PAPER – VI

CONSTITUTIONAL GOVERNANCE, INFORMATION RIGHTS & JUDICIAL REMEDIES

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Constitutional governance in a democratic polity is founded upon the principles of transparency, accountability, participation, and the rule of law. Information rights and judicial remedies serve as essential instruments for ensuring responsible governance, protecting fundamental rights, and strengthening democratic institutions. This course examines the constitutional, statutory, judicial, and comparative dimensions of information rights and constitutional remedies, with particular emphasis on contemporary challenges arising from privacy, digital governance, public accountability, and constitutional adjudication.

The subject aims to:

- *Examine the theoretical and constitutional foundations of governance, information rights, and judicial remedies.*
- *Analyse the legal and institutional framework governing transparency, accountability, and access to information.*
- *Evaluate the role of constitutional courts and information commissions in safeguarding constitutional governance.*
- *Critically assess writ jurisdiction, judicial review, and public interest litigation as mechanisms for constitutional accountability.*
- *Explore contemporary and comparative developments concerning information rights, privacy, digital governance, and constitutional remedies.*

COURSE OUTLINE

MODULE I – CONCEPTUAL AND HISTORICAL FOUNDATIONS OF INFORMATION RIGHTS

a) Constitutionalism – Rule of Law – Democratic Governance – Constitutional Supremacy.

b) Freedom of Information: History, Evolution and Development – Right to Information Movement in India – Parliamentary Debates on the Right to Information.

c) Transparency and Accountability – Good Governance – Citizen Participation – Responsive Governance.

MODULE II - INFORMATION RIGHTS, TRANSPARENCY AND ACCOUNTABILITY

a) Corruption, Transparency and Constitutional Governance.

b) Accountability of Public Authorities – Auditing and Good Governance.

c) Official Secrets Act, 1923 – Public Records Act, 1993 – Whistle Blowers Protection Act, 2014.

d) Open Government – Public Accountability – Information Rights as Instruments of Democratic Governance and Constitutional Accountability.

MODULE III – CONSTITUTIONAL FRAMEWORK OF INFORMATION RIGHTS

a) Freedom of Speech and Expression under Article 19(1)(a) – Right to Know – Right to Receive Information.

b) Judicial Recognition of Information Rights – Freedom of the Press – Constitutional Foundations of the Right to Information.

c) Right to Know versus Confidentiality – Duty to Disclose – Access to Information as a Human Right.

d) Right to Privacy and Information Rights – Balancing Competing Constitutional Claims.

e) Laws, Rules and Regulations Restricting the Flow of Information – Official Secrecy, National Security and the Freedom of Information Act, 2002.

MODULE IV – RTI ACT, 2005: INSTITUTIONAL AND REGULATORY FRAMEWORK

a) Evolution, Objectives and Salient Features of the Right to Information Act, 2005.

b) Public Authorities – Public Information Officers – Central Information Commission, State Information Commissions – Institutional Framework under the RTI Act.

c) Access to Information – Appeals – Complaints – Penalties – Third Party Information - Severability.

d) Exemptions from Disclosure – Public Interest Disclosure – Transparency and Accountability in Practice.

e) State Information Commissions with Special Reference to the Tamil Nadu State Information Commission: Composition – Powers – Functions – Jurisdiction – Significant Decisions and Implementation Challenges.

MODULE V – WRIT JURISDICTION: THEORY, PRINCIPLES AND PRACTICE

a) Historical Evolution of Writs – Prerogative and Judicial Writs – Comparative Perspectives in England and India.

b) General Principles of Writ Jurisdiction – Locus Standi – Alternative Remedies – Delay and Laches.

c) Writ of Habeas Corpus – Personal Liberty – Protection against Illegal Detention.

d) Writ of Mandamus – Public Duties – Statutory Obligations – Administrative Accountability.

e) Writs of Certiorari and Prohibition – Judicial Control of Administrative Action – Jurisdictional Errors.

f) Writ of Quo Warranto – Public Offices – Constitutional Accountability – Rule of Law, Continuing Mandamus – Epistolary Jurisdiction.

MODULE VI – CONSTITUTIONAL REMEDIES AND JUDICIAL REVIEW

a) Constitutional Remedies under Articles 32 and 226 – Nature, Scope and Significance.

b) Judicial Review – Constitutional Supremacy – Review of Legislative and Administrative Action.

c) Public Interest Litigation – Social Action Litigation – Access to Justice – Judicial Innovation.

d) Constitutional Courts and Rights Adjudication – Judicial Activism – Judicial Restraint.

MODULE VII – NATURAL JUSTICE, ACCOUNTABILITY AND CONSTITUTIONAL LITIGATION

a) Principles of Natural Justice – Fair Hearing – Rule against Bias – Reasoned Decisions.

b) Natural Justice and Administrative Discretion – Exceptions – Waiver of Natural Justice.

c) Judicial Accountability – Administrative Accountability – Constitutional Governance.

d) Constitutional Litigation: Procedure – Locus Standi – Impleading Parties – Reliefs and Remedies – Review Jurisdiction - Res Judicata, Constructive Res Judicata and Abuse of Process in Constitutional Adjudication.

e) Transparency, Anti-Corruption Measures and Contemporary Constitutional Challenges.

MODULE VIII - DIGITAL GOVERNANCE, COMPARATIVE AND CONTEMPORARY PERSPECTIVES

a) Right to Information and Right to Privacy – Informational Privacy – Digital Personal Data Protection Act, 2023.

b) E-Governance – Open Government Data – Digital Public Infrastructure – Digital Transparency.

c) Artificial Intelligence and Governance – Algorithmic Decision-Making – Accountability – Transparency – Ethics.

d) Comparative Constitutional Remedies and Information Rights: United Kingdom – United States – South Africa.

e) International Human Rights Framework: UDHR – ICCPR – United Nations Convention against Corruption (UNCAC).

f) Contemporary Challenges: National Security – Digital Constitutionalism – Future of Constitutional Governance.

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ESSENTIAL READING

BOOKS

1. M.P. Jain, Indian Constitutional Law (Latest Edition).
2. V.N. Shukla, Constitution of India (Latest Edition).
3. H.M. Seervai, Constitutional Law of India.
4. S.P. Sathe, Judicial Activism in India: Transgressing Borders and Enforcing Limits.
5. Granville Austin, Working a Democratic Constitution: A History of the Indian Experience.
6. Upendra Baxi, The Indian Supreme Court and Politics.
7. Tom Bingham, The Rule of Law.
8. Paul Craig, Administrative Law.
9. Alasdair Roberts, Blacked Out: Government Secrecy in the Information Age.
10. Sudhir Naib (Ed.), The Right to Information in India.

CONSTITUTIONAL AND STATUTORY MATERIALS

1. Constitution of India.
2. Official Secrets Act, 1923.
3. Public Records Act, 1993.
4. Right to Information Act, 2005.
5. Second Administrative Reforms Commission Reports on Ethics in Governance (2007).
6. Whistle Blowers Protection Act, 2014.
7. Digital Personal Data Protection Act, 2023.

