

Course Title: Who Watches the State? Civil Liberties in Practice

Course Information

Course Duration: February to May 2025

Credit: 4

Duration: 14 Weeks

Classroom Hours: 3 per week

Instructor Information

Instructor: Professor Ankita Pandey

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TA:

Office:

Office hours: by appointment via email

Course Description:

This course examines the historical and theoretical development of civil liberties, exploring their relationship with state power, democracy, and social movements. By engaging with key political thinkers, legal frameworks, and contemporary debates, students will critically analyse how civil liberties are shaped by class, caste, gender, and economic power. While maintaining a global perspective, the course places India's experience at the center, tracing its civil liberties movements, constitutional struggles, and present-day challenges.

Scheme of Evaluation and Grading

1. External: End of semester exam (30%)

2. Internal: One class assignment (40%) + Student presentations (30%)

Academic Integrity

Standard JGU rules shall apply.

Keyword Syllabus: Civil Liberties, Justice, Civil Society.

Course Material & Session Plan

Week 1 & 2: What Does It Mean to Be Free?

- Classical vs. modern conceptions of liberty
- Hobbes, Locke, Rousseau on the social contract and state power
- J. S. Mill on liberty and the harm principle
- B. R. Ambedkar on democracy and constitutionalism

Readings:

- Hobbes, Thomas. *Leviathan*. Edited by Richard Tuck. Cambridge: Cambridge University Press, 1996. (Originally published 1651; focus on Chapters 13–15)
- Mill, John Stuart. *On Liberty*. London: Penguin Classics, 1985. (Originally published 1859; focus on Chapters 1 & 3)
- Rousseau, Jean-Jacques. *The Social Contract*. Translated by Maurice Cranston. London: Penguin Books, 1968. (Focus on Book I)

- Ambedkar, B. R. "Constitutional Morality." In *Dr. Babasaheb Ambedkar: Writings and Speeches*, Vol. 13, edited by Vasant Moon, 59–65. Mumbai: Government of Maharashtra, 1994.

Week 3 & 4: Can the State Restrict Freedom to Preserve Order?

- Bhatia, Gautam. *Offend, Shock, or Disturb: Free Speech Under the Indian Constitution*. New Delhi: Oxford University Press, 2016.
- Vidhii Centre for Legal Policy. (2022, January 15). *Article 19(2) and 'Public Order'*. Vidhii Legal Policy. <https://vidhilegalpolicy.in/blog/article-192-and-public-order/>

Week 5 & 6: Whose Liberty Is It Anyway? Power, Privilege, and the Myth of Liberal Rights

- Marx and Engels on the bourgeois nature of rights
- The limitations of liberal democracy in protecting economic freedoms
- Indian socialist thought: Ram Manohar Lohia, EMS Namboodiripad

Readings:

- Marx, Karl, and Friedrich Engels. "On the Jewish Question." In *The Marx-Engels Reader*, edited by Robert C. Tucker, 26–52. New York: W. W. Norton & Company, 1978.
- Marx, Karl. *Critique of the Gotha Programme*. Translated by P. Mead. New York: International Publishers, 1938. (Focus on Sections I–III)
- Lohia, Ram Manohar. *Marx, Gandhi and Socialism*. Hyderabad: Ramakrishna Sinha for Nav Hind, 1963. (Focus on Chapters: "The Caste System" and "Marx and Gandhi")
- Namboodiripad, E. M. S. *The Role of the Working Class in the Indian National Movement*. Calcutta: National Book Agency, 1962.

Weeks 7 & 8: When Is Disobedience a Duty? The Ethics and Politics of Protest

- Thoreau, Gandhi, on civil disobedience
- The moral justification for breaking unjust laws

Readings:

- Thoreau, Henry David. *Civil Disobedience*. In *Walden and Civil Disobedience*, 63–90. New York: Penguin Books, 1986. (Originally published 1849)
- Brown, Judith M. "Gandhi and civil disobedience: The limits of moral politics." In *Gandhi's Moral Politics*, pp. 57-71. Routledge India, 2017.

Week 9: Class Assignment

Week 10 & 11: Protest in the Age of Populism and Climate Crisis

- Why Trump says Jan. 6 rioters are 'patriots,' but DeSantis doesn't: <https://www.washingtonpost.com/politics/2024/01/05/trump-desantis-jan6-patriotism/>
- A New Climate Movement? Extinction Rebellion's Activists in Profile | A Report: <https://cusp.ac.uk/themes/p/xr-study/#:~:text=XR%20is%20a%20movement%20of,%2C%20see%20Sian%20Vaughan's%20afterword.>

Week 12 & 13: The Private Self in Public Sight: Surveillance, Security, and the State.

- Foucault on disciplinary power and surveillance
- The modern security state: Schmitt's state of exception
- Indian context: Aadhaar, Pegasus, right to privacy case (Puttaswamy judgment)

Readings:

- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Vintage Books, 1995. (Originally published 1975)
- Zuboff, Shoshana. *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York: PublicAffairs, 2019. (Focus on Introduction and Chapter 1)

Week 14: Civil Liberties & Digital Liberties Movements in India: From Colonial Rule to Contemporary Struggles

- Early civil liberties struggles under British rule
- The Emergency (1975-77) and state repression

Readings:

- Noorani, A. G. "The Trial of Bhagat Singh." *Frontline*, Vol. 20, Issue 20, September 27 – October 10, 2003.
- Pandey, Ankita. "Defending Digital Liberties: Changing Contours of an Old New Activism." *Economic and Political Weekly*, Vol. 58, No. 40, 2023
- Dutta, Nilanjan. *Civil Liberties Movement in India: From Colonial Times to the Present*. Kolkata: Setu Prakashani, 2023.