



MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR

FACULTY OF LAW

FOURTH SEMESTER MASTER OF LAWS

(CONSTITUTION BRANCH)

PAPER – I (PAPER CODE - 54901) : (PAPER NAME – PLURALISM AND FEDERALISM)

Max. Marks: 100 (80 External + 20 Internal)

Min. Marks: 40

Unit I : Constitutionalism

- a. Authoritarianism – Dictatorship
- b. Democracy – Communism
- c. Limited Government-concept-Limitations on government
- d. What is a Constitution?
- e. Development of a democratic government in England- Historical evolution of Constitutional government.
- f. Conventions of constitutionalism – law and conventions
- g. Written Constitution: U.S.A., Canada, Australia and India.
- h. Separation of powers : Montesquieu
- i. Rule of Law : Concept and New Horizons
- j. Fundamental Rights : Human Rights
- k. Judicial Review : European Court of Human Rights
- l. Human Rights : International Conventions
- m. Limits & doctrine of domestic jurisdiction in international law

Unit II : Federalism

- a. What is a federal government?
- b. Difference between confederation and federation
- c. Conditions requisite for federalism
- d. Patterns of federal government - U.S.A., Australia, Canada, India
- e. Judicial review - for federal umpiring
- f. New trends in federalism : Co-operative federalism
- g. India - Central Control v. State Autonomy
- h. Political factors influencing federalism
- i. Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam. Dynamic of federalism.

Unit III: 1. Pluralism

- a. What is a pluralistic society?
- b. Ethnic, linguistic, cultural, political pluralism
- c. Individual rights - right to dissent
- d. Freedom of speech and expression
- e. Freedom of the press
- f. Freedom of association
- g. Rights to separateness
- h. Freedom of religion
- i. Rights of the religions and linguistic minorities
- j. Compensatory discrimination for backward classes
- k. Women-rights to equality and right to special protection
- l. Scheduled Tribes, Distinct Identity – protection against exploitation - NSIS-Exclusion from Hindu Law.

2. Uniform Civil Code

Non-State law (NSLS) and State Law Systems - Problem of a Uniform Code v personal laws vertical federalism.

Unit IV : 1. Equality in Plural Society.

- a. Right to equality and reasonable classification
- b. Prohibition of discrimination on ground of religion, caste, sex, language
- c. Abolition of untouchability
- d. Secularism - constitutional principles
- e. Tribal Groups and Equality

2. Pluralism and International Concerns

- a. International Declaration of Human Rights
- b. Conventions against genocide
- c. Protection of religious, ethnic and linguistic minorities
- d. State Intervention for protection of human rights
- e. Right of self-determination.

Selected Bibliography :

1. Upendra Baxi, "Law, Democracy and Human Rights"-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 J.I.L.1. 299 /1986)
4. M.A.Fazal" Drafting A British Bill of Rights" 27 J.I.L.1. 423 (1985)
5. M.P.Jain, Indian Constitutional Law (1994), Wadhwa
6. Jagat Narain .. Judicial Law Making and the Place of the Directive Principles in the Indian Constitution, J.I.L.I. 198 (1985)
7. Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems : Current Development" 37, I.C.L.D. 89-108 (1988)
8. S.P.Sathe, Fundamental Rights and Amendment of the Indian Constitution (1968)
9. H.M.Seervi, Constitutional Law of India (1993), Tripathi, Bombay
Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.