

Course Plan

Course Title:Constitutional Law II	Course Code:21LLC106
Programme:LL.B	Semester: II
Credits:4	L-T-P: 3-1-0
ISA Marks: 50	ESA Marks:50
Course Teacher:Mr. Ayush Jha & Ms. Tilaka N S	Date of Preparation: 23 February 2022
Course Plan Reviewer: Dr. Manojkumar V. Hiremath	Date of Review: 25 February 2022

Course Objective:

The students of law after understanding the provisions and interpretation of Part III and Part IV of the Constitution of India are expected to know and understand the functioning of various constitutional machineries and institutions established under the Constitution of India. Since all the fundamental rights are enforceable against the State, and the concept of State encompasses different institutions that are established for the effective implementation of the different provisions of the constitution and to achieve the objectives that are enshrined in the preamble of the constitution and to perform the functions that are incorporated in the DPSP, it is expected that the students shall have comprehensive knowledge of functioning of all those institutions and also judicial interpretation of the provisions governing those institutions, powers and functions of those institutions. Therefore, this course is designed to provide a detailed account of composition, powers, functions

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and interrelation between those institutions and judicial contribution in resolving the controversies pertaining to them.

Course Outcomes (COs)

Mapping of Course Outcomes (COs) with Program Outcomes

Course Outcomes (COs)	Relevant Program Outcomes (POs)
1. Students will be able to explain the concept of Federalism as envisaged in the Constitution of India.	1, 4, 6, 7, 13
2. Students will be able to state the composition, role, power and functions of different organs of the government, viz, legislature, executive and judiciary; both at the central and state level.	6,7, 13, 14, 15
3. Students will be able to state the composition, role, power and functions of certain constitutional bodies in governance.	7, 13, 14, 15
4. Students will be able to evaluate the constitutional limits of the powers of different organs of the government and other Constitutional bodies	1, 4, 6, 7, 8, 13

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5. Students will be able to analyse the relations between Central and State agencies, their coordination, and resolution of conflicts.	1, 4, 6, 7, 8
6. Students will be able to analyse the provisions relating to amendment of the Constitution	1, 4, 6, 7, 8

Course Content

Unit Contents	Number of Sessions
<p>Unit I: Executive and Legislature: Union and State</p> <p>The President and the Vice – President: Election, Qualifications and Terms of Office, Privileges, Powers and Duties, Impeachment . Council of Ministers: Appointment of Ministers, Council of Ministers and Cabinet, Individual and Collective Responsibility, Governor: Appointment, Qualifications and Powers.</p> <p>Composition of Parliament, Duration and Sessions of the Houses of Parliament, Qualification for Membership of Parliament, Speaker: Appointment, Powers of Speaker, Conduct of business of the house, Disciplinary actions against the members, etc. Anti- defection Law. Legislative Bills: Ordinary Bill, Money Bill and Financial Bill, Composition of</p>	15

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state legislatures and Union Territories, Qualification of Membership of State Legislature, Parliamentary Committee.	
Unit II: Judiciary: Union and State Supreme Court: Composition, Qualifications and Appointment of Supreme Court Judges, Jurisdiction of Supreme Court: Original, Writ, Appellate, Advisory, PIL, Powers to Punish for Contempt, Power to pass orders to do complete justice, High Court: Appointment of judges, Transfer of Judge of High Court, Terms of Office and Removal of Judge of High Court, Jurisdiction and Powers of High Court, Impeachment of Judges.	10
Unit III: Centre-State Relations Federalism and Cooperative Federalism, Distribution of Power: Legislative, Administrative and Financial sphere. Finance Commission, Inter-State Dispute Resolutions, Inter State Trade and Commerce.	20
Unit IV: Other Governance Mechanisms and Bodies	13

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Local self government: Rural and Urban (73rd and 74 th Amendment to Constitution of India), 5 th and 6 th Schedule of the Constitution of India, Special provisions relating to specific states (Articles 371-A to 371-J) , Election Commission: Powers and functions. Services under the State, Constitutional protection to Civil Servants.	
Unit V: Emergency Provisions and Amendment Provisions Emergency: Types, Effects, Judicial Review of proclamation of Emergency, Constitution Amendments: Procedure, Kinds and Doctrine of basic structure.	10
Total:	68

