



**MOHANLAL SUKHADIA UNIVERSITY, UDAIPUR**

**FACULTY OF LAW**

**FOURTH SEMESTER MASTER OF LAWS**

**(CONSTITUTION BRANCH)**

**PAPER – III (PAPER CODE - 54903) : (PAPER NAME – NATIONAL SECURITY, PUBLIC ORDER AND  
RULE OF LAW)**

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

**Min. Marks: 40**

**Unit I : 1. National Security, Public Orders and Rule of Law**

- a. Emergency Detention in England – Civil Liberties
- b. Subjective satisfaction or objective assessment?
- c. Pre-Independence Law

**2. Preventive Detention and Indian Constitution**

- a. Article 22 of the Constitution
- b. Preventive Detention and Safeguards
- c. Declaration of Emergencies
- d. 1962, 1965 and 1970 Emergencies
- e. 1975 Emergency

**Unit II : Exceptional Legislation**

- a. COFEPOSA and other legislation to curb economic offenders
- b. NSA "the draconian law" -comments of NHRC
- c. Special courts and tribunals
- d. Due process and special legislation

**Unit III: Civil Liberties and Emergency**

- a. Article 19
- b. Meaning of "Security of State"
- c. Meaning of "Public Order"
- d. Suspension of Article 19 rights on declaration of emergency
- e. President's Right to suspend right to move any court
- f. Article 21-special importance - its non- suspendability
- g. Suspendability - 44<sup>th</sup> amendment

**Unit IV : 1. Access to Courts and Emergency**

- a. Article 359: ups and downs of judicial review
- b. Constitution (Forty-fourth), Amendment Act, 1978
- c. Constitution (Fifty-ninth) Amendment Act, 1988

**2. Martial Law**

- a. Provision in English Law
- b. Provisions in the Constitution

**Selected Bibliography :**

1. G. O. Koppell " The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287(1966)
2. V H. M. SeelVai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N. C. Chattelji and Parmeshwar Rao, Emergency and the law (1966).