

Faculty of Legal Studies
Introduction to South Asia
B-5: *Legal Systems of South Asia*

Duration: Fridays, 11 am – 1 pm; 24 April – 04 May 2017

Credits: 1

Course Instructor: Dr Ravindra Pratap

Note: The course is limited to a maximum of 25 students on a first-come-first-served basis. The course will not be offered if a minimum of ten students have not opted for it.

Objective:

The course aims at introducing law in South Asia to non-law students of the South Asian University.

Course Outline:

1. Major Legal Traditions of South Asia
 - Civil Law in South Asia
 - 1.1.1 Concept of legal rule
 - 1.1.2 Doctrine of causa
 - Islamic Law in South Asia
 - 1.2.1 *Nikah* and *Talaq*
 - 1.2.2 Dispensation of justice
 - Common Law in South Asia
 - 1.3.1 Concept of Trust
 - 1.3.2 Doctrine of Precedent
 - Hindu Law in South Asia
 - 1.4.1 *Dharma*
 - 1.4.2 Law
 - 1.5 Buddhism and Law in South Asia
 - 1.5.1 *Karma* and Rebirth
 - 1.5.2 *Vinaya*

Contemporary Legal Issues in South Asia

Water Conflicts

2.1.1 *The Indus Waters Kishanganga Arbitration (Pakistan v. India)*, 2013

2.1.2 Other water problems

Maritime Boundary

2.2.1 *The Bay of Bengal Maritime Arbitration (Bangladesh v. India)*, 2014

Extremism

2.3.1 SAARC Regional Convention on Suppression of Terrorism, 1987

Any other contemporary legal issue(s) in South Asia

3. Basic Introduction to South Asian Constitutions

3.1 Context and Evolution

3.2 Comparing Preambles and Salient Features

3.3 An Overview

Mode of Evaluation

An end-semester exam of 30 marks and 2 assignments of 10 marks each.

Select Readings

Baxi, U., 'The Colonial Heritage', in Legrand, P. and Munday, Roderick, eds., *Comparative Legal Studies: Traditions and Transitions* (Cambridge: Cambridge University Press, 2003), 3.

French, Rebecca Redwood and Mark A Nathan, eds., *Buddhism and Law: An Introduction* (Cambridge: CUP, 2014).

Glenn, H. Patrick, *Legal Traditions of the World: Sustainable Diversity in Law* (Oxford: OUP, 2014).

Michael, R. Anderson and Sumit Guha, eds., *Changing Concepts of Rights and Justice in South Asia* (New Delhi: OUP, 1998).

SAARC Regional Convention on Suppression of Terrorism, 1987.

The Bay of Bengal Maritime Arbitration (Bangladesh v. India), 2014.

The Indus Waters Kishanganga Arbitration (Pakistan v. India), 2013.

Zweigert, Konrad and Hein Kötz, *An Introduction to Comparative Law*, Tony Weir (trans), (Oxford: OUP, 1998).