the examiners have unanimously recommended that the vivavoce examination of the candidate be held, he/she shall accordingly arrange to hold it.

(b) In case the Dean of the School notes that the examiners of the thesis have not recommended unanimously that the vivavoce examination of the candidate be held or if he/she is satisfied that in the course of either report an adverse opinion of a substantive nature has been expressed materially affecting the validity of the same examiner's otherwise positive recommendation, then the Dean shall place the reports of the examiners before the Committee for Advanced Studies and Research for further action.

(c) The Committee for Advanced Studies and Research may, at its discretion and shall, if the recommendation of one examiner is positive and that of the other negative, recommend to the Academic Council for the appointment of a third examiner, one not in the service of the University and/or on the Committee of the Centre/Board of the School concerned to examine the thesis and act according to the recommendations of the third examiner;

Provided that the recommendation is not to be considered negative if a revision is recommended and this revised thesis is accepted by the examiner;

Provided, further, that if the thesis after revision is not accepted by the examiner, the original and the revised version of the thesis shall be sent to the third examiner as per (c) above and the version approved by the third examiner shall be considered as final.

Note 1: No thesis shall earn a degree unless there are two positive recommendations;

2: Where one recommendation is positive and the other asks for revision, the Committee shall ordinarily get the revision carried out and the revised thesis sent to the same examiner.

16. [14]The vivavoce examination of the candidate shall be conducted by a Board of examiners consisting of one of the external examiners of the thesis and the Supervisor(s). Provided, where neither of the examiners who evaluated the thesis is in a position to conduct the vivavoce examination, another examiner shall be appointed in his/her place.

[13] Amended vide Resolution No. 6.1/EC/20.11.2012.
[14] Amended vide Resolution No. 6.2/EC/6.7.2000.

Provided that where the Supervisor is unable to be present within a reasonable time to participate in the vivavoce examination, the Committee for Advanced Studies and Research may recommend another member of the faculty in his/her place.

17. **(a)** At the vivavoce examination, the vivavoce Board shall satisfy itself: (i) that the thesis submitted by the candidate is his/her own work; and (ii) that the grasp of the candidate of the broad field of his/her study is satisfactory.

    (b) The viva–voce Board may, on the basis of the unanimous opinion of its external members, recommend either: (i) that the candidate be awarded the Ph.D. degree; or (ii) that the thesis be referred back to the candidate for revision; or (iii) that the thesis be rejected and the candidate be not awarded the Ph.D. degree.

18. The manner in which the vivavoce examination is to be conducted shall be prescribed by the Regulations.

19. **(a)** In case the Committee for Advanced Studies and Research is satisfied that the viva-voce Board recommends that the candidate be awarded the Ph.D. degree, it shall recommend to the Academic Council through the Board of the School that the Ph.D. degree may be awarded to the candidate.

    (b) In case the vivavoce Board recommends that the thesis of the candidate be rejected, the Committee for Advanced Studies and Research shall direct accordingly.

    (c) In case the recommendation of one external member of the vivavoce Board is positive and of the other negative, the Board shall refer the case to the Committee for Advanced Studies and Research for its consideration and decision.

20. A candidate whose thesis has been referred back for revision shall be permitted to resubmit it for the award of the degree not later than one year of the intimation of the decision of the University to him/her.

    Provided that, in exceptional cases, the Academic Council may, on the recommendations of the Committee for Advanced Studies and Research, extend the period by another year.

21. A thesis which has been resubmitted shall normally be examined by the original examiner(s) unless any one of them is, or both of them are, unable or unwilling to act as such, in which case another examiner(s) may be appointed.

22. No candidate shall be permitted to resubmit his/her thesis for the award of the Ph.D. degree more than once.

23. A member of the teaching staff of the University may submit his/her thesis for the award of the Ph.D. Degree of the University in the following manner:

    (i) He/she shall intimate to the Department/Centre the topic of his/her research work leading to the award of the Ph.D. degree;

    (ii) If the Department/Centre concerned is satisfied that: (a) research on the proposed topic can be profitably pursued and (b) research work can be suitably undertaken at the University, it shall (1) recommend to the Committee for Advanced Studies and Research that he/she may be permitted to submit his/her thesis for the award of the Ph.D. degree of the University. (2) prescribe for him/her course or courses, if necessary as a partial requirement for the award of the Ph.D. degree. (3) appoint an Advisor(s) to generally guide him/her in completion of his/her thesis.

