



C. U. SHAH UNIVERSITY
Wadhwan City

FACULTY OF:- LAW

DEPARTMENT OF:- LAW

SEMESTER:- III

CODE:- 4LW03CON2

NAME:- CONSTITUTIONAL LAW- II

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	
4LW03CON2	CONSTITUTIONAL LAW- II	5	0	0	5	5	30	1.5	70	3	---	---	---	100

CONSTITUTIONAL LAW – II

Object : To understand the political, social and economic value structure of the

Constitution of India and the protection of human rights of individuals and

balancing with the positive responsibility of the state to establish a economy of

growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Method of study: Lecture method and interactive sessions of learning is the

best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation

and new interpretation

Evaluation methods:

- a) Theory Examination of 70 marks (Minimum marks for Passing-33)
- b) Internal assessment of 30 marks shall consist of
 - i) assignment- 10marks (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 Parliament-

1.1 Composition

1.2 Election, qualifications and tenure of members.

1.3 Functions of Parliament.

1.4 Privileges of Members

1.5 Parliamentary Privileges and fundamental rights.

Unit-2 Parliamentary Government

- 2.1 Westminster Model- Choice of Parliamentary form of Government at the Centre and the State.
 - 2.2 President of India- Election, qualification and Impeachment, powers and privileges.
 - 2.3 Governor of the State- Appointment, tenure etc., position and status of Governor.
 - 2.4 Council of Minister and Prime Minister Cabinet system, collective responsibility- individual responsibility.
 - 2.5 Coalition Government- Anti Defection Law.
- Federalism -----
- 2.6 Federalism Principles- comparative study.
 - 2.7 Indian Federalism- Identification of federal features.
 - 2.8 Challenges to Indian federalism- Sarkaria Commission.

Unit-3 Relations between Union and States-

- 3.1 Legislative Relations----
- 3.1.1 Distribution of Legislative Powers
- 3.1.2 Principles of interpretation of Lists.
- 3.1.3 Parliament's power to legislate on State subjects.
- 3.2 Administrative Relations ---
- 3.2.1 All India Services
- 3.2.2 Grants in aid.
- 3.3 Financial Relations----
- 3.3.1 Distribution of Revenue between Centre and State.
- 3.3.2 Finance Commission.

3.3.3 Process of Law making- Ordinary Bill, Money Bill, procedure etc.

Unit-4 Freedom Trade-Commerce ---

4.1 Historical Perspective.

4.2 Object and significance of such provision in federal constitution.

4.3 Restrictions on Trade and Commerce.

Unit-5 Services under the State---

5.1 Doctrine of Pleasure.

5.2 Constitutional safeguards to Civil Servants.

5.3 Limitations on Doctrine of Pleasure.

5.4 Public Service Commission

Unit-6 Emergency Provisions---

6.1 Emergency---meaning.

6.2 Various kinds of Emergencies.

6.3 Effects of emergency.

Unit-7 Judiciary under Constitution---

7.1 Supreme Court---composition, appointment, Jurisdiction, removal etc.

7.2 High Court---Composition, Appointment, jurisdiction etc.

7.3 Doctrine of Judicial Review- Nature and scope.

7.4 Independence of Judiciary.

Unit-8 Constitutional process of Adaptation and alteration--

8.1 Amendment- meaning

8.2 Methods of Constitutional amendment

8.3 Limitations upon constituent power.

8.4 Doctrine of Basic Structure.

Books:

- 1) T.K. Tope: Constitutional of India.
- 2) G.Austin, History 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), Tripathi, Bombay.
- 6) M.P.Singh (ed) V.N. Shukal : 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)
- 9) B.Sivaramayya : Inequalities and Law (1984) Eastern Lucknow.
- 10) S.C.Kashyap : Human Rights and Parliament (1978) Metropolitan.
- 11) Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.