

Chanakya National Law University, Patna
B.A., LL.B. (H) & B.B.A., LL.B. (H) 2022-23; SEMESTER- V

Course Title: Constitutional Law -I

Course Overview

Constitution is a basic law relating to the governance of a country by establishing government which governs the country. It establishes the different organs– the legislative, the executive, and the judiciary and other functionaries. The curriculum is also designed to inspire the students to study about the constitutional law and constitutionalism enforcing the idea of a limited government desired to function within the norms prescribed in the constitution. Constitutional Law - I will focus on limitations of fundamental rights enshrined in part III of the Constitution and non-enforceable but fundamental in the governance of the country – directive principles of state policy.

Module one focuses on general basic concepts, philosophy of the constitution and fundamental rights as limitation on the state.

Module two deals with general principles of equality and its dimensions.

Module three covers prohibition of discrimination on certain grounds and preferential treatment/affirmative action in favour of certain classes, abolition of untouchability and titles.

Module four deals with protection of certain rights regarding freedom of speech, assembly, association, movement, settlement, profession etc. reasonable restrictions on them.

Module five covers protection in respect in respect of conviction for offences, protection of life, and personal liberty and protection against arrest and detention in certain cases.

Module six deals with prohibition of traffic in human beings, forced labour, employment of children in factories, freedom of religion, and cultural and educational rights of minorities.

Module seven focuses on remedies for enforcement of fundamental rights and impact of emergency on enforcement of such rights.

Module eight covers directive principles of state policy and fundamental duties.

Learning Outcomes

Apprise the students about the basic law of the country and its impact on state.

On completion of the course students will be able to

1. Understand the significance of Constitution in governance of the country by putting organs of the state under constitutional parameters.
2. Analyse the provisions of the Constitution.
3. Critically analyse Judicial interpretation of the constitutional provisions & the multi-dimensional significance of provisions in newly emerging challenges.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I	<ul style="list-style-type: none"> • Concept of constitution, constitutional law and constitutionalism. • Basic philosophy of the Indian Constitution enshrined in the Preamble. • Definition of state and its multi-dimensional expansion. • Limitations of fundamental rights on the state. • Inconsistent state laws and laws made in derogation fundamental rights. • Interpretative techniques – waiver, severability and eclipse. 	1-9
Module II	<ul style="list-style-type: none"> • Equality before or equal protection of the laws. 	10-14

	<ul style="list-style-type: none"> • Permissible classification and its tests. • Equality and single individual legislation. • Equality & trial by special courts. 	
Module III	<ul style="list-style-type: none"> • Prohibition of discrimination on grounds only of religion, race, caste, sex, place of birth or any of them. • Equality of opportunity in public employment • Preferential treatment/affirmative action in educational institutions and public employment. • Related issues and judicial response <ul style="list-style-type: none"> ✓ Identification of recipients of reservation – STSC, SEBC & EBC. ✓ Abolition of untouchability and titles. 	15-21
Module IV	<ul style="list-style-type: none"> • Right to freedom and reasonable restrictions. • Freedom of speech and expression. • Freedom of press, right to information. • Right to assembly. Association movement and settlement. • Profession, occupation and trade business. 	22-29
Module V	<ul style="list-style-type: none"> • Protection in respect of conviction for certain offences. <ul style="list-style-type: none"> ✓ Protection against ex-post-facto laws ✓ Protection against double jeopardy 	30-35

	<ul style="list-style-type: none"> ✓ Protection against self-incrimination • Protection against life or personal liberty. <ul style="list-style-type: none"> ✓ Judicial interpretation of procedure established by law ✓ Expansion of life or liberty in post Maneka Gandhi era. ✓ Right to privacy ✓ Freedom to travel abroad /passport. ✓ Right to pollution free air, portable water, livelihood, fair trial etc. • Protection against arrest and detention. <ul style="list-style-type: none"> ✓ Safeguards given in cases of arrest. ✓ Safeguards given in cases of detention under preventive detention law. 	
Module VI	<ul style="list-style-type: none"> • Prohibition of traffic in human beings, forced labour and employment of children in factories. • Concept of secularism and freedom of religion, dimensions of freedom of religion and problem of conversion. • Cultural and educational rights of minorities. <ul style="list-style-type: none"> ✓ Determination of minorities and extent of their rights. 	36-43
Module VII	<ul style="list-style-type: none"> • Enforcement of fundamental rights. <ul style="list-style-type: none"> ✓ Laches , Res-judicata. ✓ Public interest litigation • Remedies and compensatory justice. 	44-51

	<ul style="list-style-type: none"> • Impact of emergency on the enforcement of fundamental rights. 	
Module VIII	<ul style="list-style-type: none"> • Directive Principles of State Policy and their significance. • Relationship between Fundamental Rights and Directive Principles of state policy. • Role of Judiciary in making an un enforceable Directive Principles more meaningful. • Fundamental duties. 	52-60

Recommended/Reference Text Books and Resources:

Text Books

- M. P. Singh (ed.) V. N. Shukla's Constitution of India.
- M.P. Jain, Indian Constitutional Law.

References

- D. D. Basu, Commentary on the Constitution of India.
- Dr. U. R. Rai, Fundamental Rights and their Enforcement.

Instructor Details

Name of the Instructor:	Prof. Dr. Anirudh Prasad
Email:	dr.anirudhlaw@gmail.com