    (iii) The Committee for Advanced Studies and Research, if so satisfied, shall subject to confirmation by the Board of the School concerned, permit him/her to submit his/her thesis in not less than two years from the date of his/her obtaining the permission to undertake research work leading to the award of the Ph.D. degree.

    (iv) The vivavoce Board, as provided in clause 16, shall in the case of those submitting their

thesis for the award of the Ph.D. degree under this clause, include his/her Adviser in lieu of the Supervisor who has been appointed for him/her by the Board.

    (v) Explanation: For purpose of this clause, Research Assistant shall be deemed to be members of the teaching staff.

24. [15]Notwithstanding what is contained in the Ordinance, the Academic Council may in exceptional circumstances and on the recommendations of the Committee for Advanced Studies and Research concerned, or an appropriate Committee and the Board of the School, as well as on the merits of each individual case consider, at its discretion and for reasons to be recorded, relaxation of any of the provisions except those prescribing CGPA requirements.

25. No Candidate shall be eligible to register for the programme/course if he/she is already registered for any full time programme of study of this University or in any other University/Institution.

B. Ordinance Relating to the Award of Master of Philosophy Degree[16]

1. Definitions

    1.1 "Course" means a Semester Course

    1.2 "Credit" (C) is the weightage assigned to a course in terms of Contact hours.

    1.3 "Grade" means a letter grade assigned to a student on the basis of evaluation of a course on the ten point scale.

    1.4 "Grade point" (g) means the numerical equivalent of a letter grade assigned to a student in the ten point scale.

    1.5 "Cumulative Grade Point Average" (CGPA) means a cumulative index grade point average of a student calculated in the following manner:

    1.6 "Final Grade Point Average" FGPA is the final index of a student at the time of the award of a degree.

    1.7 "Final Grade" is the letter equivalent assigned to a student on the basis of his/her final grade point at the time of the award of the degree.

    1.8 The Final Grade Point Average of a student will be worked out on the basis of the formula indicated below:

$$FGPA = \frac{\sum_{i=1}^{n} c_1 \times g_1}{\sum_{i=1}^{n} c_i}$$

    c_1 = Credit of the ith course

    g_1 = Grade point secured by the student in the ith course

    n = Total numer of courses prescribed for the student

    FGPA   = Final Grade point Average of the student concerned.

[15] Amended vide Resolution No. 6.2/EC/6.7.2000.

[16] Approved vide Resolution No. 18/EC/12.6.1971 and revised vide Resolution No. 5.5(I)/EC/11.5.1984 and Resolution No. 6.2/EC/6.7.2000.

2. **Eligibility for Admission to the Course**

A candidate shall be eligible for admission to the course leading to the Degree of Master of Philosophy (M.Phil.) hereinafter called the course, if he/she had taken the Master's degree of the University or a degree recognized by the University for this purpose as its equivalent thereto:

Provided, however, that the cases of students who have passed examination outside the Indian Universities system and who may not have obtained a Master's degree may be considered for admission to the course subject to the condition that each case shall be examined on its own merit by the Admissions Committee and in accordance with the recommendations of the Equivalence Committee.

3. **Procedure for Applying for Admission**

The procedure for receiving the applications to the course shall be that laid down from time to time by the Committee for Advanced Studies and Research of the School concerned, hereinafter called the Committee.

4. **Procedure for Admission**

   4.1 The Department/Centre concerned shall consider the applications and forward them with its recommendations on matters specified in Clause 4.2 below to the committee.

   4.2 The matters referred to in clause 4.1 are: (i) whether the candidate should be admitted to the course; or (ii) whether the candidate should be admitted to the course and also provisionally enrolled for Ph.D. degree as provided for in the Ph.D. ordinance; (iii) the nomination of an Adviser for the candidate.