FURTHER READING

BOOKS

1. Wade & Forsyth, Administrative Law.
2. De Smith, Woolf & Jowell, Judicial Review of Administrative Action.
3. Mark Elliott & Robert Thomas, Public Law.
4. A.V. Dicey, Introduction to the Study of the Law of the Constitution.
5. Justice K.K. Mathew, Democracy, Equality and Freedom.
6. P. Ishwara Bhat, Law and Social Transformation.

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1. S.P. Sathe, "Judicial Activism: The Indian Experience."
2. Upendra Baxi, "The Avatars of Judicial Activism."
3. Articles on Right to Information and Democratic Governance.
4. Articles from the Journal of the Indian Law Institute on Transparency and Accountability.
5. Articles from the National Law School of India Review on Constitutional Governance and Judicial Review.
6. Contemporary scholarship on Privacy, Data Protection and Digital Constitutionalism.

LANDMARK DECISIONS

1. Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.
2. State of Uttar Pradesh v. Raj Narain, (1975) 4 SCC 428.
3. Maneka Gandhi v. Union of India, (1978) 1 SCC 248.
4. S.P. Gupta v. Union of India, 1981 Supp SCC 87.
5. Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161.
6. L. Chandra Kumar v. Union of India, (1997) 3 SCC 261.
7. Union of India v. Association for Democratic Reforms, (2002) 5 SCC 294
8. People's Union for Civil Liberties v. Union of India, (2003) 4 SCC 399.
9. Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

SELECTED DECISIONS

1. Bennett Coleman & Co. v. Union of India, (1972) 2 SCC 788.
2. Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161.
3. Vineet Narain v. Union of India, (1998) 1 SCC 226.
4. Central Board of Secondary Education v. Aditya Bandopadhyay, (2011) 8 SCC 497.
5. Girish Ramchandra Deshpande v. Central Information Commissioner, (2013) 1 SCC 212.
6. Anuradha Bhasin v. Union of India, (2020) 3 SCC 637.

COMPARATIVE JUDICIAL DECISIONS

1. New York Times Co. v. United States, 403 U.S. 713 (1971).
2. R v. Secretary of State for the Home Department, ex parte Simms, [2000] 2 AC 115 (HL).
3. Brümmer v. Minister for Social Development and Others, 2009 (6) SA 323 (CC).

LEARNING OUTCOMES

Upon successful completion of the course, students shall be able to:

1. *Demonstrate an advanced understanding of constitutional governance, information rights, and judicial remedies.*
2. *Critically evaluate the constitutional and statutory framework governing transparency, accountability, and access to information.*
3. *Analyse the role of constitutional courts, information commissions, and public institutions in safeguarding democratic governance.*
4. *Assess the scope and limitations of writ jurisdiction, judicial review, and public interest litigation.*
5. *Apply constitutional principles to emerging issues relating to privacy, digital governance, and information rights.*
6. *Examine comparative and international approaches to constitutional governance and access to information.*
7. *Undertake independent research on contemporary issues concerning governance, accountability, and constitutional justice.*

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PAPER – IV

EDUCATION LAW: RIGHTS, REGULATION AND REFORM

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Education plays a pivotal role in the realization of constitutional values, human rights and inclusive development. This subject critically examines the legal, policy and governance dimensions of school, higher and professional education, while addressing contemporary issues in educational regulation, inclusion, technology and globalization.

The subject aims to:

- *Examine the historical, constitutional and legal foundations of education.*
- *Analyse educational rights, governance and judicial developments.*
- *Evaluate issues of social justice, reservation, minority rights and inclusion in education.*
- *Study the regulation of professional education and educational institutions.*
- *Assess the impact of globalization, digital technologies and emerging developments in education.*

COURSE OUTLINE

MODULE I - HISTORICAL AND PHILOSOPHICAL FOUNDATIONS OF EDUCATION

a) Education in Ancient India: Concept, Definition – Vedic Education - Buddhist and Jain Educational Traditions - Sangam Era, Nalanda, Takshashila, Vikramashila and Kancheepuram as centres of learning.

b) Educational Philosophy and Indian Knowledge System (IKS): Thirukkural and Education - Contributions of Scholars and Poets in strengthening Education system- Indian Knowledge Systems under NEP 2020.

c) Colonial Education and Modernization: Macaulay's Minute and Wood's Despatch - Educational Committees and Commissions under British India - Legacy of Colonial Education.

MODULE II - GENERAL PRINCIPLES AND OBJECTIVES OF EDUCATION

a) Education as an Instrument of Constitutional Values - Human Rights - Citizenship Education - Ethical, Spiritual and Environmental Consciousness.

b) Education and Social Justice: Equality and Inclusion, Gender Justice – Education as a Tool for Social Mobility.

c) Educational Policies and Social Transformation: Samagra Shiksha - Beti Bachao Beti Padhao - Adult and Lifelong Learning - Community Participation in Education.

MODULE III – CONSTITUTIONAL, LEGAL AND JUDICIAL FRAMEWORK OF EDUCATION

a) Right to Education under the Indian Constitution: Part III, IV & IVA.

b) Statutory and Policy Framework: Right of Children to Free and Compulsory Education Act, 2009 - National Education Policy,2020 – National Curriculum Framework, 2023.

c) Educational Governance: Ministry of Education – UGC – NCERT – SCERT.

d) Judicial Evolution and Interpretation of the Right to Education.

MODULE IV - EDUCATIONAL EQUITY, RESERVATION AND MINORITY RIGHTS

a) Educational Rights of Socio Economically Disadvantaged and Marginalized Groups.

b) Reservation in Educational Institutions: Constitutional Basis - Reservations for SCs, STs, OBCs and EWS (Vertical Reservation) - Horizontal Reservation - Reservation Jurisprudence.

c) Minority Educational Rights and Educational Autonomy.

MODULE V - INCLUSIVE EDUCATION AND DIVERSITY

a) Rights of Persons with Disabilities: RPwD Act, 2016 and Reasonable Accommodation.

b) International Standards: UN Convention on the Rights of Persons with Disabilities (UNCRPD) - Sustainable Development Goal 4 (Quality Education).

c) Educational Rights of Transgender Persons.

d) Inclusive Education in India: Legal and Policy Framework.

MODULE VI – PROFESSIONAL EDUCATION AND REGULATORY FRAMEWORK

a) Legal, Medical, Technical and Professional Education.

b) Regulatory and Research Institutions: UGC, BCI, NMC, AICTE and ICMR.

c) Governance of Professional Education: Educational Autonomy, Accreditation and Quality Assurance (NAAC).

d) Clinical Legal Education, Legal Aid Clinics and Access to Justice.

MODULE VII – DIGITAL EDUCATION, ARTIFICIAL INTELLIGENCE AND GLOBALIZATION.

a) Globalization and Privatization of Education.

b) WTO-GATS and Higher Education.

c) Digital Education: SWAYAM, DIKSHA, MOOCs, Online and Distance Education.

d) Artificial Intelligence in Education: AI-Assisted Learning, Ethical Issues, Algorithmic Bias and Data Privacy.

e) Intellectual Property Rights in Education: Copyright - Open Educational Resources (OER) - Academic Integrity and Plagiarism.

f) Cyber Law and Digital Governance in Education.

