

SUBJECT : CONSTITUTIONAL LAW OF INDIA – II
SUBJECT CODE : H3IH

Constitutional Structure and Centre - State Relations

UNIT –I : The Union and State Executive

The Union Executive - The President – Election, Term of Office, Powers and functions, Impeachment – Immunities – Pardoning power - Ordinance making power - President and Union Council of Ministers-The State Executive - Governor – Appointment, Powers and functions - Immunities – Pardoning power – Removal of Governor, Doctrine of Pleasure - State Council of Ministers

UNIT – II : Legislature and Judiciary

Composition of Parliament and State legislatures – Office of the Speaker – Qualification/Disqualification of Members - Legislative Procedures, Legislative Privileges – Judicial interpretations – Anti Defection law, X Schedule.

Union Judiciary-Supreme Court of India (Articles 124-147) – Composition, Appointment and Removal of Judges of Supreme Court - Writ Jurisdiction of Supreme Court under Art 32 - Appellate Jurisdiction of Supreme Court – Civil, Criminal and in other Matters - Statutory Appeals and Enlargement of Jurisdiction - Special Leave to Appeal (Art. 136) - Power of Review (Art. 137) - Advisory Jurisdiction (Art. 143) - Public Interest Litigation – Compensatory Jurisprudence - Independence of Judiciary - Tribunals

State Judiciary -High Courts in the States - Composition, Appointment and Removal of Judges - Writ Jurisdiction of High Courts under Art. 226.

UNIT – III : Centre – State: Distribution of Legislative, Administrative and Fiscal

Powers & Freedom of Trade and Commerce

Distribution of Legislative Powers - Doctrine of Territorial Nexus - Subject-matter of laws made by Parliament and Legislatures of States - Doctrine of Harmonious Construction - Doctrine of Pith and Substance – Doctrine of Occupied Field- Colourable Legislation - Parliament’s Power to Legislate in State List – Implied and Residuary Power - Doctrine of Repugnancy.

Administrative relations – Full faith and credit clause – Centre and inter-state conflict management

Fiscal Relations – Sharing of tax – Grants-in-Aid – Restriction on the power of state legislatures – Doctrine of immunity of Instrumentality – Borrowing powers – Constitutional Limitations

Freedom of Trade, Commerce and Intercourse (Art. 301-307) - Meaning of Freedom of trade, commerce and intercourse - Power of Parliament – Restrictions – Goods and Service Tax (GST) Impact of Globalization.

UNIT – IV : Emergency Provisions

Emergency Provisions- National Emergency - Duty of the Union to protect the States against external aggression and internal disturbance - Power of Union Executive to issue directions and the effect of non- compliance.

State Emergency - Imposition of President’s Rule in States – Grounds, Limitations, Parliamentary Control, Judicial Review (Articles 356-357) –

Financial Emergency (Article 360)

Emergency and suspension of fundamental rights

UNIT – V : Other Constitutional Functionaries

Organisation, powers and function of Election Commission of India, Union Public Service Commission, State Public Commission, Comptroller and Auditor General, Attorney General & Advocate General– Constitutional safeguards for Civil Servants Art 311 - Protection against arbitrary dismissal, removal, or reduction in rank – Exceptions to Art 311 – Role of Finance Commission – Planning Commission – Inter- state Council – National Development Council – Local Self Government (Panchayat Raj)

Recommended Book:

M. P. Jain- Indian Constitutional Law – Relevant Volumes

Reference Books

D.D.Basu, Shorter Constitution of India,

Virendra Grover, Centre – State Relations.

M.P.Singh(ed.), V.N.Shukla, Constitutional Law of India

Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)

Constituent Assembly Debates Vol. 1 to 12 (1989)

M.V.V. Ramana, Inter-State River Water Disputes in India

Anirudh Prasad, Centre-State Relations in India

Reports of the Sarkaria, M.M.Punchi, Santhanam Commission on Centre-State Relations

H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay

Palanithurai , G. Dynamics of New Panchayati Raj Systems In India Vol. I & II

D. N. Banerjee, Some Aspects of the Indian Constitution

G. Austin, Indian Constitution: Cornerstone of a Nation (1972).

S.C.Kashyap, Parliamentary Procedure Law Privilage Practice & Precedents
Dr. V. N. Shukla – Constitution of India
N.A.Subramaniam – Case law on the Indian Constitution
T. K. Tope – Constitutional Law
D.J. De – The Constitution of India Vol. I and II
Administrative Reforms Committee Vol I and II
Report of the National Commission to Review the Working of the Constitution
(NCRWC) (2002)