5. **Duties of the Committee**

The Committee may after considering the recommendations of the Department/Centre concerned:

   (i) admit a candidate only to the course;

   (ii) admit a candidate to the course and provisionally enroll him/her for the Ph.D. degree also whereupon the provisions of the Ordinance relating to the Ph.D. degree shall apply to him/her;

   (iii) appoint an Adviser.

Provided that in case an Adviser under whose supervision a dissertation has been prepared in part or in full, ceases to be a teacher of the University, he/she may, subject to his/her availability and recommendations of the Centre/Department, be continued by the Committee for Advanced Studies and Research as Joint Adviser of the student concerned.

6. **[17]Courses of Study**

The Department/Centre shall prescribe the course(s) and specify the methodology and instructional devices to be used. Every such course shall carry such credits as may be approved by the Board of the School on the recommendations of Centre/Department concerned. In any course where an end semester examination is prescribed, a student clears the course only if he/she has participated in the sessional work and appeared in the end semester examination and secured a weighted grade higher than `F'. In no case shall a student be allowed to repeat a course either in the event of failure or for improving the performance.

Provided, however, that a student may, with the permission of Centre/Department concerned, be allowed to add or substitute courses within the period of three weeks from the commencement of the semester.

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[17] Amended vide Resolution Nos. 6.2/EC/6.7.2000 and 6.2/EC/22.1.2003.

Provided further that a student may, with the permission of Centre/Department concerned, be allowed to drop courses latest by 5th September for Monsoon semester and 20th February in the case of Winter Semester.

No student shall be allowed to add, substitute and/or drop a course after these deadlines.

7. **[18]Duration of the programme**

The M.Phil., course work shall be spread over two semesters in such a way that atleast 50% of the total course work shall be completed in the first semester. The entire M.Phil. programme including M.Phil. dissertation shall be completed within four consecutive semesters. No registration shall be permissible beyond the period of four semesters from the date of admission to the programme.

Provided that a semester or a year may be declared zero semester or zero year in the case of a student if he/she could not continue with the academic programme during that period due to illness and hospitalization, subject to the guidelines as laid down by the Regulations.

Provided further that such zero semester/year shall not be counted for calculation of the duration of the programme in case of such a student.

8. **[19]Removal of Name of a Student from the Rolls of the University**

  8.1 The name of a student who fails in any course shall automatically stand removed from the rolls of the University if he/she

  (a) fails in any course

  (b) fails to secure a CGPA of 5.00 on completion of course work at the end of second semester of the programme.

  8.2 The Committee for Advanced Studies and Research/Special Committee of School/ Special Centre may remove the name of the student from the rolls of the University for unsatisfactory progress at any time during the duration of the programme.

9. **Credit Requirements**

No student admitted to the course shall be eligible for the award of M.Phil., degree unless he/she secures 24 credits in all out of which atleast 14 credits shall be for course work (including Research Techniques/Methodology) and atleast 6 credits for the dissertation.

10. **Topic of Dissertation**

The topic of dissertation shall be approved by the Centre/Department on a proposal submitted by the student through his/her Adviser.

11. **Evaluation**

  11.1 Subject to confirmation by the Committee, the method of evaluation in the courses leading to the M.Phil., degree shall be prescribed and assessment conducted by the Department/Centre concerned.

  11.2 [20]The dissertation shall be examined by two examiners atleast one of whom shall not be a member of the staff of the University/Committee of the Centre//Board of the School concerned. Such an examiner shall be appointed by the Executive Council of the University on the recommendations of the Academic Council, the Board and the Committee for Advanced Studies and Research of the School concerned.

  Provided further that in case an examiner to whom the dissertation has been sent for evaluation fails to forward the report to the University within four months

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[18] Amended vide Resolution No. 5.4/E.C/6.10.1989 and 6.2/EC/6.7.2000.

[19] Amended vide Resolution No. 6.1/EC/20.11.2012.

[20] Amended vide Resolution No. 6.1/EC/20.11.2012.

of the date of dispatch of the dissertation, the University may appoint another examiner from the panel of examiners approved by the Vice-Chancellor to evaluate the dissertation.

