



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: LL.M. ONE YEAR PROGRAMME

DETAILS OF COURSE OFFERED

ODD SEMESTER – ACADEMIC YEAR 2020-2021

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	1.5 CN (SP I)	LIMITED GOVERNMENT AND SECURITY LEGISLATIONS IN INDIA	2 PER WEEK				

A. CODE AND TITLE OF THE COURSE: 1.5 CN (SP I) LIMITED

GOVERNMENT AND SECURITY LEGISLATIONS IN INDIA

B. COURSE CREDIT: 2 (TOTAL MARKS: 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR KASTURI GAKUL

E. COURSE INSTRUCTOR: DR KASTURI GAKUL

2. COURSE OBJECTIVES

The objectives of the course are as follows:

- To understand and discuss the concept of limited government.
- To trace the historical background of security legislations in India after independence.
- To analyse the provisions pertaining to national security laws in India.
- To study the impact of national security laws on human rights in India.
- To examine the judicial approach towards national security laws in India.

3. COURSE LEARNING OUTCOMES

At the completion of the course, it is humbly expected that the students shall:

- Comprehend the subject matter of the course
- Be able to analyze contemporary legal provisions pertaining to national security in India and articulate their ideas on the subject matter of the course
- Produce at least one research paper of publishable quality
- Be encouraged to pursue Ph.D. research work on limited government and national security laws.

4. DETAILED STRUCTURE OF THE COURSE

MODULE 1

- Concept of Limited Government
- Constitutionalism and Limited Government
- National Security, Extremism, Terrorism
- Security legislations in India after Independence : Preventive Detention and Anti-terrorism laws

Statutes:

The Preventive Detention Act, 1950

The Unlawful Activities (Prevention) Act, 1967

The Maintenance of Internal Security Act, 1971

The Disturbed Areas (Special Courts) Act, 1976

The National Security Act, 1980

The Terrorist and Disruptive Activities (Prevention) Act, 1985

Prevention of Terrorism Act, (POTA) 2002

MODULE 2

- Provisions under the Constitution of India
- Arrest and Pre-trial detention
- Preventive and Punitive detention
- National Security Laws in India
- Sedition in India
- Judicial approach to National Security laws in India
- Human Rights vis-à-vis National Security Laws

Statutes:

Indian Penal Code, 1860

Armed Forces Special Powers Act, 1958

Code of Criminal Procedure, 1973

The Public Safety Act (PSA), 1978

The Protection of Human Rights Act, 1993

The National Investigation Agency Act, 2008 and 2019 Amendment

Judicial References:

- A.D.M.Jabalpur v. Shivkant Shukla, [1976] 2 SCC 521
- A.K. Roy v. Union of India, [1982] AIR 710
- Kartar Singh v. State of Punjab, [1994] SCC (3) 56
- Mohd. Iqbal M. Shaikh v. State of Maharashtra 15 April, 1998
- Naga People's Movement of Human Rights v. Union of India [1998] 2 SCC 109
- The State of Tamil Nadu through Superintendent of Police/ CBI/SIT v. Nalini & 35 others decided on May 11, 1999.
- People's Union for Civil Liberties & Anr v. Union of India, [WP 389 of 2002]
- State v. Navjot Singh Sandhu [2005 (11) SCC 600]
- Mohd. Arif @ Ashfaq v. State of NCT of Delhi, [Crim. Appeal No.98-99 of 2009]
- Mohammad Ajmal Mohammad Amir Kasab@ Abu Mujahid v. State of Maharashtra, [Crim. Appeal No.1899-1900 of 2011].

- State of Maharashtra, through NIA v. Ravi Dhiren & Others, [SESSIONS CASE NO.674 OF 2009 (NIA)]
- Redaul Hussain Khan v. NIA, [CRL. APPEAL NO. 226 OF 2011] (High Court of Assam)
- State through NIA v. Dilbagh Singh & Others, CIA/NDPS/0000039/2014 [Sessions Case No.16/7.4.2014]
- State of Kerala through NIA, Ernakulum v.Abdol Majid Balouch, [Sessions Case No. 1 of 2016]
- NIA v. Sh. Pradip Brahma, [Special NIA Case No. 5 of 2015]

5. PRESCRIBED READINGS

- Anil Kalhan and Gerald P Conroy and Mamta Kaushal and Sam Scott Miller, ‘Colonial Continuities: Human Rights, Terrorism, and Security Laws in India’ (2006) 20 Colum J Asian L 93.
- B. Uma Devi, *Arrest, Detention and Criminal Justice System* (1st edn, Oxford University Press 2012).
- Esther D Reed and Michael Dumper (eds), *Civil liberties, National Security and Prospects for Consensus: Legal, Philosophical and Religious Perspectives* (1st edn, Cambridge University Press 2012).
- Kanti P. Bajpai and Harsh V. Pant (eds), *Critical Issues in Indian Politics India’s National Security A Reader* (1st edn, Oxford University Press 2013).
- K.M. Mathur, *Crime Human Rights and National Security* (Gyan Publishing House 2011).
- Ramandeep Singh Sandhu and Manjari Singh (eds), *A tribute to the field Marshall National Security Challenges Young Scholars’ Perspective* (Centre for Land Warfare Studies and Pentagon Press LLP 2020).
- Rob Dickinson, E Katselli, Colin Murray and Ole Pedersen, *Examining Critical Perspectives on Human Rights* (1st edn, Cambridge University Press 2012).
- Surabhi Chopra, ‘National Security Laws in India: The Unraveling of Constitutional Constraints’ (2015) 17 Or Rev Int’IL 1.
- Vijay Malik, *The National Security Act, 1980: Alongwith Other Laws on Preventive Detention Past and Present* (Eastern Book Company 1991).