



C. U. SHAH UNIVERSITY Wadhwan City

FACULTY OF:- LAW

DEPARTMENT OF:- LAW

SEMESTER:- III

CODE:- 4LW03CON1

NAME:- CONSTITUTIONAL LAW- I

Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW03CON1	CONSTITUTIONAL LAW- I	5	0	0	5	5	30	1.5	70	3	---	---	---	100

CONSTITUTIONAL LAW- I

Object: India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law. Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

Evaluation methods:

- a) Theory Examination of 70 marks (Minimum marks for Passing- 33)
- b) Internal assessment of 30 marks shall consist of
 - i) Assignment- 10mrks (Minimum marks for Passing- 4)
 - ii) Presentation /Seminar – 10 marks (Minimum marks for Passing- 4)
 - iii) Viva Voce -10 marks (Minimum marks for Passing- 4)

SYLLABUS:

Unit -1 Historical Perspective-

1.1 Constitutional Development since 1858 to 1947

1.2 Making of Indian Constitution.

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1.3 Nature of Indian Constitution.

1.4 Salient features of Indian Constitution.

Unit -2 Preamble and Citizenship-

2.1 purpose, and status.

2.2 Citizenship- Meaning

2.3 Citizenship at the commencement of Constitution.

2.4 Citizenship under the Citizenship Act. 1955.

Unit -3 Fundamental Rights (Art. 12 and 13)-

3.1 Origin and development of Fundamental Rights.

3.2 Nature of Fundamental Rights.

3.3 New Judicial Trend

3.4 Doctrine of Severability.

3.5 Doctrine of Eclipse.

Unit -4 Right to Equality (Art.14 to 18)-

4.1 Equality before law and Equal Protection of Law.

4.2 Classification of differential treatment : constitutional validity.

4.3 Gender Justice and Protective Discrimination.

4.4 Justice to the weaker sections of society- Social Justice.

4.5 Abolition of untouchability.

4.6 Abolition of Title.

Unit –5 Freedoms and Social Control units-(Art-19 to 22)

5.1 Freedom of Speech and Expression.

5.2 Freedom of Assembly.

5.3 Freedom of form Association.

5.4 Freedom to Reside and Settle.

5.5 Freedom of Profession, occupation, Trade of Business.

5.6 Right to Property- from Fundamental Right to Constitutional Right.

5.7 Right to Personal Liberty---- Art 20 & 21

Rights of accused- Double Jeopardy, Self-Incrimination and Retroactive Punishments.

Right to Life and Personal Liberty- meaning, scope and limitations.

Preventative Detention and constitutional policy, Art 22

Unit –6 Secularism---

6.1 Concept of Secularism- Historical perspective.

6.2 Freedom of Religion-nature, scope and limitations.

6.3 Right to Freedom of Religion- use and misuse- Indian scenario.

6.4 Minority Rights.

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Unit –7 Right to Constitutional Remedies— Art 32

7.1 A dynamic approach- Public Interest Litigation- Nature, scope, merits and demerits.

7.2 Judicial Activism.

Unit –8 Directive Principles of State Policy and Fundamental Duties—

8.1 Underlying object and significance of Directive Principles.

8.2 Classification of Directives.

8.3 Fundamental Right and Directive principles- Interrelationship and Judicial balancing.

8.4 Fundamental Duties---

8.4.1 Need

8.4.2 Source and enforcement of fundamental duties.

8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

9. Right to Information Act

List of cases (For reference)

1. Keshavananda Bharati v. State of Kerala, AIR 1973 SC 1461;
2. Excel Wear v. Union of India AIR 1979 SC 25;
3. Bhim Singhji v. Union of India, AIR 1981 SC 234;
4. State of Kerala v. N.M.Thomas AIR 1976 SC 490
5. Waman Rao v. Union of India AIR 1981 SC 271;

6. Minerva Mills Ltd. V. Union of India AIR 1980 SC 1789,
7. Golak Nath v. State of Punjab, AIR 1967SC 1643,
8. State of West Bengal v. Anwar Ali AIR 1951 SC 75,
9. Naga People's Movements of Human Rights v. Union of India AIR 1998 SC 431,
10. BALCO Employees' Union v. Union of India AIR 2002 SC 350
11. StStephen's College v. University of Delhi AIR 1992SC1630,
12. Indian Express Newspapers v. Union of India, AIR 1986 SC 515
13. state of Sikkim v. Surendra Prasad Sharma AIR 1994 SC 2342,
14. Prabhakar v. State of Andhra Pradesh AIR 1986 SC 210,
15. Shiv Charan v. State of Mysore AIR 1965 SC 280,
16. Balaji v. State of Mysore AIR 1963 SC 649,
17. Sagir Ahmed v. State of Uttar Pradesh AIR 1954 Sc 728,
18. T.M.A. Pai Foundation v. State of Karnataka AIR 2003 SC 355,
19. Express Newspapers v. Union of India AIR 1986 SC 872
20. Khare v. State of Delhi AIR 1950 SC 211,
21. State of Maharashtra v. Rajendra J.Gandhi AIR 1997 SC 3986
22. Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746,
23. M.C.Mehta v. Union of India AIR 1987 SC 1086,
24. Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802,
25. Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446,
26. Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715
27. State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225,
28. Paschim Bangal Khet Mazdoor Society v. State of West Bengal, AIR 1996 SC 2426
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29. Air India Statutory Corporation v. United Labour Union AIR 1997 SC 645,
30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
31. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 186,
32. People's Union of Civil Liberty v. Union of India AIR 1997 SC 568,
33. Hussainara v. Home Secretary, State of Bihar AIR 1979 SC 1819
34. J.P.Unnikrishnan v. State of Andhra Pradesh AIR 1993 SC 2178
35. Mr. X v. Hospital Z AIR 1999 SC 495
36. Gopalan v. State of Madras, AIR 1950 SC 27,
37. M.C.Mehta v. State of Tamil Nadu, AIR 1997 SC 699,
38. Gaurav Jain v. Union of India AIR 1990 SC 1412,
39. Acharya Jagadiswarananda v. Commissioner of Police, Calcutta AIR 1984 SC 51,
40. Ratlam Municipality v. Vardichan, AIR 1980 SC 1622,
41. M.C.Mehta v. Union of India AIR 1987 SC 1086, and AIR 1999 SC 2583,
42. Pramod v. Medical Council, (1991) 2 SCC 179,
43. Ahmedabad Women Action Group v. Union of India AIR 1997 SC 3614
44. Vishakha v. State of Rajasthan, AIR 1997 SC 3011

Reference Books

1. T,K, Tope : Constitutional of India.
2. G.Austin, History of Democratic Constitution: The Indian Experience (2000) Oxford.
3. D.D. Basu : Shorter Constitution of India : (1996) Prentice Hall of India, Delhi.
4. Constituent Assembly Debates Vol. 1 to 12 (1989).

5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy, Bombay.
6. M.P. Singh (ed) V.N. Shukla : Constitutional Law of India (2000) Oxford.
7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
8. M.Glanter: Competing Equalities – Law and the Backward Classes in India (1984) Oxford.
9. B. Sivaramayya : Inequalities and the Law (1984) Eastern, Lucknow.
10. S.C. Kashyap : Human Rights and Parliament (1978) Eastern Lucknow.
11. Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.
12. P.M.Bakshi, Constitution of India, Universal
13. M.P.Jain Indian Constitutional Law, Wadhwa
14. Granville Austin The Constitution of India, Oxford