



**SGT UNIVERSITY, GURGAON**  
**FACULTY OF LAW**

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL. B. (Hons)	IV	Constitutional Law- II	08040401

**CONSTITUTIONAL LAW – II**

**Course Objective:**

This course will provide the students an understanding of the Constitutional provisions regarding the organization, powers and functions of the various organs of the Union and State Governments. The course also includes the study of the nature of federal structure and its functioning in India in its political as well as economic aspects. An analysis and study of the various constitutional provisions relating to the structure of Judicial, Executive and Legislature of the country will be included. The course will also include a study and understanding of the Emergency provisions and the provisions as to the Services under the Union and the States. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

**Module – I The Union & State Executive**

**The Union Executive –**

**The President**

- 1.1 Election, Qualifications & Terms of Office of President
- 1.2 Privileges, Powers and Duties of President
- 1.3 Impeachment of President

**The Vice – President**

- 1.4 Qualifications & Election of Vice-President
- 1.5 Functions & Terms of Office of Vice – President

**Council of Ministers**

- 1.6 Appointment of Ministers
- 1.7 Council of Ministers & Cabinet
- 1.8 The Individual, Collective, Legal & Ministerial Responsibility
- 1.9 President's relation with the Council of Ministers

**Attorney General of India & Comptroller and Auditor-General of India**

## **The State Executive**

- 1.10 Appointment, Powers & Qualifications of Governor
- 1.11 The Council of Ministers
- 1.12 The Advocate General

## **Module – II Union & State Legislature**

### **The Union Legislature – Parliament**

- 2.1 Composition of Parliament & Houses of Parliament
- 2.2 Duration & Sessions of the Houses of Parliament
- 2.3 Qualification for Membership of Parliament
- 2.4 Powers of Speaker, Deputy speaker & Chairman
- 2.5 Ordinary, Money Bills & Financial Bills
- 2.6 Parliament's Control over Financial System- Committee on Estimates, Committee on Public Accounts, Consolidated Fund of India & Contingency Fund of India

### **The State Legislature**

- 2.7 Composition & Duration of State Legislature
- 2.8 Qualification of Membership of State Legislature

## **Module – III Union & State Judiciary**

### **The Union – Supreme Court**

- 3.1. Composition of Supreme court
- 3.2. Qualifications & Appointment of Supreme Court Judges & National Judicial Appointment Commission
- 3.3. Impeachment of Judge of Supreme court
- 3.4. Jurisdiction of Supreme court- Original, Writ, Appellate, Advisory
- 3.5. Powers to Punish for Contempt & Concept of Curative Petition

### **The State – High Court**

- 3.6. Appointment, Transfer of Judge of High Court
- 3.7. Terms of Office & Removal of Judge of High Court
- 3.8. Jurisdiction & Powers of High Court

## **Module –IV Relations between Union & the State**

- 4.1. Distribution of Legislative & Executive Powers
- 4.2. Distribution of Financial Powers & Finance Commissions
- 4.3. Administrative relations between the Union & States
- 4.4. Inter-State Relations & Freedom of Trade & Commerce
- 4.5. Emergency Provisions
  - Proclamation of Emergency & its Termination

- Kinds of Emergency & Judicial Review

## **Module – V Trade commerce and intercourse within the territory of India**

- 5.1 Freedom of Trade, Commerce & intercourse
- 5.2 Power of the Parliament to impose restrictions on trade commerce and intercourse.

## **Module – VI Services under the Union and the states**

- 6.1 Recruitment and conditions of service of persons serving the Union or a state.
- 6.2 Tenure of the office of persons serving the Union or a state.
- 6.3 Dismissal, removal or reduction in rank of civil servants.

## **Module – VII Emergency Provisions**

- 7.1 Proclamation of Emergency
- 7.2 Provisions in case of failure of constitutional machinery in states
- 7.3 Exercise of Legislative powers under proclamation issued under Art. 356
- 7.4 Suspension of provisions of Art.19 and suspension of enforcement of fundamental rights.
- 7.5 Financial Emergency

**Course Outcomes:** After the completion of the course the students will be able to:

1. Work efficiently and with critical engagement with primary constitutional law concepts, having due regard to the practical implementation of the Constitutional principles in actual governance;
2. Develop coherent, comprehensive and persuasive constitutional law arguments from an adversarial point of view;
3. Understand the constitutional dimensions of the various aspects of the Indian polity relating to the Union and the States;
4. Understand the various aspects of the Indian constitutional structure like that of the function of the Supreme Court, the techniques of judicial review, etc;
5. Demonstrate a thorough and contextual knowledge of constitutional law and the various leading cases particularly in its application to real constitutional law problems;

6. Demonstrate a high level of skill on academic and professional legal writing.

**Suggested Reading:**

1. V.N. Shukla, Constitution of India, Eastern Book Agency, 2014
2. M.P. Jain, Indian Constitutional Law, Lexis Nexis, 2013
3. D.D. Basu, Introduction to the Indian Constitution of India, (20<sup>th</sup> Ed. 2009)
4. H.M. Seervai, Constitutional Law of India, Universal Law Publishing Co., Reprint 2013
5. Glanville Austin, Indian Constitution – cornerstone of the Nations, Oxford University Press, 1999
6. P.M. Bakshi, The Constitution of India, Universal Law Publishing Co., 2014
7. D.D. Basu, Shorter Constitution of India (14<sup>th</sup> Ed. 2008, reprint 2010)