

COURSE TITLE	CONSTITUTIONAL LAW-II
COURSE CODE	10FL2404
COURSE CREDITS	4

Objective:

- 1 Comprehend the organs of government and the importance of these organs in the governance of the country
- 2 Grasp the inter-relationship and check and balance mechanism among the organs of government
- 3 Apprise the role of the judiciary in the governance of the country in the light of judicial review power
- 4 Comprehend critically analyze the so far working of the Constitution in light of abovementioned discussions
- 5 Apprise the mechanism and Power of Legislature to amend the constitution in terms of Peoples' welfare and also the restrictions on amending power of Legislature.

Course Outcomes: After completion of this course, student will be able to:

- 1 To define the role of the Indian Legislature both the Union and the State
- 2 To compare and contrast the different organs of the Government.
- 3 To identify the role, power and function of the President, Council of Ministers and its responsibility
- 4 To analyse the role of the legislature and also the distribution of legislative powers between Union and State; the Indian Judicial System, various types of emergencies and effects
- 5 To evaluate the legislative, administrative functions of the Government.

Pre-requisite of course:Constitutional Law I

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	General/ Introduction Fundamental Law of the Land, Making of the Indian Constitution, Essential Features of Constitution Aims and Objectives., Theory of Basic Structure; Principles of Federalism; Nature of the Indian Constitution – Federal, Unitary, Quasi-federal, Cooperative and Competitive Federalism; Scheduled and Tribal Areas	4

Contents : Unit	Topics	Contact Hours
2	The Union and its Territory Power to cede Indian territory to a Foreign Nation; Power to create/extinguish a state, Alteration of name, area and boundary of existing states – Procedure (Articles 1 – 4)	4
3	The Union and the State Executives The President and Vice President – Qualifications, Election, Term of Office, Powers, Impeachment (Articles 52-72); Governor – Appointment - Term of Office – Removal and Powers (Articles 153 – 161), Nature, Scope and Extent of Executive Powers of the Union and States (Article 73, 162), Union Council of Ministers – Powers 75,77,78,111,102, 103(2), 217(3), 163)and Position of the President (Articles 74-75); State Council of Ministers (Articles 163-164); Relationship of the President/Governor with the Council of Ministers; Scope and Extent of Judicial Review of Executive Actions (Articles 74,	5
4	Parliament and State Legislatures Composition of Parliament and State legislatures, Qualification/Disqualification of Members, Legislative Procedure, Legislative Privilege (Articles 79 – 122, 168 – 212)	4
5	Legislative Power of the Executive (Ordinances) Essential conditions for promulgation of an Ordinance: ‘Ordinance’ under Article 13, Judicial Review, Validity of successive promulgation of the same Ordinance (Articles 123, 213)	3
6	Union and State Judiciary The Union Judiciary: The Supreme High Courts in the States (Articles 214-231)Court of India (Articles 124-147); Composition, Appointment and Removal of Judges (Articles 124- 130); Procedure (Article 145); the, Jurisdiction of Supreme Court: Original Exclusive (Articles 71, 131), Original Concurrent Jurisdiction of Supreme Court and High Courts (Articles 32, 226), Appellate Jurisdiction of Supreme Court: Civil, Criminal and in other matters (Articles.132-135); Enlargement of Jurisdiction (Article 138); Binding nature of the law declared by the Supreme Court, enforcement of decrees and orders, (Articles 141 and 142), Special Leave to Appeal (Article 136), Power of Review (Article 137), Advisory Jurisdiction (Article 143), Curative Petition, Writs – habeas corpus, mandamus, prohibition, quo warranto and certiorari, Procedural requirements and innovations ? Judicial Activism and overreach/self-restraint, Locus Standi, Laches, Res Judicata, Exhaustion of Alternative Remedies and Public Interest Litigation – PIL (Concept of pro bono public), Power to issue appropriate orders and directions; Power to award Compensation	6

Contents : Unit	Topics	Contact Hours
7	Distribution of Legislative Powers Articles 245 – 255, Schedule VII 1. Doctrine of Territorial Nexus (Article 245), Subject matter of laws made by Parliament/Legislatures of States; Position of Union Territories (Article 246), Interpretation of legislative lists: Plenary and Ancillary Power of Legislation, Effect of Non-Obstante Clause, Doctrine of Harmonious Construction, Doctrine of Pith and Substance, Colourable Exercise of Legislative Power, Residuary Power of Legislation (Article 248), Parliament's Power to Legislate in List II (State List) – (Articles 246 (4), 247, 249-253, 352, 356), Doctrine of Repugnancy (Article 254)	8
8	Freedom of Trade, Commerce and Intercourse Concept of trade and commerce, Scope of freedom of trade, Commerce and intercourse, Direct and immediate restrictions, Regulatory measures; compensatory taxes, Restrictions on trade, commerce and intercourse among states, power of Parliament and state legislatures; state monopoly (Articles 301-307)	6
9	Emergency Provisions Proclamation of Emergency on grounds of war, external aggression and armed rebellion (Articles 352, 358, 359), Power of Union Executive to issue eddirections (e.g. Articles 256, 257) and the effect of non-compliance (Article 365); Duty of the Union to protect the States against external aggression and internal disturbance (Article 355), Imposition of President's Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357), Financial Emergency (Article 360)	5
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Issues related to Constitutional Law Issues related to Constitutional Law	15
Total Hours		15

Textbook :

- 1 Constitution of India, V. N. Shukla, Eastern Book Agency, 2014

References:

- 1 Constitutional Law of India, Constitutional Law of India, H. M. Seervai, Universal Law Publishing Co, 2013

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery

Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00

Supplementary Resources:

- 1 <https://www.sci.gov.in/>
- 2 <https://www.indiacode.nic.in/>
- 3 <https://prsindia.org/>
- 4 <https://www.legalbites.in/library-constitutional-law>
- 5 https://www.constitutionofindia.net/constitution_assembly_debates/