Provided that in case of difference of opinion between the two examiners with regard to the evaluation of dissertation, the Dean of the School shall arrange to have placed before the Committee of Advanced Studies and Research (CASR) of the School the evaluation reports of both the examiners for its consideration.

Provided further that after due consideration of the reports, the Committee may recommend the appointment of a third examiner (not connected with the University) in the manner as laid down in clause 11.2 above for the evaluation of the dissertation.

Provided further that if the recommendation of the third examiner is in the negative, the student concerned shall not be awarded the degree of M.Phil.

11.3   [21] The courses and dissertation of the student shall be graded on a ten point scale, that is:

Grade	Grade Point
A+	9
A	8
A–	7
B+	6
B	5
B–	4
C+	3
C	2
C–	1
F	0

Note:
(i)   There shall be no rounding off of SGPA/ CGPA/ FGPA
(ii)   The SGPA/CGPA/FGPA obtained by a student is out of a maximum possible 9 points.

11.4   The examiner, while recommending the approval of the dissertation for the award of M.Phil. degree, shall also award grade for the dissertation according to the grading system in clause 11.3 above. The final grade for the dissertation shall be determined by taking the average of the grade awarded by two examiners.

11.5   [22] A student in order to be eligible for the award of Master of Philosophy degree of the University must have a minimum Cumulative Grade Point Average (CGPA) of 5.5 (inclusive of dissertation and course work).

Provided that a student may take courses carrying more credits than the number of credits prescribed for optional courses by the Centre in the course work of M.Phil. programme, in which case in the calculation of Final Grade Point Average (FGPA) only the prescribed number of optional courses in the descending order of the grades obtained by the student shall be included. For example, if the M.Phil. programme has course work comprising two optional courses and the student credits four optional courses, his/her Final Grade Point Average (FGPA) shall be calculated on the basis

[21] Amended vide Resolution No. 5.2/E.C/29.1.1993 and 6.2/EC/6.7.2000.
[22] Amended vide Resolution No. 5.4/EC/6.10.1989 and 6.2/EC/11.5.2004.

of the best two courses, when all the four optional courses are ranked according to the descending order of grades obtained by him/her.

Note 1: The above amended Clause shall be applicable in the case of optional courses only.

2: The above amendment shall be effective for M.Phil. students admitted during July 2003.

12. [23]Notwithstanding what is contained in the Ordinance, the Academic Council may, in exceptional circumstances and on the recommendations of the Committee for Advanced Studies and Research concerned or an appropriate Committee and Board of the School, as well as on the merits of each individual case, consider at its discretion and for the reasons to be recorded, relaxation of any of the provisions except those prescribing CGPA/FGPA requirements.

13. No candidate shall be eligible to register for the programme/ course if he/she is already registered for any fulltime programme of study in this University or in any other University/Institution.

14. [24]No candidate admitted to a course of research for the M.Phil. degree shall:

(a) undertake any employment: (i) provided that those engaged in teaching and research in recognized institutions located in Delhi may be exempted from the limitation of this sub-clause; (ii) provided further that in no School/Centre should this category exceed 12½% of the number enrolled for M.Phil./Ph.D.

(b) join any other course of study; or

(c) appear in any examination other than those prescribed by the Department/ Centre concerned without the prior permission of the Committee for Advanced Studies and Research.

Note: The above (amended) clause shall apply to students admitted to the M.Phil., programme from July, 1989 onwards.

C. Ordinance Relating to the Use of Unfair Means by Students in Evaluation*

1. **Definitions**

For the purposes of this Ordinance:

(a) Evaluation means and includes all learning processes followed by evaluation such as quizzes, term papers, assigned readings, laboratory tests, seminars, mid-semester examinations and end-semester examinations and research papers including dissertations and theses.

(b) Student means a student on active rolls of the University.

(c) Semester implies Monsoon or Winter semester of an Academic year.

(d) The use of unfair means implies any dishonest or unfair means or indulging in disorderly conduct including plagiarism during the course of study in a programme at the University.

(e) Committee means the Standing Committee of the Academic Council for looking into the cases of use of unfair means by the students.