Prescribed Text Books

1. Dr. V.N. Shukla — Constitution of India
2. M. P. Jain- Indian Constitutional Law

References

1. H. M. Seervai – Constitutional Law of India
2. D.D. Basu – Shorter Constitution of India

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3. D.J. De - The Constitution of India Vol.I and II.
4. Granville Austin - The Indian Constitution: Cornerstone of A Nation
5. Granville Austin - Working in a Democratic Constitution: A History of the Indian Experience
6. Subhash. C. Kashyap - Parliamentary Procedure
7. Subhash. C. Kashyap — History of Indian Parliament
8. R.C. Agarwal-Constitutional Development and National Movement

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Unit Wise Plan

Unit Number:I	Planned Sessions: 15
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Explain the composition, role, power, functions and privileges of the Union and States' Executive and Legislature.	2, 4	2
Describe the Legislative Process under the Constitution.	2	2
Compare functioning of centre and State on legislative and Executive matters.	2, 4	4

Topic Wise Plan

S. No.	Topic	Number of Sessions	Pedagogy
1	The President and the Vice – President: Election, Qualifications and Terms of	3	Lecture and Discussion

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	Office, Privileges, Powers and Duties, Impeachment		
2	Council of Ministers: Appointment of Ministers, Council of Ministers and Cabinet, Individual and Collective Responsibility	3	Lecture and Discussion
3	Governor: Appointment, +Qualifications and Powers.	2	Lecture and Discussion
4	Composition of Parliament, Duration and Sessions of the Houses of Parliament, Qualification for Membership of Parliament	2	Lecture and Discussion

5	Speaker: Appointment, Powers of Speaker, Conduct of business of the house, Disciplinary actions against the members, etc. Anti- defection Law.	2	Lecture, debate, case based learning.
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6	Legislative Bills: Ordinary Bill, Money Bill and Financial Bill, Composition of state legislatures and Union Territories, Qualification of Membership of State Legislature, Parliamentary Committee.	3	Lecture, Discussion, case based learning.
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Prescribed Reading(s) / Learning Resource(s)

1. Dr. V.N. Shukla — Constitution of India
2. M. P. Jain- Indian Constitutional Law

Additional Reading(s) / Learning Resource(s)-

1. SubhashC. Kashyap, Anti-Defection Law & parliamentary privileges,(N.M Tripathi Pvt. Ltd, Bombay)

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Unit Wise Plan

Unit Number:II	Planned Sessions: 10
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
State the Judicial Hierarchy under the Constitution.	2	1
Analyse the composition, jurisdiction, powers and functions of the Supreme Court and High Courts.	2, 4	4

Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1	Supreme Court: Composition, Qualifications and Appointment of Supreme Court Judges	4	Lecture, Discussion and Research Based Learning.
2	Jurisdiction of Supreme Court: Original, Writ, Appellate, Advisory, PIL,	3	Lecture, Discussion, Case Based Learning.

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	Powers to Punish for Contempt, Power to pass orders to do complete justice		
3	High Court: Appointment of judges, Transfer of Judge of High Court, Terms of Office and Removal of Judge of High Court, Jurisdiction and Powers of High Court, Impeachment of Judges.	3	Lecture and Discussion

Prescribed Reading(s) / Learning Resource(s)

1. Dr. V.N. Shukla — Constitution of India

2. M. P. Jain- Indian Constitutional Law

Additional Reading(s) / Learning Resource(s)

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Unit Wise Plan

Unit Number:III	Planned Sessions:15
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Describe the concept of Federalism as is reflected in the provisions of the Constitution, including Cooperative Federalism.	1, 5	2
Analyse the relations between the Union and the States in three spheres of governance, namely, Legislative, Executive and Financial.	1, 4, 5	4
Enunciate the legal principles associated with resolutions of conflicts arising in centre-state relations.	5	2

