

## Courses on Indian Ethos, Values & Constitution

PROFESSIONAL ETHICS AND HUMAN VALUES				
S. No.	NAME OF PROGRAM	SEMESTER	COURSE CODE	NAME OF COURSE
1	BUSINESS ADMIN	I	MMS 1361	INDIAN ETHOS, VALUES & MANAGEMENT
2	BUSINESS ADMIN	IV	BBA-4323	INDIAN VALUE SYSTEM
3	EDUCATION	II	MED25259	ETHICS IN SOCIAL MEDIA
4	JMC	II	MJC27153	MEDIA LAWS & ETHICS
5	BUSINESS ADMIN	I	MBA 1941	INDIAN ETHOS & BUSINESS ETHICS
6	POL. SCIENCE	V	APS 5574	HUMAN RIGHTS IN COMPARATIVE PERSPECTIVE.
7	M.COM.	II	MCM27001	ETHICS, CORPORATE GOVERNANCE AND SUSTAINABILITY
8	BUSINESS ADMIN	I	MBA17051	PRINCIPLES OF MANAGEMENT AND BUSINESS ETHICS
9	B.A.-JMC	IV	AJM04653	MEDIA ETHICS AND THE LAW
10	L.L.M.	I	LLM18204	CONSTITUTIONALISM, PLURALISM & GOOD GOVERNANCE
11	L.L.M.	I	LLM18206	RIGHT TO INFORMATION AND GOOD GOVERNANCE
12	COMMERCE	I	MCM17006	INDIAN ETHOS AND LEADERSHIP

Bmisha

REGISTRAR  
KHWAJA MOINUDDIN CHISHTI  
LANGUAGE UNIVERSITY,  
LUCKNOW



## Master of Laws LL.M.

### Semester – I

**Paper: Core**

**Course Code: LLM CC-104**

**Credit- 4**

**Marks: 30 Internal + 70 End Sem**

**Course Title: CONSTITUTIONALISM, PLURALISM AND GOOD GOVERNANCE**

#### **Course Outcomes:**

**C.O. 1** :To Understand the concept of Constitution.

**C.O. 2** :Understand the concept of Constitutionalism

**C.O. 3** :Understand the concept of Constitution and Good governance

**C.O. 4** :Understand the concept of Constitution with relation to Federalism

#### **Program Outcomes**

The Student will learn a critical and collaborative approach to constitution.

#### **Unit I : Constitutionalism**

**(12 Lectures)**

- 1.1 Authoritarianism-Dictatorship,
- 1.2 Democracy-Communism,
- 1.3 Limited Government-concept, Limitations on Governmental Power,
- 1.4 What is a Constitution? Development of a democratic government in England-Historical evolution of Constitutional government,
- 1.5 Conventions of Constitutionalism-law and conventions,
- 1.6 Written Constitutions : U.S.A., Canada, Australia, Sweden, South Africa and India,

#### **UNIT II: Separation of Powers & Rule of Law**

**(12 Lectures)**

- 2.1 Separation of Powers : Montesquieu,
- 2.2 Rule of Law : Concept and new horizons,
- 2.3 Marxist concept of constitutionalism,
- 2.4 Dictatorship of the proletariat,
- 2.5 Communist State from Stalin to Gorbachov,
- 2.6 Fundamental Rights : Human Rights,
- 2.7 Judicial Review : European Court of Human Rights,
- 2.8 Human Rights : International conventions,
- 2.9 Limits & doctrine of domestic jurisdiction in international law.

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### Unit III : Federalism

(12 Lectures)

- 3.1 What is a federal government? Difference between confederation and federation
- 3.2 Conditions requisite for federalism,
- 3.3 Patterns of federal government-USA, Australia, Canada, India, Judicial review-for federal umpiring,
- 3.4 New trends in federalism : Co-operative federalism,
- 3.5 India-Central Control v. State Autonomy,
- 3.6 Political factors influencing federalism,
- 3.7 Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam, Dynamics of federalism.

### Unit IV : Pluralism

(12 Lectures)

- 4.1 What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism,
- 4.2 Individual rights, Right to dissent, Freedom of speech and expression, Freedom of the Press,
- 4.3 Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities,
- 4.4 Compensatory discrimination for backward classes,
- 4.5 Scheduled Tribes,
- 4.6 Distinct identity-protection against exploitation,
- 4.7 Uniform Civil Code-Non-State Law(NSLS) and State Law Systems - Problem of a Uniform
- v. 4.8 Personal laws - vertical federalism.