2. **Constitution of the Standing Committee**

(a) On the recommendations of the Vice-Chancellor, the Academic Council shall constitute a Standing Committee consisting of the following:

(i) Two Deans and

(ii) The Dean of the School from where the case of use of unfair means by student(s) reported (to be co-opted);

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[23] Amended vide Resolution No. 6.2/EC/6.7.2000.

[24] Amended vide Resolution No. 5.4/EC/6.10.1989.

* Approved vide Resolution No. 5.11/E.C/7.12.1987.

Provided that if the reported case of the student(s) happens to be from the School whose Dean is already represented in the Committee, then the Vice-Chancellor shall nominate another Dean to be a member of the Committee.

(b) An Officer of the University nominated by the Vice-Chancellor will function as non-member Secretary of the Committee.

3. A student of the University who is reported to have indulged in use of unfair means in any aspect of evaluation inclusive of quizzes, term papers, assigned readings, laboratory tests, seminars, mid-semester or end-semester examinations and/ or have indulged in plagiarism while writing research publications/articles including dissertations and theses, would make himself/herself liable for disciplinary action as may be determined by the committee of the Academic Council dealing with cases of use of unfair means.

4. **(a)** Any faculty member finding a student of the University indulging in the use of unfair means will report in writing to the Chairperson of the Centre with copies to the Dean of the School concerned and the Coordinator (Evaluation), for placing before the Committee dealing with cases of use of unfair means for its appropriate consideration and directions.

    (b) The concerned Centre/School shall forward their views to the Committee within 15 days of the receipt of the said communication from the faculty member. In case no views are received from the concerned Centre/School, the Committee will proceed suo moto.

5. The Committee will provide a student alleged to have been involved in the use of unfair means, fair and reasonable opportunity to prove his/her innocence before pronouncing him/her as guilty.

6. The Committee shall be entitled to exercise all or any of the powers relating to discipline and disciplinary action in relation to any student as contained in the Statute 32 of the Statutes of the University as may be delegated to it by the Vice Chancellor.

7. A student awarded punishment by the Committee dealing with the cases of use of unfair means shall be entitled to make an appeal to the Vice Chancellor within 30 days of the award of punishment.

8. In all matters relating to discipline and disciplinary action against students for use of unfair means, the decision of the Vice-Chancellor shall be final and no further appeal shall be against it.

D. Centre's Academic Requirements for M.Phil./Ph.D. and Direct Ph.D. Students

On the recommendation of the Faculty Committee, the Special Committee (Board of Studies) of the Centre in its meeting of 23 July 2012 approved norms for ensuring timely completion of high-quality dissertations and theses by the students of the Centre. The Special Committee authorised the Faculty Committee to frame detailed norms for this purpose, which were approved in its meeting of 03 October 2012. Following a discussion in the Dean's Committee meeting, the Rector has also proposed such a schedule for regular interaction of research students with the faculty.

The Centre has accordingly adopted the following requirements, which will apply with immediate effect to all students enrolled at the Centre.

Students Enrolled for their M.Phil. degree in the M.Phil./PhD Programme

All students enrolled in the MPhil programme are advised to read widely during their courses in the first two semesters of the programme with the objective of a close engagement with all subject

areas covered in the courses taught at the Centre; as also to be able to identify a suitable area for their MPhil dissertation.

All students are required to discuss their prospective areas of research with every faculty member of the Centre across the two semesters of their course-work and seek advice and assistance in framing their research topics.

All students admitted to this programme are required to devote their winter vacations (between the first and second semesters) to developing their research areas so that they may be able to refine and further develop their topics during the second semester.

During the second semester, MPhil students will be asked to present their proposed synopsis before the faculty committee during the month of February, exact dates of which will be notified in the beginning of the semester.

All students must ensure that their synopsis is approved before the University breaks for the Summer Vacation following their second semester, failing which registration for the third semester may be disallowed.

All students are required to present a draft chapter of the first chapter of their dissertation at a seminar to be attended by all faculty members and students of the relevant course to be organised in the month of October (exact dates of which will be notified in the beginning of the semester) during the third semester. This presentation is to be followed by a written submission of the same.

All field studies must be completed latest by the end of the Winter Vacation between the third and fourth semesters.