MODULE VIII – COMPARATIVE AND CONTEMPORARY PERSPECTIVES.

a) Educational System in the United States.

b) Role of Judiciary in Educational Development.

c) Comparative Study: India, United States, United Kingdom and Finland.

d) International Human Rights Framework – UDHR, ICESCR, CRC, UNESCO.

e) Contemporary Challenges in Education.

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1. **Florian Matthey-Prakash** (2019), *The Right to Education in India: The Importance of Enforceability of a Fundamental Right*, Oxford University Press.
2. **Praveen Jha and P. Geetha Rani** (2015), *Right to Education in India: Resources, Institutions and Public Policy*, Routledge India.
3. **Narendra Jadhav** (2020), *Future of the Indian Education System: How Relevant is the National Education Policy 2020?* Konark Publishers.
4. **Klaus Dieter Beiter** (2006), *The Protection of the Right to Education by International Law: Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights*, Martinus Nijhoff Publishers.
5. **M.V. Srinivasa** (2019), *Education in Contemporary India*, Orient Black Swan.
6. **Ajit Mondal and Jayanta Mete** (2012), *The Right to Education*, PHI Learning.
7. **Prof. Vijay Kumar K.** (2012) – *Right to Education Act, 2009: Its Implementation as to Social Development in India.*
8. **Anita Ghai** (2015), *Rethinking Disability in India*, Routledge India.

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1. **Singh, Kishore** (2015), "Right to Education", *India International Centre Quarterly*, Vol. 42, No. 3/4, pp. 119–130.
2. **Bhatty, Kiran** (2014), "Review of Elementary Education Policy in India: Has It Upheld the Constitutional Objective of Equality?", *Economic and Political Weekly*, Vol. 49, No. 43/44, pp. 100–107.
3. **Ayushmaan, Aishwarya & Deepthi Bavirisetty** (2014), "Right to Education: Edging Closer to Realisation or Furthering Judicial Conundrum?", *National Law School of India Review*, Vol. 26, No. 1, pp. 87–101.
4. **Sadgopal, Anil** (2010), "Right to Education vs. Right to Education Act", *Social Scientist*, Vol. 38, Nos. 9–12, pp. 17–50.
5. **Juneja, Nalini** (2015), "Constitutional Mandate for Free and Compulsory Education: New Light on the Intention of the Founding Fathers", *Contemporary Education Dialogue*, Vol. 12, No. 2, pp. 208–237.
6. **Carnoy, Martin & Rafiq Dossani** (2013), "Goals and Governance of Higher Education in India", *Higher Education*, Vol. 65, No. 5, pp. 595–612.
7. **Gulyani, Ritika** (2017), "Educational Policies in India with Special Reference to Children with Disabilities", *Indian Anthropologist*, Vol. 47, No. 2, pp. 35–51.
8. **Popenici, S.A.D. & Kerr, S.** (2017), "Exploring the Impact of Artificial Intelligence on Teaching and Learning in Higher Education", *Research and Practice in Technology*

Enhanced Learning, Vol. 12, Article 22.

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BOOKS

1. **A.S. Altekar** (2009), *Education in Ancient India*, Isha Books.
2. **Jagdish Chand** (2007), *Education in Ancient and Medieval India*, Shipra Publications.
3. **J.C. Aggarwal** (2010), *Landmarks in the History of Modern Indian Education*, Vikas Publishing House.
4. **Mannava Munni Hemachand** (2015), *Right to Education under Indian Constitution: A Socio-Legal Perspective*, Gaurav Book Centre.
5. **Suchitra Deshprabhu** (2014), *Inclusive Education in India: An Overview.*
6. **Ramesh Malhotra** (2010), *Right to Education: Free and Compulsory Education for All*, DPS Publishing House.
7. **V.D. Kulshreshtha** (2019 Reprint), *Landmarks in Indian Legal and Constitutional History*, Eastern Book Company.
8. **Krishna Kumar** (2005), *Political Agenda of Education: A Study of Colonialist and Nationalist Ideas*, Sage Publications.
9. **Amartya Sen** (1999), *Development as Freedom*, Oxford University Press.
10. **Madan Mohan Jha** (2022), *National Education Policy 2020: Challenges and Opportunities*, Academic Publications.

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1. **Singh, Jai S.** (2010), "Expanding Horizons of Human Right to Education: Perspective on Indian and International Vision", *Journal of the Indian Law Institute*, Vol. 52, No. 1, pp. 34–59.
2. **Bhargava, Rajeev** (2013), "Religious Education in a Secular State", *India International Centre Quarterly*, Vol. 40, No. 3/4, pp. 117–130.
3. **Akanksha Jumde** (2015), "The Interface between Right to Education and Copyright Laws: Does Copyright Law Inhibit the Enjoyment of Right to Education?", *International Journal of Law and Legal Jurisprudence Studies*, Vol. 2, Issue 5.
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5. **Pawan Agarwal** (2006), "Higher Education Policy: Many Contradictions", *Economic and Political Weekly*, Vol. 41, No. 45, pp. 4645–4648.
6. **Chitta, Kalyanlakshmi** (2014), "Foreign Direct Investment and Higher Education in India: Assessing the Link Between Internationalization, Competition and Efficiency", *World Affairs: The Journal of International Issues*, Vol. 18, No. 4, pp. 94–111.

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1. In Re Kerala Education Bill, AIR 1958 SC 956.
2. St. Xavier's College v. State of Gujarat, AIR 1974 SC 1389.
3. Mohini Jain v. State of Karnataka, AIR 1992 SC 1858.
4. Unni Krishnan v. State of Andhra Pradesh, AIR 1993 SC 2178.
5. T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481.
6. Aruna Roy v. Union of India, (2002) 7 SCC 368.
7. Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697.
8. P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537.
9. Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1.
10. Society for Unaided Private Schools of Rajasthan v. Union of India, (2012) 6 SCC 1.
11. National Legal Services Authority v. Union of India, (2014) 5 SCC 438.
12. Janhit Abhiyan v. Union of India, (2023) 5 SCC 1.

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1. Dr. Preeti Srivastava v. State of Madhya Pradesh, (1999) 7 SCC 120.
2. State of Punjab v. Dayanand Medical College & Hospital, (2001) 8 SCC 664.
3. Pre-PG Medical Sangharsh Committee v. Dr. Bajrang Soni, (2001) 8 SCC 694.
4. State of Maharashtra v. Sant Dnyaneshwar Shikshan Shastra Mahavidyalaya, (2006) 9 SCC1.
5. Shyam Sunder v. State of Tamil Nadu, (2011) 8 SCC 737.
6. State of Uttar Pradesh v. Pavan Kumar Dwivedi, (2012) 7 SCC 278.
7. Pranati Educational and Cultural Trust v. Union of India, (2014) 8 SCC 1.

