

**SUBJECT : CONSTITUTIONAL LAW – I**

**SUBJECT CODE : HWE**

**CONSTITUTIONAL FEATURES AND PRINCIPLES**

**UNIT-I Classification of Constitution and Governments**

Definition and meaning of Constitution: kinds of Constitution, meaning of Constitutionalism, features of Indian Constitution - Convention –Significance, Parliamentary Supremacy, Theory of Separation of Powers – Latimer House Principle - Doctrine of Checks and Balances, Doctrine of Judicial Review – Significance - State – Federal, Quasi-Federal, Co-operative Federalism – Essentials of Federalism - Panchayat Raj System - 73<sup>rd</sup> and 74<sup>th</sup> Amendment - Constitution – Written and Unwritten, Rigid and Flexible - Executive – Parliamentary, Presidential – Combination of Both Judiciary – Rule of Law

**UNIT- II Preamble, Union and its Territories and Citizenship**

Preamble: Meaning, Scope, Importance, Objectives and Values - Union and its Territories (Art 1-4) - Citizenship: (Art 5-11) – Citizenship at the commencement of the Constitution – Deprivation and the renunciation of the Citizenship – Parliament power to regulate – Citizenship Act.

**UNIT- III State, Laws and Amendment**

**State:** Definition and meaning, Article 12, New Judicial trends on concept of State - Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Various Doctrines like Eclipse, Severability and Ultravires, Judicial Review and Article 13 - **Amendment:** Constitutional Processes of Adaptation and Alteration (Article 368)- Methods of constitutional amendment- Power and Procedure to amend the Constitution - Limitations upon constituent power- Doctrine of Basic Structure - Development of the Basic Structure - Judicial Review of Legislations included in the Ninth Schedule

## **UNIT- IV Fundamental Rights**

**Right to Equality:** General Equality Clause under Article 14, Judicial Interpretation on Equality – Reasonable Classification. Protective Discrimination Clause, Reservation and Social Justice under Articles 15 and 16, Equality and Reservation, Equality of opportunity in public employment – Art 16, Constitutional Provisions on Untouchability under Article 17.

**Right to Freedom:** Freedom of Speech and Expression - Art 19, Scope and Ambit- Art 19(1) (a) and (2); Balance between individual interest and collective interest, Reasonable restrictions on Right to Freedom under Article 19(2) to 19(6)- Judicial interpretation on Right to Strike and Bundh - Right to Information.

**Rights of the Accused:** Article 20 - Rights of the arrested person, Ex-post Facto - Double Jeopardy – Self incrimination, Art 21 - Right to Life and Personal Liberty, Meaning and Scope, Procedure established by law, Judicial Interpretation on Life and Liberty, Applicability of concept of reasonableness. Article 22 – Preventive Detention, Right against Preventive Detention, Exceptions, Safeguards against Preventive Detention.

**Freedom of Religion:** Articles 25-28, Secularism, Judicial Interpretation, Restrictions on Freedom of religion.

**Cultural and Educational Rights:** Articles 29-30, Protection on Minorities, Recent trends on Minority Educational Institutions.

**Right to Constitutional Remedies:** Article 32 and 226, Writ Jurisdiction – Definition, Nature, Scope and functions, Compensatory Jurisprudence, Various Writs – *Habeas Corpus*, *Mandamus*, *Quo-Warranto*, *Prohibition* and *Certiorari*.

## **UNIT- V Directive Principles of State Policy and Fundamental Duties**

Directive Principles- directions for social change- A new social order - Fundamental Rights and Directive Principles - inter-relationship - judicial balancing - Constitutional amendments - to strengthen Directive Principles - Reading Directive Principles into Fundamental Rights, `Judicial Approach.

**Fundamental Duties:** The need and status in constitutional set up, Interrelationship with fundamental rights and directive principles, Enforcement of Fundamental Duties.

**Recommended Book:**

M. P. Jain- Indian Constitutional Law- Relevant Volume

**Reference Books**

D.D.Basu, Shorter Constitution of India

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)

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

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

M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) Oxford

B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow.

S.C.Kashyap, Human Rights and Parliament (1978) Metropolitan, New Delhi

Dr. V. N. Shukla – Constitution of India

N.A.Subramaniam – Case law on the Indian Constitution

T. K. Tope – Constitutional Law

S. Shiva Rao- Framing of Indian Constitution

D.J. De – The Constitution of India Vol. I and II.

Report of the National Commission to Review the Working of the Constitution (NCRWC) (2002)

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