### Unit V :

(12 Lectures)

- 5.1 Equality in Plural Society : Right to equality and reasonable classification,
- 5.2 Prohibition of discrimination on ground of religion, caste, sex, language, Abolition of untouchability, Secularism-Constitutional principles, Tribal Groups and Equality.
- 5.3 Pluralism and International Concerns : International Declaration of Human Rights,
- 5.4 Conventions against genocide, Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self-determination.

### Select Bibliography :

1. Upendra Baxi, Law, Democracy and Human Right , 5 Lokayan Bulletin 4 (1987).
2. V.M. Dandekar. Unitary Elements in a Federal Constitution, 22 E.P.W 1865, 1988
3. Rajeev Dhavan, The Press and the Constitutional Guarantee of Free Speech and Expression, 28 JILI 299 (1986)
4. M.A. Fazal, Drafting a British Bill of Rights, 27 JILI 423, 1985
5. M.P. Jain, Indian Constitutional Law (1994), Wadhwa
6. H.M. Seervai, Constitutional Law of India, (1993)

  
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A Common man or an Activist or an Academician requires knowledge of access to justice and this paper in LL.M course is an endeavor in this direction. The objective of this paper is to understand that Right to Information is an effective tool of Good Governance .Right to information (RTI) Act 2005 have been implemented for subtle change in the administration of the governmental process. Across the world, there are many initiatives which are implemented for realizing the need of Good Governance. Right to information (RTI) is being recognized as potential tool of empowerment. Right to information Act 2005 has been enacted with a view to promote openness, transparency and accountability in public administration. To achieve these objectives, this paper in LL.M is a right step in this direction. This paper highlights the importance of right to information as a tool to achieve good governance. It also discusses that a government which operates in greater secrecy is more prone to corruption as compared to a government which operates in greater openness. This paper tries to explain the conception of Right to Information and its utility in good governance. Hence, this course is being added as a Value Added Course in the Curriculum.

- Definitions.
- Right to information and obligations of public authorities.
- How can a person obtain information under the Act?.
- What information may not be given?.
- The Central Information Commission.
- The State Information Commission.
- Powers and functions of Information Commissions, Appeal and Penalties.

  

- RTI application drafting, drafting of right questions, filling and submitting of application.
- Role of judiciary and Central information Commission in implementation of the Act.
- Public Authority.

  

- Right to Information as an instrument of change.
- Role of RTI in reducing corruption in India.
- Challenges in attaining good governance by way of RTI

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- Challenges and obstacles faced by RTI activists.
- Policy framework for their protection.
- Right to Information Amendment Act, 2019.

- RTI not a means of Grievance redressal.
- RTI and File Notings.
- Misuse of Right to Information.

1. Brooks, Heather., “*Your Right to Know: A citizen Guide to the Freedom of Information Act*”, Pluto Press (U.K.) 2006.
2. Brady Ronan and Smithpatrik., “*Democracy Blindfolded: The Case of a Freedom of Information Act*”, Cork University Press, 1994.
3. Carey, Peter and Turle, Marcus., “*Freedom of Information Handbook*”, The Law Society; 2<sup>nd</sup> Revised Edn., 2008.
4. Dhaka, R.S., “*Right to Information and Good Governance*”, 2010.
5. Martin, Shanon E., “*Freedom of Information: The News the Media Use*”, Peter Lang Inc., 2008.
6. Mishra, S.S., “*Right to Information (RTI) and Rural Development in India*”, New Century Publications, 2009.
7. Mustafa, Faizan., “*Constitutional Issue in Freedom of Information: International and National Perspective*”, Kanishka Publishers and Distributors, 2003.
8. Sathe, S.P., “*The Right to Know*”, 1991.
9. Seervai, H.M., “*Constitutional law of India*”, 3 Vols., Universal Law Publishers, 2007.
10. Singleton, Susan “*The Freedom of Information Act*”, Thoro good Publications 2010.
11. Shukla, V.N., “*Constitution of India*”, 11<sup>th</sup> Edition, Eastern Book Company, Lucknow, 2008.
12. Smith, Kelvin, “*Freedom of Information: A Practical Guide to Implement the Act*”, Facet Publishing 2004.
13. Wadia, Angela., “*Global Sourcebook on Right to Information*”, Kanishka Publishers and Distributors, 2006.
14. Chhachhar, Varun, “*Right to Information and Administration of Justice*”, Published by ACUMEN Publishers, The Netherlands, First Edition (2019), ISBN: 978-9-83024-21-9.
15. Chhachhar, Varun, “*Misuse of Right to Information in India*”, Published in the Journal of the Campus Law Centre, University of Delhi, Vol IV & V of 2017, ISSN : 2321-4716. P.86-99.

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