COMPARATIVE JUDICIAL DECISIONS

1. Brown v. Board of Education of Topeka, 347 U.S. 483 (1954).
2. Plyler v. Doe, 457 U.S. 202 (1982).
3. Regents of the University of California v. Bakke, 438 U.S. 265 (1978).
4. Lemon v. Kurtzman, 403 U.S. 602 (1971).
5. Forest Grove School District v. T.A., 557 U.S. 230 (2009).
6. R (Begum) v. Headteacher and Governors of Denbigh High School, [2006] UKHL 15; [2007] 1 AC 100.
7. Ali v. United Kingdom, Application No. 40385/06, European Court of Human Rights (2011).

LEARNING OUTCOMES

Upon completion of the course, students shall be able to:

1. *Analyse the legal and policy framework governing education.*
2. *Evaluate educational rights, governance and judicial decisions.*
3. *Examine issues of equity, inclusion and educational autonomy.*
4. *Assess contemporary developments in professional, digital and global education.*
5. *Apply legal principles to emerging challenges in education law and policy.*

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UNION–STATE RELATIONS AND CONTEMPORARY FEDERALISM

(Discipline Specific Elective Paper - III)

OBJECTIVES OF THE COURSE

The course aims to provide an advanced understanding of the constitutional architecture governing Union–State relations in India. It critically examines the legislative, administrative and financial dimensions of Indian federalism, the constitutional mechanisms for inter-governmental coordination and dispute resolution, and the evolving jurisprudence of the Supreme Court. The course further explores comparative federalism and contemporary developments, including cooperative and competitive federalism, GST, inter-governmental institutions, digital governance, environmental federalism, asymmetrical federalism and emerging constitutional challenges, enabling students to critically evaluate the present and future trajectory of Indian federalism.

After undergoing the study, the student will be able to:

- *Understand the Constitutional Framework and Evolution of Union–State relations in India.*
- *Analyse the Legislative, Administrative and Financial dimensions of Indian Federalism.*
- *Evaluate Constitutional Principles, Judicial Doctrines and Institutions governing the Federal Balance.*
- *Examine Fiscal Federalism, GST, Inter-Governmental Fiscal Transfers and Borrowing Powers.*
- *Assess Constitutional issues relating to Inter-State Trade, Commerce and Economic Federalism.*
- *Critically evaluate Contemporary Developments and Emerging Challenges in Indian Federalism.*
- *Apply Constitutional Principles and Judicial Precedents to research issues concerning Union–State relations.*

COURSE OUTLINE

MODULE I - FOUNDATIONS OF INDIAN FEDERALISM

a) Evolution of Indian Federalism – Government of India Act, 1935 – Constituent Assembly Debates – India as a "Union of States".

b) Federalism – Quasi-Federalism – Cooperative Federalism – Competitive Federalism – Collaborative Federalism.

c) Comparative Federalism – United States – Canada – Australia – Germany.

d) Reorganisation of States – Asymmetrical Federalism – Union Territories – Special Constitutional Arrangements.

e) Federalism as a Basic Structure – Constitutional Morality – Constitutional Identity – State Autonomy.

MODULE II - LEGISLATIVE RELATIONS

a) Distribution of Legislative Powers – Union List – State List – Concurrent List – Residuary Powers.

b) Principles of Legislative Competence – Territorial Nexus – Pith and Substance – Colourable Legislation – Ancillary Powers – Harmonious Construction.

c) Parliamentary Legislation on State Subjects - Legislation by Consent of States - National Interest – Emergency - International Obligations - Repugnancy – Occupied Field Doctrine.

d) Legislative Privileges – Inter-Governmental Legislative Coordination – Contemporary Challenges in Legislative Federalism.

MODULE III - ADMINISTRATIVE RELATIONS

a) Distribution of Executive Powers between the Union and the States – Directions of the Union – Constitutional Obligations.

b) Mutual Delegation of Functions under Articles 258 & 258A – All India Services – Inter-Governmental Administrative Coordination.

c) Inter-State Council – Zonal Councils – Inter-State Coordination Mechanisms.

d) Administrative Federalism during Emergencies – Disaster Management.

MODULE IV - FINANCIAL RELATIONS AND INTERGOVERNMENTAL FISCAL TRANSFERS

a) Constitutional Framework of Financial Relations – Characteristics of Federal Economy - Distribution of Taxation Powers – Fiscal Federalism.

b) Functional Responsibilities and Financial Resources – Vertical and Horizontal Fiscal Imbalance.

c) Tax Sharing under the Constitution – Revenue Sharing – Grants-in-Aid – Fiscal Equalisation.

d) Finance Commission – Constitutional Status – Composition – Functions – Distribution of Divisible Pool – Criteria for Devolution.

e) Planning Commission – Transition to NITI Aayog - Contemporary Issues in Fiscal Federalism.

MODULE V - FISCAL FEDERALISM, BORROWING POWERS AND GST

a) Goods and Services Tax – Constitutional Framework – GST Council – Composition – Functions - Voting Pattern – Decision-Making – Dispute Resolution– Cooperative Fiscal Federalism.

b) Borrowing Powers of the Union and the States – Article 293 – Constitutional Limitations.

c) Fiscal Responsibility – FRBM Act – State Fiscal Responsibility Legislations – Role of RBI.

d) Contemporary Fiscal Issues – Cesses and Surcharges – Centrally Sponsored Schemes – Fiscal Autonomy – Centre–State Fiscal Disputes.

MODULE VI - INTER-STATE TRADE, COMMERCE AND ECONOMIC FEDERALISM

a) Freedom of Trade, Commerce and Intercourse – Articles 301–307 – Article 19(1)(g).

b) Restrictions on Legislative Powers relating to Trade and Commerce – Saving Clauses – Need for Authority under Article 307.

c) Economic Integration – Internal Market – GST and Free Trade – Contemporary Issues in Economic Federalism.

MODULE VII - CONSTITUTIONAL INSTITUTIONS AND DISPUTE RESOLUTION

a) Office of the Governor – Appointment – Constitutional Position – Constitutional Functions - Discretionary Powers – Reservation and Assent to Bills.

b) Original Jurisdiction of the Supreme Court under Article 131 – Inter-State Disputes – River Water Disputes – Constitutional Mechanisms for Inter-State Dispute Resolution.

c) Emergency Provisions – National Emergency – President's Rule – Financial Emergency –

Judicial Review.

d) Rajamannar Committee - Sarkaria Commission – Punchhi Commission – National Commission to Review the Working of the Constitution.

MODULE VIII - CONTEMPORARY DEVELOPMENTS IN UNION–STATE RELATIONS

a) Digital Federalism – Data Governance – Artificial Intelligence and Federal Regulation.

b) Environmental Federalism – Climate Governance – Natural Resources.

c) Disaster Management – Public Health Governance – Cooperative Federalism during Emergencies – Constitutional Challenges.

d) Asymmetrical Federalism - Jammu & Kashmir Reorganisation - Delimitation – Regional Representation.

e) Cooperative Federalism - Competitive Federalism – Collaborative Federalism - Emerging Constitutional Challenges – Future of Indian Federalism.

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5. Punchhi Commission Report on Centre–State Relations (2007–2010).
6. Reports of the Finance Commission.
7. Reports of the GST Council.

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2. Indian Law Review.
3. Journal of Indian Law Institute.
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5. National Law School of India Review.
6. Economic and Political Weekly.