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S.No.	Topic	Number of Sessions	Pedagogy
1.	Federalism and Cooperative Federalism	3	Lecture, Discussion, Debate, Research Based Learning
2.	Distribution of Power: Legislative, Administrative and Financial sphere	9	Lecture, Discussion, Debate, Case Based Learning.
3.	Finance Commission	2	Lecture and Discussion
4.	Inter-State Dispute Resolutions,	3	Lecture and Discussion
5.	Inter State Trade and Commerce.	3	Lecture and Discussion

Prescribed Reading(s) / Learning Resource(s)

1. Dr. V.N. Shukla — Constitution of India

2. M. P. Jain - Indian Constitutional Law

Additional Reading(s) / Learning Resource(s)-

Reports on Centre State Relations

Justice Punchhi Commission Report, 2010,

Justice Sarkaria Commission Report, 1987.

Report of National Commission to Review working of the Constitution (NCRWC), 2002.

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Unit Number:IV	Planned Sessions:13
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
State the idea of decentralisation of powers through the institutions of Local Self Governance.	1, 3	1
Evaluate the safeguards granted to Tribal Communities under Schedule V and VI.	3	5
Evaluate the Special Provisions in regard to certain states.	3	5
State the Powers and Functions of the Election Commission.	3	1
State the provisions relating to Civil Servants	3	1

Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1.	Local self government: Rural and Urban (73rd and 74 th Amendment to Constitution	4	Lecture and Field based/ Inquiry Based Learning

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	of India)		
2.	5 th and 6 th Schedule of the Constitution of India	2	Lecture and Research Based Learning
3.	Special provisions relating to specific states (Articles 371-A to 371-J) ,	2	Lecture and Collaborative Learning.
4.	Election Commission: Powers and functions	2	Lecture
5.	Services under the State, Constitutional protection to Civil Servants	3	Lecture

Prescribed Reading(s) / Learning Resource(s)

1. Dr. V.N. Shukla — Constitution of India

2. M. P. Jain- Indian Constitutional Law

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Unit Wise Plan

Unit Number:V	Planned Sessions:10
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Analyse the Emergency provisions under the Constitution.	1, 4, 5	4
Evaluate the limitations and safeguards against abuse of power to promulgate Emergency.	4	5
State the Process and kinds of Constitutional Amendments.	6	1
Evaluate the Basic Structure Doctrine as a safeguard vis-a-vis the power to amend the Constitution.	4, 6	5

Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
1.	Emergency: Types, Effects, Judicial Review of	5	Lecture, debate, Discussion and Case Based learning.

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	proclamation of Emergency		
3.	Constitution Amendments: Procedure, Kinds and Doctrine of basic structure.	5	Lecture, debate, Discussion, Case based learning, collaborative learning.

Prescribed Reading(s) / Learning Resource(s)

1. Dr. V.N. Shukla — Constitution of India

2. M. P. Jain- Indian Constitutional Law

Additional Reading(s) / Learning Resource(s)

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Industry/Professional Skills, Human Values, Service Learning

Industry/Professional Skills	Advocacy, Research, Argumentative
Human Values	Honesty, Sincerity, Cooperation, Sense of Responsibility, Democratic Values,
Service Learning (if any)	

Evaluation Scheme for ISA

Assessment	Weightage in Marks
Mid-Term Exam	25
Teacher Chosen Assessment	25
Total	50

Teacher Chosen Assessment Method

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Component	Details	Weightage
Research paper	Submission of a research paper on a topic of Student's choice.	10
Presentation	Presentation of the submitted research paper in front of peers.	5
Reflections	Writing 10 Reflections, with each reflection on the classes conducted during a week.	5
Attendance		5

Weightage of Course Outcomes

Course Outcomes (COs)	Weightage in Assessment
1. Students will be able to explain the concept of Federalism as envisaged in the Constitution of India.	20
2. Students will be able to state the composition, role, power and functions of different organs of the government, viz, legislature, executive and judiciary; both at central and state level.	20

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3. Students will be able to state the composition, role, power and functions of certain constitutional bodies in governance.	15
4. Students will be able to evaluate the constitutional limits of the powers of different organs of the government and other Constitutional bodies	20
5. Students will be able to analyse the relations between Central and State agencies, their coordination, and resolution of conflicts.	15
6. Students will be able to analyse the provisions relating to amendment of the Constitution	10
Total	100

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