

Unit III

Constitutional Protection of the Civil Servants; Liability of Police Authorities- Tortious Liability, Contractual Liability; Emerging Trends- Personal Accountability, Compensatory Jurisprudence.

Unit IV

Right to Information; Official Secrecy' Executive Privilege; Security of Staff and Control on Information; Promissory Estoppel.

Unit V

Control on Mal-admission- Ombudsman, Evolving Indian Models; Lokayukta and Lokpal; Commission of Enquiry; Vigilance Commission; The CBI; Inquiries by Legislative Committees; Judicial Enquiries; The Administrative Tribunal.

Select Bibliography:

1. Jain and Jain, Principles of Administrative Law.
2. S.P. Sathe, Administrative Law.
3. De Smith, Judicial Review of Administrative Action.
4. M. P. Jain, the Evolving Indian Administrative Law.

PAPER 12: SPECIALISATION PAPER 6
NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Objectives:

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers. The following syllabus prepared with this perspective will comprise 42 units of one hour duration each to be covered over a period of one semester.

Course Outcomes:

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

1. analyse different aspects of emergency powers and scrutinize intellectual attitude towards such powers.
2. evaluate the laws relating to preventive detention which curtails individual liberty and eclipse certain aspects of the due process.
3. examine the role of judiciary in relation to access to courts and emergency.
4. explore and understand the meaning of national security, public order and rule of law.

Course content:

Unit I

National Security, Public Order and Rule of Law; Emergency Detention in England - Civil Liberties; Subjective satisfaction or objective assessment? Pre-Independence law.

Unit II

Preventive Detention and Indian Constitution: Article 22 of the Constitution; Preventive Detention and Safeguards; Declaration of Emergencies; 1962, 1965 and 1970 Emergencies; 1975 Emergency.

Unit III

Exceptional Legislation: COFEPOSA and other legislation to curb economic offenders; TADA: "the draconian law"-comments of NHRC; Special courts and tribunals; Due process and special legislation.

Unit IV

Civil Liberties and Emergency: Article 19; Meaning of "Security of State"; Meaning of "Public Order"; Suspension of Article 19 rights on declaration of emergency; President's