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- In Re: The Berubari Union, AIR 1960 SC 845.
- State of West Bengal v. Union of India, AIR 1963 SC 1241.
- Union of India v. H.S. Dhillon, (1972) 2 SCC 779.
- Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225.
- State of Rajasthan v. Union of India, (1977) 3 SCC 592.

- State of Karnataka v. Union of India, (1977) 4 SCC 608.
- Hoechst Pharmaceuticals Ltd. v. State of Bihar, (1983) 4 SCC 45.
- S.R. Bommai v. Union of India, (1994) 3 SCC 1.
- Nabam Rebia and Bamang Felix v. Deputy Speaker, Arunachal Pradesh Legislative Assembly, (2016) 8 SCC 1.
- Jindal Stainless Ltd. v. State of Haryana, (2017) 12 SCC 1.
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- Union of India v. Mohit Minerals Pvt. Ltd., (2022) 10 SCC 700.
- Government of NCT of Delhi v. Union of India, (2023) 7 SCC 1.
- State of Bihar v. Union of India, (1970) 1 SCC 67 – Centre–State legal relations.
- R.C. Poudyal v. Union of India, 1994 Supp (1) SCC 324 – asymmetrical federalism and special constitutional arrangements.
- Kuldip Nayar v. Union of India, (2006) 7 SCC 1 – federal representation and the Council of States.

LEARNING OUTCOMES

On the completion of this course, students will be able to:

- *Understand the constitutional framework and evolution of Indian federalism.*
- *Analyse the legislative, administrative and financial dimensions of Union–State relations.*
- *Evaluate the role of constitutional institutions and the judiciary in maintaining the federal balance.*
- *Examine issues relating to fiscal federalism, GST, inter-State trade and economic governance.*
- *Assess contemporary developments and emerging challenges in Indian federalism.*
- *Apply constitutional principles and judicial precedents to analyse issues concerning Union–State relations.*

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PAPER – III
(Specialised Core Paper)

LAW OF MEDIA AND COMMUNICATION: CONTEMPORARY CHALLENGES

OBJECTIVES OF THE COURSE

Mass media communication, from the days of the printing press, has played a very important role in shaping public opinion. Mass media such as the press, radio, television, film, and the internet play a vital role in rapidly disseminating information, thereby spreading culturalization and modernisation in society. We have moved from the era of mass media to mass-made media (social media) and user-generated content. Law plays a dual role vis-à-vis such media. On the one hand, it protects the creative freedom inherent in them; on the other hand, it must regulate them to prevent their possible abuse. Advancements in science and technology, including AI and the emergence of social media, have changed the scope and dimensions of mass communication. ICT has ushered in a digital era for us. While there are definite benefits to these technologies, experience shows they can be abused to harm society's interests. This course aims to provide a basic understanding of the evolution of mass media and its regulation in the context of contemporary challenges.

After undergoing the study, the student will be able to understand the following:

- To understand the legal, ethical and regulatory framework governing the media in India.
- To understand the various concepts and study the theories in relation to Media.
- To discuss and evaluate the latest developments, issues, and analyse the principles laid down in the cases in the field of Media law.
- To acquaint the students with the importance and necessity of media ethics and to develop and appreciate journalistic integrity.

COURSE OUTLINE

MODULE I: INTRODUCTION TO MEDIA AND COMMUNICATION

1. Meaning, Concept, Evolution and Development of Media & Communication
2. Legal Regulation of Media - Pre-Independence and Post-Independence
3. Media Regulation across Sectors - Press, Broadcast and Digital Media

4. Media Ownership and Control - Meaning and Pattern - Media Plurality - Concentration of Media - Media Monopolies - Control over Media Technology and Resources

MODULE II: FREEDOM OF SPEECH AND EXPRESSION: CONSTITUTIONAL AND HUMAN RIGHTS PERSPECTIVES

1. Meaning, Concept and Philosophy of Free Speech
2. Constitutional Foundations of Free Speech and Reasonable Restrictions
3. Judicial Interpretation and Expansion - Freedom to Offend, Shock or Disturb
4. Press and Media Freedoms - Role as Fourth Estate
5. Freedom of Speech and Expression - Human Rights and International Perspectives

MODULE III: LEGAL LIMITS ON FREE SPEECH AND MEDIA

1. Obscenity, Pornography and Free Speech – Judicial Interpretation – Legal Position of Child Sexual Abuse Material (CSAM)
2. Apostasy and Blasphemy Regulation, Media and Free Speech
3. Hate Speech Regulation, Media and Free Speech - Position in India and USA - Rise of Online Hate Speech - Neo-Nazism, White Supremacy, Far-Right Extremism and Holocaust Denial
4. Privacy, Media and Free Speech - Deepfakes and Manipulated AI-Generated Content - Non-Consensual Intimate Abuse (NCII) – Personal Data Protection – Right to be Forgotten/ Erasure – DPDP Act, 2023

MODULE IV: FREE SPEECH, MEDIA AND CENSORSHIP

1. Regulation of Media – Censorship v. Certification – Artistic Freedom v. State's Power to Regulate Content – Film Censorship in India – Prior Restraint - Regulatory Landscape – Cinematograph Act, 1952 and Rules – Criticisms against CBFC
2. Digital Media Content Regulation – Self-Certification and Classification of Content in OTT Platforms – Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 – Online Piracy
3. Broadcast Content Regulation in India – Broadcasting Code and Cable Television Network Act, 1995 - Guidelines for Uplinking and Downlinking of Television Channels in India, 2022
4. Print Media Regulation in India – Distinct Position of Newspapers – Pre-censorship during Emergency – Role of Press Council of India – Legality of Book Bans

5. Defamation - Libel and Slander in Cyberspace - Trolling, Doxxing, Cyber-bullying and Online-Harassment

MODULE V: DIGITAL MEDIA AND ARTIFICIAL INTELLIGENCE

1. Regulation of Social Media – Self-Regulation v. Government Regulation – Intermediary Liability – IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 – Access to Internet and Internet Shutdowns - Content Takedown - Safe Harbour - De-platforming of Users – Traceability Requirements
2. Artificial Intelligence – Impact on the Media Industry – IPR Issues – Celebrity and Personality Rights – Synthetically Generated Information (SGI) and Generative AI – Ethical and Legal Concerns
3. Cyber-Journalism and Citizen Journalism – Fake News in Media – Societal and Political Impact – Information Disorder – Role of Fact-Checking Organisations and Media Literacy – Investigative Journalism through OSINT

MODULE VI: MEDIA, ADVERTISEMENTS AND COMMERCIAL SPEECH

1. Concept, Origin and Development of Advertisements – Advertisement Ethics
2. Legal Regulation of Advertisement: Commercial Speech - Comparative Advertisement – Astro-turfing and Subliminal Advertisement – Surrogate Advertisement
3. Advertising Standards Council of India – Issues of Consumer Protection – Deceptive and Misleading Advertisement – Dark Patterns in Digital Platforms and E-Commerce
4. Social Media Influencers and Online Content Creators – Paid Promotions v. Product Review - Regulation of Medical, Financial and Educational Influencers/Content Creators – Impact on the General Public - Liability for Influencers and Celebrity Endorsements

