

LL.M. 1ST SEMESTER

(Core Paper)

CONSTITUTIONALISM, FUNDAMENTAL RIGHTS AND NEW CHALLENGES

Paper: 102

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVES:

- The course is designed with the aim to provide exposure to the new challenges and perspectives of constitutional development
- The students are expected to learn as to how the constitution meets the challenges of contemporary times
- The students will not only learn some of the important aspects of constitution making but also be familiar with important concepts and provisions of the constitution from diverse perspectives

UNIT-I

Origin and Evolution of the Idea of Constitution

- Legal Regime before commencement of Constitution of India
- Origin and Constitution of Constituent Assembly; Constituent Assembly debates on Federalism; Constituent Assembly debates on Uniform Civil Code; Constituent Assembly debates on Reservations; Constituent Assembly debates on Right to Equality & Prohibition of Discrimination; Constituent Assembly Debates on Abolition of Death Penalty
- Commencement of Indian Constitution and *constitutionalism*; concept of *Constitutional Morality*

UNIT-II

Emerging Regime of Fundamental Rights and Liberties

- Concept of Fundamental Rights; Definition of State
- Inviolability of Fundamental Rights, scope of definition of law
- Right to Equality- Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation; *Protective Discrimination* in favour of Backward Classes, Scheduled Castes and Scheduled Tribes, Women and Children

- Freedom of Speech and Right to Broadcast and Telecast; Right to Internet; Right to call Strike, Hartal and Bandh

UNIT-III

Evolution and Interpretation of Right to Life and Liberty

- Right to Life and Personal Liberty: Individual Liberty vis-a-vis Security of State
- Right to Privacy
- Right to Education
- Rights of Arrested, Detained and Convicted Persons

UNIT-IV

Securing of fundamental Rights and balance with DPSP's

- Right against Exploitation
- Secularism, Rights of Minorities and Constitutionalism
- Right to Property; Doctrine of *Eminent Domain*
- Public Interest Litigation and class actions
- Relationship of Fundamental Rights and Directive Principles of State Policy

COURSE OUTCOME:

- To enable the students to understand the mechanism of constitutional interpretation involves a technique of adapting the law to meet changing social needs.
- To understand the working of legal system and processes leads to constitutional developments.
- To study about new challenges and perspectives of constitutional developments

SUGGESTED READINGS:

1. Basu, D. D. : Introduction to the Constitution of India.
2. Shukla, V.N. : Constitution of India
3. Seervai : Indian Constitution
4. Pandey, J.N. : Constitutional Law of India
5. Austin, Granville : The Indian Constitution-Cornerstone of a Nation
6. Pal S. : India's Constitution: Origin and Evolution
(Constituent Assembly Debates)