All students will be required to present their second and third chapters in seminar attended by all faculty members and students of the relevant course to be organised in the month of March during the fourth semester (exact dates of which will be notified in the beginning of the semester).

All students must submit a full first draft of their dissertations to their respective supervisors before the University breaks for the summer vacation on 12 May (fourth semester, at the end of which dissertations must be submitted by July 21 of that year).

A pre-submission seminar will be required for all students before they submit their dissertation for evaluation.

Any student who does not fulfil these requirements may be disallowed from submitting her/his dissertation for examination.

All students are advised to recognise that academic dishonesty is recognised as a university offence, which meets with severe punishment. The least severe punishment is the award of the grade F (Fail) either for the particular assignment or for the entire course. Other punishments range from a two-semester suspension to disciplinary probation for a set period of time, with the severest punishment for plagiarism being expulsion. Universities have elaborated guidelines defining plagiarism, and specifying the punishment for it. In this context, attention of the students is drawn to Statute 25 of the Jawaharlal Nehru University Ordinance Relating to the Use of Unfair Means by Students in Evaluation. Clause 3 of this Statute provides:

> A student of the University who is reported to have indulged in use of unfair means in any aspect of evaluation inclusive of quizzes, term papers, assigned readings, laboratory tests, seminars, midsemester or endsemester examinations and/ or have indulged in plagiarism while writing research publications/ articles including dissertations and theses would made himself/herself liable for disciplinary action as may be determined by the committee of the Academic Council dealing with cases of use of unfair means.

Students Enrolled in the PhD Programme

All PhD students are required to ensure that their PhD synopsis is approved within one year of their registration as provisional PhD students, irrespective of

whether they join the doctoral programme after completing their MPhil or as Direct PhD students.

All students who are registered as provisional PhD students while awaiting their M.Phil. viva voce examination are advised to work on their PhD synopsis while awaiting their MPhil results. They will be asked to present their PhD synopsis in the month of March, exact dates of which will be notified in the beginning of the semester.

All Provisional PhD students who enter the doctoral programme after completing their MPhil degree will be required to make a presentation of their MPhil research in seminar attended by all faculty members and students of the relevant course to be organised in the month of October following their submission in July of that year (exact dates of which will be notified in the beginning of the semester).

Direct PhD students are advised to develop their research area and finalise their synopsis for presentation before the faculty committee with a view to making a presentation before the Faculty Committee in March (in case of July admission) or in the month of October (in case of January admission).

All students enrolled in the PhD programme will be required to make a presentation in a seminar to be attended by all faculty members and all doctoral students at least once in each semester – in the months of March and October. This presentation should be followed by a written submission of the presentation.

All doctoral students are advised that no application for extension under Clause 9(b) will be accepted unless accompanied by a first draft of their entire theses.

All doctoral students are advised that they must plan their work in a manner to be able submit a full draft of their thesis to their respective supervisors at least one year before the deadline for submitting their thesis.

Please note that first drafts of chapters submitted to supervisors within the last three months of the deadline for submission will not be considered by any supervisor.

A pre-submission seminar will be required for all students before they submit their theses for evaluation.

Students who fail to follow these norms without cause to the satisfaction of the Faculty Committee may be disallowed from registering in the subsequent semester.

All students are advised to recognise that academic dishonesty is recognised as a university offence, which meets with severe punishment. The least severe punishment is the award of the grade F (Fail) either for the particular assignment or for the entire course. Other punishments range from a two-semester suspension to disciplinary probation for a set period of time, with the severest punishment for plagiarism being expulsion. Universities have elaborated guidelines defining plagiarism, and specifying the punishment for it. In this context, attention of the students is drawn to Statute 25 of the Jawaharlal Nehru University Ordinance Relating to the Use of Unfair Means by Students in Evaluation. Clause 3 of this Statute provides:

> A student of the University who is reported to have indulged in use of unfair means in any aspect of evaluation inclusive of quizzes, term papers, assigned readings, laboratory tests, seminars, midsemester or endsemester examinations and/or have indulged in plagiarism while writing research publications/ articles including dissertations and theses would made himself/herself liable for disciplinary action as may be determined by the committee of the Academic Council dealing with cases of use of unfair means.