MODULE VII: MEDIA AND SOCIETY

1. Role of Media in Social Change – Media Depictions of Caste, Class and Gender Identities – Historical Accuracy v. Cultural Sensitivity - Diversity in Media Representation
2. Representation of Women in Films and Media – Objectification of Women – Depiction of Consent and Female Agency – #MeToo Movement – Impact of Cancel Culture
3. Media and Its Impact on Children, Persons with Disabilities and Vulnerable Groups – Issues of Stereotypes, Bias and Discrimination – Role of Liberal, Progressive and Feminist Voices in Media

MODULE VIII: MEDIA, COMMUNICATION AND GOVERNANCE

1. Media and Judiciary – Trial by media – Contempt of Court – Reporting of Legal Proceedings – Virtual Courts and Live-Streaming – Issues and Challenges
2. Media and Politics – Legal Protection for Cartoons, Satire and Parody – Political and Social Critique – Electoral Misinformation – Manipulation of Public Opinion – Parliamentary Privilege and Media – Paid News
3. Media and State - State Propaganda and Outreach - Use of Social Media by State Actors - Government Advertisements and Awareness Generation Programmes - Press Information Bureau (PIB)
4. Communication Regulation – Telecommunications Act, 2023 – Role of TRAI – State Surveillance – Mass Surveillance and Spatial Tracking Programs – FRT, Biometric Verification and CMS – National Security v. Individual Privacy – Constitutional Challenges

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LEARNING OUTCOMES

Upon completion of the course, students will be able to;

- Analyse the legal, ethical, and regulatory framework governing media and communication in India;
- Discuss and analyse the constitutional framework concerning freedom of speech and expression, freedom of the press, and the right to privacy;
- Evaluate the latest developments and issues within the field of media law;
- Explain and discuss the significance and necessity of media ethics and journalistic integrity; and
- Devise appropriate methods to address legal challenges.

PAPER - VIII

NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

(Discipline Specific Elective Paper)

OBJECTIVES OF THE COURSE

In every written constitution, provisions must be established to enable the state to confront severe threats to its existence arising from extraordinary circumstances such as war, external aggression, or armed rebellion. Although "amidst the clash of arms, the laws are not silent," these laws do not operate on the same principles during wartime as they do in peacetime. Extraordinary circumstances necessitate the implementation of extraordinary laws, commonly referred to as emergency laws. Such laws impose stricter restrictions on individual liberties and may also override certain aspects of due process. However, under such conditions, democratic forces must uphold the principle that, for the survival of the State, the minimal possible liberties should be preserved. Students should be introduced to various facets of emergency powers and encouraged to adopt a critical and analytical attitude towards them. Upon completing this study, students will be able to understand the following,

- Balancing Civil liberties and National security.
- Preventive Detention and the Effect of Human Rights.
- Major Internal Security Challenges in India.
- Role of the Judiciary in protecting Civil liberties during emergencies

COURSE OUTLINE

MODULE I – EVOLUTION OF NATIONAL SECURITY LAWS

a) Concept and Meaning of National Security – Military and Non-Military National Security
b) Internal Security v. External Security – Challenges
c) Emergency Detention in England – Impact on Civil Liberties.
d) Subjective Satisfaction v. Objective Assessment – Judicial Role in Detention
e) Martial Law – Concept and Meaning – Position in England and India – State of Siege in France

MODULE II - PREVENTIVE DETENTION AND THE INDIAN CONSTITUTION

a) Constitutional Foundations of Preventive Detention - Safeguards, Advisory Boards and Procedural Protections

b) Preventive Detention Laws in India: State and Central
c) Preventive Detention and International Human Rights Standards – Role of Judiciary in Protecting the Rights of Preventive Detainees

MODULE III - DECLARATION OF EMERGENCIES AND CIVIL LIBERTY

a) Constitutional Emergencies in India – National, State and Financial Emergency
b) Historical Emergencies in India – 1962 Emergency (Indo–China War). 1971 Emergency (Indo–Pakistan War) and 1975-77 Internal Emergency
c) Suspension of Fundamental Rights in Emergency – Non-Suspension of Art. 20 and Art 21 – Impact of the 44th Constitution Amendment Act, 1978 – Access to Courts during Emergency – Internal Disturbance v. Armed Rebellion
d) Meaning of "Security of State", "Public Order" and "Rule of Law"- Suspension of Article 19 on Declaration of Emergency

MODULE IV – INTERNAL SECURITY AND FEDERALISM

a) Internal Security in India – Challenges and Concerns – Contributory Factors to Major Public Order Problems
b) Terrorism and Insurgency, Left Wing Extremism, Cross-border Terrorism, Communal Violence, Islamic Radicalisation and Rise of Hindutva Vigilantism – Politics of Exclusion and Identity
c) Federal Structure and Security Governance – Role of the Union in Maintenance of Internal Security – State with respect to security – Centre-State Cooperation in Matters of Internal Security
d) Deployment of Armed Forces of the Union – AFSPA Act – Military Aid to Civil Power – Accountability and Human Rights Concerns

MODULE V - EXCEPTIONAL LEGISLATION AND RULE OF LAW

a) Anti-Terrorism Laws in India – Terrorism and Disruptive Activities Act, 1987 (TADA), Prevention of Terrorism Act, 2000 (POTA), National Security Act, 1980 (NSA) and Unlawful Activities Prevention Act, 1967 (UAPA) – Emerging Jurisprudence and Human Rights Concerns
b) Economic Security Laws – Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA), Prevention of Illicit Traffic in NDPS, 1988 (PITNDPS), Prevention of Money Laundering Act, 2002 (PMLA), Fugitive Offenders Act,

2018, Foreign Contribution (Regulation) Act, 2010 (FCRA) and Black-Marketing Laws in India

c) Specialised Courts, Tribunals - NIA Courts – Specialised Courts under Anti-Terrorism Laws Constitutional Limits on Special Procedures

MODULE VI - NATIONAL SECURITY, PUBLIC ORDER AND CYBER SECURITY

a) Relationship between National Security and Internal Security - Distinction between "Law and Order", "Public Order" and "Security of State" - Constitutional limitations on State action – Counter-Terrorism Initiatives in India

b) Security and Espionage Institutions in India – National Investigatory Agency (NIA), Intelligence Bureau (IB), National Security Council (NSC) – Enforcement Directorate (ED) – Central Bureau of Investigation (CBI) – Research and Analysis Wing (R&AW) – Defence Intelligence Agency (DIA) - National Technical Research Organisation (NTRO) - Indian Cyber Crime Coordination Centre - Indian Computer Emergency Response Team (CERT-In)

c) Cyber Security and State Surveillance - Cyber Terrorism, Targeting of Critical Information Infrastructure, Information Warfare, Foreign Information Manipulation and Interference (FIMI), Foreign Electoral Interference, Cyber Espionage - Interception and Monitoring Powers - FRT and Other Mass Surveillance Programme – Spyware & Ransomware – Pegasus Software - Artificial Intelligence and National Security

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LEARNING OUTCOMES

Upon completion of the Course, students will be

- Appreciate the need for civil liberty to be protected under the Constitution.
- Understand the role played by the Judiciary in the protection of civil liberty.
- Debate whether it is justifiable to violate civil liberties in the name of national security?
- Analyse the balance between national security and civil liberties.

