

**PAPER 2: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**  
**[Compulsory]**

**Objectives:**

The constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development which they are allowed to choose an area of law for specialization. Obviously, rubrics under this section of the paper require modification and updating from time to time.

**Course Outcomes:**

On successful completion of the course the student will be able to –

1. analyse the new challenges and perspectives of constitutional development.
2. acquaint with the emerging regime of new rights and remedies such as right to education, commercialization of education of its impact on society
3. understand the various rights of minorities and the constitutional safeguards available to them.
4. describe the meaning of secularism and the religious fanaticism regarding it.
5. explore the doctrine of basic structure and separation of powers

**Course content:**

**Unit I**

Federalism: creation of new states; allocation and share of resources - distribution of grants in aid; The inter-state disputes on resources; Centre's responsibility and internal disturbance within states; Directions of the center to the state under Article 356 and 365; Special status of certain states; Tribal Areas, Scheduled Areas;

**Unit II**

Constitution and Constitutionalism; "State": Need for widening the definition in the wake of liberalization and horizontal application of fundamental rights. Right to Equality: Privatization and Its Impact on Affirmative Action; Empowerment of women.

**Unit III**

Freedom of press and challenges: Freedom of speech and right to broadcast and telecast; Right to life, privacy, strikes, hartal and bandh; Emerging Regime of New Rights and Remedies: Reading Directive principles and fundamental duties into fundamental rights; Compensation jurisprudence; Right to education; Commercialization of education and its impact

**Unit IV**

Rights of Minorities to establish and administer educational institutions and state control

Secularism and religious fanaticism.

### **Unit V**

Separation of Powers: Stresses and Strain: Judicial activism and judicial restraint; PIL: implementation; Judicial independence; Appointment, transfer and removal of judges; Accountability: executive and judiciary; Tribunals

Democratic process; nexus of politics with crime and business; election; status of election commission; electoral reforms; coalition government- stability, durability and corrupt practice, grass roots democracy.

### **Select Bibliography:**

Considering the nature of the subject, no textbooks can be prescribed. Hence, the required material is to be gathered from the latest amendments of laws, case law, critical comments, studies, reports, articles and research papers.