



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: LL.M.

2ND SEMESTER

S. N.	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1.	2.2	CONSTITUTIONAL LAW AND AFFIRMATIVE ACTION (OP II, CONST. LAW)	01	01	00	02	02

**** L- LECTURE; T- TUTORIAL; P- PROJECT; CR- CREDIT; CH- CREDIT HOUR**

1. COURSE DETAILS

A. CODE AND TITLE OF THE COURSE: CONSTITUTIONAL LAW AND AFFIRMATIVE ACTION, 2.2

B. COURSE CREDIT: 02 (TOTAL MARKS: 100)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: DR. KAILASH JEENGER

E. COURSE INSTRUCTOR: DR. KAILASH JEENGER

2. COURSE OBJECTIVES

- To explain the students the necessity of affirmative action
- To acquaint them with the concerned Constitutional provisions and judicial precedents
- To make them understand the jurisprudential debate on the question of affirmative action

3. COURSE LEARNING OUTCOMES

It is expected that at the end of semester, the students will be able to:

- Understand the rationale of affirmative action
- Discuss and debate various theories concerning affirmative action
- Understand the Constitutional mandate of affirmative action

4. DETAILED STRUCTURE OF THE COURSE

Module I:

- Introduction to affirmative action: Meaning, nature and scope
- Jurisprudential debates on affirmative action: The concept and the controversy
- Debates on distributive justice, compensatory justice and affirmative action
- Affirmative action and the three arguments of equality, diversity and integration
- The idea of fairness and affirmative action

Module II:

- Affirmative Action in India: Origin, history and development of affirmative action
- Constitutional foundation affirmative action reservation and minority rights
- Debate on caste, social backwardness and OBC reservations
- Implementation of affirmative action policies: The politics of quotas
- Reservation for Economically Backward Classes (EWS)
- Women and affirmative action
- The future of affirmative action in India
- Affirmative action around the world: United States of America, South Africa, Sri Lanka, Australia

5. PRESCRIBED READINGS /SUGGESTED READINGS

- J. Edward Kellough , Understanding Affirmative Action: Politics, Discrimination and the Search for Justice, (Georgetown University Press).
- Ashwini Deshpande, Affirmative Action in India (OUP).
- Tarunabh Khaitan, A Theory of Discrimination Law, (OUP).
- M.P. Jain, Indian Constitutional Law, (LexisNexis).
- M.P. Singh, V.N.Shukla's Constitution of India (EBC).
- Choudhary, Khosla and Mehta, Oxford Handbook of The Indian Constitution (OUP).
- D.D. Basu, Shorter Constitution of India, (LexisNexis).
- Michael J. Sandel, Justice: What's the Right Thing to Do?, (Farrar, Straus and Giroux).

- Zoya Hasan, *Politics of Inclusion: Caste, Minorities and Affirmative Action* (OUP).