PAPER – I

TRANSFORMATIVE CONSTITUTIONALISM, PLURALISM & FEDERALISM

(Specialized Core Paper)

OBJECTIVES OF THE COURSE

Constitutionalism is a dynamic and evolving concept that responds to changing social, political, economic and technological realities. Contemporary constitutional democracies are increasingly confronted with challenges relating to transformative constitutionalism, pluralism, democratic governance, digital technologies, environmental sustainability and federalism. In multicultural and diverse societies, constitutions serve not only as instruments of governance but also as vehicles for social transformation, protection of fundamental rights and accommodation of competing identities and interests. This course examines the theoretical foundations and contemporary developments in constitutionalism from a comparative constitutional law perspective, with particular emphasis on India's constitutional experience. It critically analyses the role of constitutional institutions, constitutional morality, judicial interpretation, and intergovernmental relations in promoting inclusive governance, social justice and democratic resilience. The course also explores emerging issues such as digital constitutionalism, environmental constitutionalism, constitutional pluralism and evolving models of cooperative and fiscal federalism. After undergoing the study, the student will be able to understand the following:

- The theoretical foundations, evolution and contemporary dimensions of constitutionalism and constitutional governance in comparative constitutional systems.
- The concept and practice of transformative constitutionalism in post-colonial societies with particular reference to India and the Global South.
- Constitutional pluralism, multiculturalism, minority rights, constitutional morality and emerging challenges to democratic governance.
- The dynamics of comparative and Indian federalism, including cooperative and fiscal federalism, intergovernmental relations and contemporary constitutional challenges.

COURSE OUTLINE

MODULE I – FOUNDATIONS OF CONSTITUTIONALISM

a) Historical evolution of Constitutionalism: Ancient, Liberal, Social and Modern Constitutionalism; Natural Law Theory and Constitutional Governance.

b) Constitutionalism and Limited Government: Popular Sovereignty, Constitutional Supremacy, Separation of Powers, Rule of Law, Constitutional Identity and Constitutional Legitimacy.

c) Constitutional Design and Interpretation: Due Process of Law, Procedure Established by Law, Judicial Review, Constitutional Conventions and Methods of Constitutional Interpretation.

MODULE II – TRANSFORMATIVE CONSTITUTIONALISM: THEORY AND GLOBAL PERSPECTIVES

a) Constitutionalism in Post-Colonial Societies: Decolonisation, International Human Rights Law and the emergence of Transformative Constitutionalism.

b) Transformative Constitutionalism in the Global South and Liberal Constitutionalism in the Global North: Comparative Perspectives from South Africa, Canada, Colombia and India.

c) Constitutional Morality, Dialogic and Participatory Constitutionalism: Role of the Legislature, Judiciary, Civil Society and Social Movements in Constitutional Transformation.

MODULE III – TRANSFORMATIVE CONSTITUTIONALISM IN INDIA

a) Evolution of Indian Constitutionalism: Ancient Political Thought, Colonial Constitutional Developments and the Making of the Constitution.

b) Constituent Assembly Debates: Fundamental Rights, Directive Principles of State Policy, Constitutional Vision and Social Justice.

c) Contemporary Constitutional Jurisprudence: Constitutional Morality, Privacy, Gender Justice, LGBTQIA+ Rights, Disability Rights, Religious Freedom, Electoral Democracy and Digital Constitutionalism.

MODULE IV – CONSTITUTIONAL PLURALISM AND DIVERSITY

a) Constitutional Pluralism: Ethnic, Linguistic, Cultural, Religious and Regional Diversity in Constitutional Democracies.

b) Multiculturalism, Minority Rights, Hate Speech, Freedom of Expression and Constitutional Limits in the Digital Age.

c) Language Rights, Constitutional Accommodation and Indigenous Constitutionalism: Comparative Perspectives from India, Canada and South Africa.

MODULE V – CONSTITUTIONAL DEMOCRACY, RIGHTS AND SOCIAL JUSTICE

a) Constitutional Democracy, Secularism, Constitutional Patriotism and Democratic Accountability.

b) Equality and Social Justice: Caste, Gender, Disability, Tribal Rights, Poverty, Education and Affirmative Action.

c) Emerging Constitutional Challenges: Uniform Civil Code, Citizenship, Migration, Mob Lynching, Climate Justice, Environmental Constitutionalism and Intergenerational Equity.

MODULE VI – COMPARATIVE FEDERALISM

a) Theories and Models of Federalism: Confederation, Unitary, Federal, Quasi-Federal, Cooperative, Competitive, Collaborative and Asymmetrical Federalism.

b) Comparative Federal Systems: United States, Canada, Australia, Germany, South Africa and India.

c) Contemporary Challenges to Federalism: Regionalism, Autonomy, Multi-level Governance, Environmental Federalism, Digital Federalism and Democratic Resilience.

MODULE VII – INDIAN FEDERALISM: CONSTITUTIONAL PRACTICE

a) Cooperative and Collaborative Federalism in India: Inter-governmental Relations, Local Self-Government and Institutional Mechanisms.

b) Distribution of Legislative, Administrative and Financial Powers during Peace, Emergency, Public Health Crises and Natural Disasters.

c) Role of the Judiciary in Federal Governance: Centre-State Relations, Constitutional Adjudication and Resolution of Inter-governmental Conflicts.

MODULE VIII – FISCAL FEDERALISM AND CONTEMPORARY CONSTITUTIONAL GOVERNANCE

a) Fiscal Federalism: Finance Commission, NITI Aayog, Vertical and Horizontal Fiscal Imbalances, Borrowing Powers and Fiscal Autonomy of States.

b) Goods and Services Tax: GST Council, Cooperative Fiscal Federalism, Compensation Mechanism and Constitutional Challenges.

c) Constitutional Institutions and Dispute Resolution: Inter-State Council, Inter-State River Water Disputes, Article 131 Jurisdiction, Constitutional Commissions and Emerging Issues in Constitutional Governance.

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RECOMMENDED READING:

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1. Justice Jasti Chelameswar & Justice Dama Seshadri Naidu, M.P. Jain Indian Constitutional Law (18th ed., 2018), Lexis Nexis Publications, New Delhi.
2. Sujit Choudhry, Madhav Khosla, Pratap Bhanu Mehta (eds.), The Oxford Handbook of the Indian Constitution, Oxford University Press, 2016
3. Gautam Bhatia, The Transformative Constitution: A Radical Biography in Nine Acts (Harper Collins, Kindle Edition, Amazon, 2019).
4. Sudhir Krishnaswamy, Democracy and Constitutionalism in India: A study of the basic structure doctrine, Oxford University Press, 2010.
5. Satish Chandra, State, Pluralism and Indian Historical Tradition, Oxford University Press, 2008.

