

M.Phil (optional) 2016-17

Ujjwal Kumar Singh

Constitutionalism, Political Freedoms, and Democracy

This course aims to explore the relationship between political freedoms and constitutional democracy. It intends to examine this relationship along three sites: the text of the Constitution, and the authoritative sites of its interpretation, i.e., the judiciary; the domain of the state and its ruling practices which generate legal categories for the reproduction of state power viz., sedition, public order, waging war against the state; and the site of social and people's movements, which constitute spaces for the articulation of new modalities and idioms of freedom. Broadly this course is about the relationship between constitutionalism and democracy as it can be studied through the lens of fundamental freedoms. It brings within its scope of examination, categories such as emergency provisions, national security, public order, law and order, unlawful activities, preventive detention, prohibitory orders, censorship, sedition, proscription and banning, and their ramifications for constitutionalism, democracy and citizenship.

Since this is a seminar course, students are expected to read, make presentations and participate in discussions around specific themes. They will be required to write two term papers based on a survey of literature around specific themes. While some themes have been identified in the course objectives, students will be encouraged to add to them to enhance the scope of discussions.

Sources:

Official Archives

Constituent Assembly Debates (9 December 1946 to 25 November 1949)

Parliamentary Debates (for relevant dates)

National Archives of India (Home, Police, Intelligence and Jail Sections)

Reports, documents, and Blogs

National and local newspapers

Reports and documents of civil liberties and democratic rights groups

Reports of Government (Law Commission, NHRC, NCRB, NCW)

Commissions of Enquiry Reports

Law and Other Things

Kafila.online

Laws and Judgements

Text of laws

Judgements and Orders of courts (lower courts, High courts and the Supreme Court of India),

Case Law