

# **Glocal Law School**

## **Saharanpur, Uttar Pradesh**

### **TENTATIVE LECTURE PLAN**

<b>Course Teacher</b>	<b>Yogesh Pratap Singh</b>
<b>Subject</b>	<b>Constitutional Law II: Civil Liberties</b>
<b>Time Available</b>	<b>70 Lectures/Hours</b>
<b>Learning Aids Required</b>	<b>White Board, Markers, Eraser, Laptops, LCD Projector</b>
<b>Size of Class</b>	<b>Sixty students</b>
<b>Objectives</b>	<b>At the end of this course, students will be able to:</b>  ⇒ To identify and analyze the fundamental policy choices laid down in the Constitution and its practice in current Indian political scenario;

	<p>⇒ To discuss the most prominent aspects of the concept of civil liberty i.e. equality and law of freedom of speech and religious freedom in India</p> <p>⇒ To articulate opinions on significant, vital, controversial and current constitutional issues related to civil liberties;</p> <p>⇒ To understand contemporary judicial thinking in the era of judicial activism.</p>
<p><b>Entry Behaviour</b></p>	<p>At entry, students are familiar with Indian Constitutional scheme with special focus on Civil Liberties, Directive Principles and Fundamental Duties.</p>
<p><b>Assessment</b></p>	<p>Continuous Assessment [Research Paper, Presentation, Snap Tests, Mid-Term Examination and End-Term Examination]</p>
<p><b>Cooperative Teaching</b></p>	<p>Teachers from other schools will be invited as and when it is required.</p>
<p><b>Readings</b></p>	<p>Important edited cases will be uploaded on the website for the students.</p>
<p><b>Requirement</b></p>	<p>Students are expected to not only attend class, but devote out-of-class</p>

**S** time to reading, and using other college resources. 5 Marks is allotted to attendance.

# TENTATIVE LECTURE PLAN CIVIL LIBERTIES

MOD ULES	MODUL E TITLE	NUMBER OF LECTURES	LECTURE DETAILS
<b>One</b>	<b>INTRODUCTION TO THE FUNDAMENTAL RIGHTS</b>	<b>SIX LECTURES</b>	<b><u>LECTURE TOPIC</u></b>  History and Significance of the

**Tw  
O**

**THE CONCEPT  
OF STATE AND  
STATE ACTION**

**EIGHT  
LECTURES**

**Fundamental Rights  
Philosophical  
Foundation of  
Fundamental Rights**

**The Incorporation  
Debate**

**Rights Revolution  
Rights Revolution in  
India**

**An Extra Hour If Needed**

**LECTURE TOPIC**

**Purpose of defining  
“State” under Article  
12**

**Definition of State and  
its interpretation**

**Other Authorities:  
Meaning and Scope of  
Development.**

**Is Judiciary State?**

**Need to redefine the  
state under Article 12**

**Concept of State Action**

**Article 13: Extra  
Caution or Abundant  
Caution**

- ✚ Doctrine of Eclipse**
- ✚ Doctrine of Waiver**
- ✚ Doctrine of Severability**
- ✚ Doctrine of Colourable Legislation**
- ✚ Presumption of Constitutionality of statute**

Three ee	RIGHT EQUALITY I	TO	EIGHT LECTURES	<p><b>Definition of Law</b></p> <ul style="list-style-type: none"> <li>o Personal Law</li> <li>o Constitutional Amendment Act</li> </ul> <p><u>An Extra Hour If Needed</u></p>
				<b><u>LECTURE TOPIC</u></b>
				<p><b>Levels of Scrutiny Under the Equal Protection Clause: “Equality before the law” and “Equal Protection of Laws”</b></p>
				<p><b>Separate But Equal</b></p>
				<p><b>Proving Unconstitutional Discrimination</b></p>
				<p><b>Doctrine of Reasonable Classification</b></p>
				<p><b>Doctrine of Arbitrary State Action</b></p>
				<p><b>Rights of non-citizen under the equal protection clause</b></p>
Four r	RIGHT EQUALITY II	TO	TEN LECTURES	<p><b>Contemporary Debates on Right to Equality</b></p> <p><u>An Extra Hour If Needed</u></p>
				<p><b><u>LECTURE TOPICS</u></b></p> <p><b>No Discrimination on the Grounds of Religion, Sex, Caste etc.</b></p>