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1. M.P. Singh, "Interpreting and Shaping the Transformative Constitution of India", in The Supreme Court of India, Constitution at 67 74 (The Supreme Court of India Publications, 2017).
2. Kim Lane Scheppele, "Aspirational and Aversive Constitutionalism: The case for studying cross-constitutional influence through negative models", 1(2) International Journal of Constitutional Law, 296, 299 (2003).
3. Sujit Choudhry, "Postcolonial Proportionality: Johar, Transformative Constitutionalism and Same Sex Rights in India" in Philipp Dann, Michael Riegner, Maxim Bonnemann (eds.), The Global South and Comparative Constitutional Law (Oxford University Press, 2020).
4. ArunThiruvengadam and GedionTimothewosHessebon, "Constitutionalism and impoverishment: a complex dynamic", The Oxford Handbook of Comparative Constitutional Law (2012):153.
5. V.M. Dandekar,'Unitary Elements in Federal Constitutions' 22(44) Economic and Political Weekly 1865-1870 (1987).

FURTHER READING:

BOOKS

1. Christophe J, Blom T & A.P. Chatterji, Majoritarian State: How Hindu Nationalism is changing India, Harper India, 2019.
2. Chanchal Kumar Sharma &WilfriedSwenden (eds.), Understanding Contemporary Indian Federalism: Competing Perspectives, New Challenges and Future Directives, Routledge (2017).
3. Oscar Vilhena, UpendraBaxi and Fransviljoen (eds.), Transformative Constitutionalism: Comparing the Apex Courts of Brazil, India and South Africa, available at http://www.pulp.up.ac.za/component/edocman/transformative-constitutionalism-comparing-the-apex-courts-of-brazil-india-and-south-africa
4. Wendy Doniger& Martha C. Nussbaum (eds.), Pluralism and Democracy in India: Debating the Hindu Right, Oxford University Press, 2015.
5. Ronald L. Watts, 'Origins of cooperative and competitive federalism', Chapter 10, Territory Democracy and Justice (edt. Scott L. Greer) Palgrave Macmillan (2006).
6. Daniel J. Elazar, 'Exploring Federalism' University of Alabama Press (1991).
7. Douglas Verney, 'Federalism, federative systems and federations: USA, Canada and India' 25(2) Oxford University Press 81-97 (1995).
8. Y.V. Reddy and G.R. Reddy, Indian Fiscal Federalism, Asia University India Centre with Oxford University Press, (2019).
9. UpendaraBaxi, The Indian Supreme Court and Politics, Eastern Book Co., 1980.
10. Ishwara Bhat, Constitutionalism and Constitutional Pluralism, Lexisnexis., Jan 2013.

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1. Gautam Bhatia &ors., 'Guest Post: Inter-state Trade and Commerce' (2017) Accessed here at https://indconlawphil.wordpress.com/2017/01/09/guest-post-the-supreme-courts-entry-tax-judgment-i-the-majority-opinions/
2. Louise Tillin, 'United in Diversity: Asymmetry in Indian Federalism' 37(1) The Journal of Federalism 45-67 (2006).
3. Ronald L. Watts, 'Daniel J. Elazar: Comparative Federalism and Post Statism' 30(4) The Journal of Federalism (2000).
4. Karl Klare, "Legal Culture and Transformative Constitutionalism", 14 SAJHR 146, 147

(1998).

5. Pius Langa, "Transformative Constitutionalism", 17 Stellenbosch L. Rev. 351, 352

(2006).

6. Michaela Hailbronner, "Transformative Constitutionalism: Not only in the Global South", 65(3) The American Journal of Comparative Law 535-540 (2017).
7. Linda Colley, "Empires of Writing: Britain, America and Constitutions, 1776-148" Law and History Review 32.2 (2014):237-266.
8. Michaela Hailbronner, "Overcoming obstacles to North-South dialogue: Transformative constitutionalism and the fight against poverty and institutional failure", 49(3) Special Issue: Theorizing Comparative Constitutional Law: New Approaches in German-speaking scholarship 253, 255 (2016).
9. J.O. Arowosegbe, 'Techniques for Division of Legislative Powers under Federal Constitutions' 29 Journal of Law, Policy and Globalization 127 (2014).
10. RochanaBajpai, Why did India Choose Pluralism? Lessons from a post-colonial State, Global Centre for Pluralism, University of London, April 2017.

CASES FOR GUIDANCE

1. National Legal Services Authority of India (NALSA) v. Union of India AIR 2014 SC 1863.
2. Navtej Singh Johar&Ors. v. Union of India AIR 2018 SC 4321
3. Indra Sawhney v Union of India AIR 1993 SC 477
4. ADM Jabalpur v Shivakant Shukla (1976) 2 SCC 521.
5. BandhuaMuktiMorcha v Union of India 1991 SCR (3) 524.
6. Peoples' Union for Democratic Rights v Union of India AIR 1982 SC 1473.
7. Joseph Shine vs Union of India, 2018 SCC OnLine SC 1676
8. Indian Young Lawyers Association vs The State Of Kerala ,2018 SCC OnLine SC 1690
9. BandhuaMuktiMorchha v. Union of India, AIR, 1984 SC 802
10. Shafin Jahan v. Ashokan K.M 2018 SCC OnLine SC 343
11. Atkins *v.* Virginia, 536 U.S. 304 (2002)
12. Babri Mosque-Ram Janam Bhumi Dispute
13. Griswold *v.* Connecticut, 381 U.S. 479
14. Marbury *v.* Madison, 5 U.S. 137 (1903)

15. Raja Ram Pal *v.* Hon'ble Speaker, Lok Sabha & Others, (2007) 3 SCC 184
16. A. K. Gopalan*v*. State of Madras, AIR 1950 SC 27.
17. Brown *v*. Board of Education, 247 U.S. 483 (1954)
18. KeshavanandBharati*v*. State of Kerala, AIR 1973 SC 1461
19. Maneka Gandhi *v.* Union of India, AIR 1978 SC 593
20. Minerva Mills *v.* Union of India, AIR 1980 SC 1789

COURSE OUTCOMES

On completion of the course, the students will be able to:

- critically analyse the theoretical foundations, evolution and contemporary relevance of constitutionalism and the principles governing constitutional democracies.
- evaluate the concept of transformative constitutionalism in the light of comparative constitutional law, post-colonial constitutionalism and international human rights jurisprudence.
- examine the evolution of transformative constitutionalism in India through constitutional history, Constituent Assembly Debates, constitutional morality and contemporary judicial interpretation.
- analyse constitutional approaches to pluralism, multiculturalism, minority rights, linguistic diversity and freedom of expression in democratic societies.
- critically evaluate contemporary constitutional challenges relating to equality, secularism, social justice, environmental constitutionalism, digital constitutionalism, privacy and democratic governance.
- compare different models of federalism and assess the constitutional framework governing Centre–State relations, inter-governmental cooperation and judicial federalism.
- evaluate the constitutional principles governing fiscal federalism, constitutional institutions and mechanisms for the resolution of inter-governmental disputes.
- apply advanced constitutional theories and research methodologies to critically examine emerging constitutional issues and propose legally sustainable solutions in the context of contemporary constitutional governance.