

Course – II, Constitutional Law –II

Objectives:

This course gives the students a picture of Constitutional Parameters regarding the organization, powers and functions of the various organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

Course Outcomes:

On successful completion of the course the students shall be able to:

1. To understand the form of Government- Parliamentary and Presidential.
2. To understand the Parliamentary democracy and its structure
3. To understand the contemporary status of centre-state relations.
4. To generate understanding of methods of amendment in the constitution of India.

Contents:

UNIT-I

Federal system: Organization of State.

Relationship between the Centre and the State: Legislative, Financial and Administrative, Co-operative Federalism and recommendation of Commission.

Freedom of Trade and Commerce, Official Language, Local self-government with special emphasis on 73rd and 74th Amendment.

Constitutional provision of Jammu and Kashmir (Art. 370)

UNIT-II

Executive: Centre and State; President and Governor; powers and functions. Parliament and

State Legislature: Bicameralism, Composition, powers and function.

Councils of ministers: collective responsibility, Position of Prime Minister and Chief Minister.

UNIT-III

Speaker: Parliament and State Legislature, Powers and Functions, Privileges Anti-Defection

Law. Judiciary: Union and States, appointment, powers, jurisdiction and Transfer of judges.

UNIT-IV

Subordinate Judiciary, Administrative Tribunals.

Public Service Commission: services under the center and the state, Constitutional protection to Civil Servants.

Election Commission: Powers and functions. State liability for Torts and Contract.

UNIT-V

Emergency: Types, Effects and effects on Fundamental Rights. Constitutional Interpretation

Amendment: Basic structure theory. Schedules.

Review of working of the Constitution.

Prescribed Book:

1. M. P. Jain - Indian Constitutional Law Vol I& II

Reference Books:

1. H. M. Seervai - Constitutional Law of India
2. V. N. Shukla - Constitution of India
3. T. K Tope - Constitutional Law
4. S. Shiva Rao - Framing of Indian Constitution
5. Subash .C. Kashyap - Parliamentary Procedure
6. Subash. C. Kashyap - Constitution of India
7. D.J. De – The Constitution of India, vol.I and II.
8. J.N. Pandey - Constitutional Law of India
9. D.D. Basu - Constitutional Law of India