**Positive discrimination/Affirmative Action.**

**Socially and Educationally Backward Classes.**

**Reservation in Admissions in Educational Institutions.**

**Reservation in Super-specialty Courses**

**Equality of Opportunity in the Matters of Employment**

**Reservation in Services**

**Reservation for Backward Classes: The Mandal Commission Case.**

**Concept of Creamy Layer**

**Reservation in Promotion/Seniority.**

**An Extra Hour If Needed**

**Five**

**SIX FREEDOMS**

**TEN LECTURES**

**LECTURE TOPICS**

**Freedom of Speech and Expression**

**Philosophical Justification of the Freedom**

**Importance of Freedom of Speech and Expression**

**Freedom of Press**



**Six**

**LIFE  
PERSONAL  
LIBERTY**

**AND TEN  
LECTURES**

**Reasonable Restrictions  
Freedom to Assemble  
and form Association**

**Right of Government  
Servant to form  
Association**

**Freedom of Movement  
and Residence**

**Freedom to Carry on  
Trade and Commerce**

**Contemporary Issues  
and Debates**

**An Extra Hour If Needed**

**LECTURE TOPICS**

**Protection Against Ex-  
Post Facto Law**

**Protection Against  
Double Jeopardy**

**Protection Against Self-  
Incrimination**

**The Right to 'Life' and  
'Personal liberty'**

**Due Process:  
Substantive Due  
Process and Procedural  
Due Process.**

**Cruel and Unusual  
Punishment,  
Constitutionality of  
Capital Punishment.**

- o Right to Die
- o The Right of  
Privacy
- o The Right to  
Abortion

**Decriminalization of**



			<p>Homosexuality.</p> <p>Rights of Accused and Persons Detained under Preventive Detention Laws</p> <p><u>An Extra Hour If Needed</u></p>
<p><b>Seven</b></p>	<p><b>THE RIGHT OF RELIGION IN THE CONSTITUTION</b></p>	<p><b>SIX LECTURES</b></p>	<p><b><u>LECTURE TOPICS</u></b></p> <p>Concept of Secularism vis-a-vis Right of Religion</p> <p>Right of <u>practice</u>, <u>profess</u> and <u>propagate</u> any religion and conscience</p> <p>Restrictions on Freedom of religion</p> <p>Conversion and Anti-Conversion Laws</p> <p>Is Uniform Civil Code Solution?</p> <p><u>An Extra Hour If Needed</u></p>
<p><b>Eight</b></p>	<p><b>THE PROTECTION OF MINORITIES IN THE CONSTITUTION</b></p>	<p><b>SIX LECTURES</b></p>	<p><b><u>LECTURE TOPICS</u></b></p> <p>Definition of Minority</p> <p>Why Does Minority Need Special Protection?</p> <p>Constitutional Safeguards: USA, Canada, Europe and India.</p> <p>Rights of Minorities to <u>establish</u> and <u>administer</u> educational institutions: Problems of Affiliation,</p>





**Nine**

**RIGHT TO CONSTITUTIONAL REMEDIES**

**EIGHT LECTURES**

**Admission, Reservation. Relation Between Article 29 and 30 of the Constitution**

**Contemporary Issues and Challenges**

**An Extra Hour If Needed**

**LECTURE TOPICS**

**Right to move to the Supreme Court**

**Obligation or Discretion of the Supreme Court to provide remedy.**

**Article 32 vis-a-vis Article 226**

**Remedies under Article 32**

**Remedy in the form of Writs( Mandamus, Habeas Corpus, Quo Warranto, Prohibition and Certiorari)**

**Other Remedies in the form of Directions, Compensation etc.**

**Development of Public Interest Litigation/Social Action Litigation**

**Restrictions on the Right to Constitutional Remedy**

**An Extra Hour If Needed**



**Ten**

**DIRECTIVE  
PRINCIPLES OF  
STATE POLICY**

**FIVE  
LECTURES**

**LECTURE TOPICS**

**Nature and Object of  
Directive Principles of  
State Policy.**

**Directive Principles of  
State Policy: Sentiment  
or Sense?**

**Directive Principles of  
State Policy vis-a-vis  
Fundamental Rights**

**Harmonious  
Construction of  
Directive Principles and  
Fundamental Rights**

**Fundamental Duties**

**An Extra Hour If Needed**