

BA.LL.B (HONS.) – V-SEMESTER

CONSTITUTIONAL LAW-II

COURSE CODE:

Course Objective: Constitution, the grund norm of all laws comprises various facets like federalism, fundamental rights, Centre-State relations etc. In a democratic nation like India, the law students need to know thoroughly the various aspects of constitution to become a complete legal professional. This Course mainly covers the principles of separation of powers through interpretation of Legislature, Executive and Judiciary. Centre-state relations which play a significant role in governance along with various constitutional bodies and emergency provisions will be thoroughly dealt.

Course Outcomes:

1. To understand the doctrine of separation of powers
2. To understand the role of Executive, Legislature and Judiciary in Indian Parliamentary system
3. To analyse the Centre-State relations in financial, administrative, and other incidental matters
4. To analyse the emergency provisions and its impact on the Nation under the Constitution of India
5. To interpret and analyse the Constitutional provisions through various judicial decisions

UNIT-I: Executive-President of India Election, Powers and Functions, Vice-President, Legislative Powers, Advisory Opinion of Judiciary Governors Appointment, Powers and Functions, Relationship Between State Government and Cabinet, Power to Make Laws, Relationship between Union and State Executives.

UNIT-II: Legislature, Constitution, Compositions and Sessions, Powers and Privileges of Members of Parliament and state legislatures Introduction and Passing of Bills, Joint Sitting, Money Bills, Budget.

UNIT-III: Judiciary: Supreme Court, Establishment and Constitution, Court of Record, Jurisdiction, Original and Appellate Jurisdiction, Special Leave Petition, Precedents. High Courts-Establishment and composition, Writ jurisdiction, Power over lower courts Prerogative Writs – Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto; Writ Jurisdictions of Supreme Court and High Courts; Appointment of Judges, Independence of Judiciary, Judicial activism v. Judicial overreach

UNIT-IV: Union-State Relations- Federalism, Administrative Relations, Financial Relations, Finance Commission, Trade Relations; Government contracts, Recruitment and conditions of service, Doctrine of pleasure

UNIT-V: Election Commission-Composition, Powers and Functions, Role of EC in the Superintendence of Elections, Anti-defection Law, Representation of Peoples Act, 1951; Emergency-National, state and financial, Suspension of Fundamental rights; Amendment power and necessary procedure, Basic structure of the Constitution, Ninth schedule of the Constitution

Text Books:

1. M.P Jain: Indian Constitutional Law, Wadhwa & Co., Nagpur.
2. V.N Shukla: Constitution of India, Eastern Books Company, Lucknow.
3. D. D. Basu: Constitutional Law of India; Lexis Nexis Publication