COURSE HANDOUT

CONSTITUTIONAL LAW-II (BBALLB-401)

BBALLB-4TH SEMESTER

ACADEMIC YEAR (2023-24)

Dr. Rohini Sharma

Assistant Professor

School of Law

School of Law

Model Institute of Engineering & Technology (Autonomous)

Kot-Bhalwal, Jammu - 181122

www.mietjmu.in

Course Code	Course Name	Course Type	Cd	L	T	P	Marks		
							Sessional	Final Exam	Total
BBALLB-401	Constitutional Law-II	Core	4	5	0	0	30	70	100

COURSE OUTCOMES

At the end of the course the student will be able to:	
CO1	Understand the theoretical concepts of the Executive and Legislature under Indian Constitution.
CO2	Analyse different Features of the Indian Judiciary under the Constitution of India.
CO3	Articulate the concepts of the Centre-State relations under the Constitution.
CO4	Analyse the conceptual understanding of the Liability of State in Torts and Contracts.
CO5	Elucidate the concept of the Emergencies, Elections and Amendment Procedure laid under the Constitution.

Unit-I- Executive and Legislature under Indian Constitution-
1.1 Executive under Indian Constitution – President and Vice President
1.2 Council of Ministers - Election, Powers and Functions and Governor - Appointment, Powers and Functions
1.3 Relationship between State Government and Cabinet, Power to Make Laws
1.4 Union and State Legislatures - Composition, Powers, Functions and Privileges
1.5 Introduction and Passing of Bills, Joint Sitting, Money Bills, Budget

(8 Hours)

Unit-II- Judiciary under Constitution-
2.1 Supreme Court – Establishment and Constitution, Appointment of Judges, Powers, and Jurisdiction
2.2 Special Leave Petition and Precedents, High Courts – Establishment and Composition
2.3 Appointment and Transfer of Judges – Powers and Jurisdiction
2.4 Subordinate Judiciary - Independence of Judiciary
2.5 Judicial Accountability – Writ Jurisdictions of Supreme Court and High Courts

(10 Hours)

Unit-III- Centre-State Relations-
3.1 Legislative and Administrative Relations
3.2 Financial Relations
3.3 Cooperation and Coordination between the Centre and States
3.4 Judicial Interpretation of Centre-State Relations
3.5 Doctrines Evolved by Judiciary

(12 Hours)

Unit- IV- Liability of State in Torts and Contracts-
4.1 Freedom of Interstate Trade
4.2 Commerce and Intercourse
4.3 Services under the State
4.4 All India Services
4.5 Public Service Commissions

(9 Hours)

Unit-V- Elections, Emergency and Amendment-
5.1 Election Commission – Composition, Powers and Functions
5.2 Role of EC in the Superintendence of Elections, Anti-defection Law - Representation of Peoples Act, 1951

5.3 Need of Emergency Powers - National, State and Financial Emergency
5.4 Impact of Emergency on Federalism and Fundamental Rights
5.5 Amendment of Indian Constitution - Power and Necessary Procedure

(9 Hours)

Textbooks

S.No	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1	Constitutional Law of India	Dr. J.N. Pandey	Central Law Agency	59th (2022.)
2.	Introduction to the Constitution of India	Durga Das Basu	Lexis Nexis	26th (2022.)

Reference Books

S.No	Name of the Books	Name of the Author	Publisher Name	Edition (Pub.Yr.)
1.	Indian Constitutional Law	M.P. Jain	Lexis Nexis	8th (2018.)

COURSE PLAN		
Unit-I Executive and Legislature under Indian Constitution		
S. No	**Topics**	**Recommended Books**
1	Executive under Indian Constitution – President and Vice President	Book 1, Ch.20
2	Council of Ministers - Election, Powers and Functions and Governor - Appointment, Powers and Functions	Book 1, Ch.20
3	Relationship between State Government and Cabinet, Power to Make Laws	Book 1, Ch. 24
4	Union and State Legislatures - Composition, Powers, Functions and Privileges	Book 1, Ch.21
5	Introduction and Passing of Bills, Joint Sitting, Money Bills, Budget	Book 1, Ch.21
Unit-II Judiciary under Constitution		
6	Supreme Court – Establishment and Constitution, Appointment of Judges, Powers, and Jurisdiction	Book 1, Ch.22
7	Special Leave Petition and Precedents, High Courts – Establishment and Composition	Book 1, Ch.22 & 26
8	Appointment and Transfer of Judges – Powers and Jurisdiction	Book 1, Ch.26
9	Subordinate Judiciary - Independence of Judiciary	Book 1, Ch.26
10	Judicial Accountability – Writ Jurisdictions of Supreme Court and High Courts	chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mcrhrdi.gov.in/89fc/week9/PCCI-Constitutional%20Remedies%20(1).pdf
Unit-III Centre-State Relations		
11	Legislative and Administrative Relations	Book 1, Ch.29
12	Financial Relations	Book 1, Ch.29
13	Cooperation and Coordination between the Centre and States	chrome-

		extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ijcrt.org/papers/IJCRT1135182.pdf https://egyankosh.ac.in/bitstream/123456789/19139/1/Unit-25.pdf
14	Judicial Interpretation of Centre-State Relations	Book 1, Ch.29
15	Doctrines Evolved by Judiciary	Book 1, Ch.29
Unit-IV Liability of State in Torts and Contracts		
16	Freedom of Interstate Trade	Book 1, Ch.32
17	Commerce and Intercourse	Book 1, Ch. 32
18	Services under the State	Book 1, Ch. 33
19	All India Services	Book 1, Ch.33
20	Public Service Commissions	Book 1, Ch.33
Unit-V Elections, Emergency and Amendment		
21	Election Commission – Composition, Powers and Functions	Book 1, Ch.35
22	Role of EC in the Superintendence of Elections, Anti-defection Law - Representation of Peoples Act, 1951	Book 1, Ch. 35
23	Need of Emergency Powers - National, State and Financial Emergency	Book 1, Ch. 38
24	Impact of Emergency on Federalism and Fundamental Rights	Book 1, Ch.38
25	Amendment of Indian Constitution - Power and Necessary Procedure	Book 1, Ch.39

ADDITIONAL WEB RESOURCES

1.	**MOOC:** Centre- State Relations in India https://onlinecourses.nptel.ac.in/noc24_lw04/preview
2.	**NPTEL:** Video lectures on Constitutional Law and Public Administration in India by Prof. Sairam Bhat, National School of India University. https://onlinecourses.nptel.ac.in/noc24_lw05/preview

GRADING AND ASSESSMENT

- **Sessional Test**: 15 marks
- **Assignment**: 10 marks
- **Attendance**: 5 marks
- **Final Examination**: 70 marks

COURSE POLICIES

- **Attendance**: Minimum 75% attendance is mandatory to appear in the final examination of the course.
- **Academic Integrity**: MIET's academic integrity policies apply. Plagiarism will not be tolerated.
- **Late Submissions**: Assignments and projects must be submitted by the specified timelines.

FACULTY INFORMATION

- **Office Hours**

  Monday (12:55 PM – 01:45 PM)
  Friday (12:55 PM - 01:45 PM)

- **Contact Information**
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