



Model Institute of Engineering  
& Technology (Autonomous)  
Course File

Kot Bhalwal, Jammu

## COURSE HANDOUT

### INDIAN FEDERALISM

LLB-406 (B)CL2

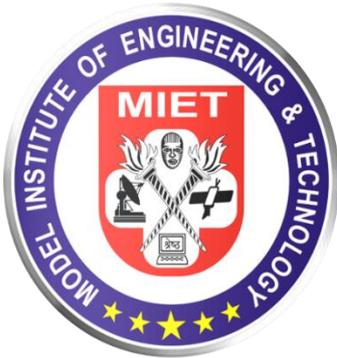
LLB – 4<sup>th</sup> SEMESTER

ACADEMIC YEAR (2024-25)

**Dr. INSHA IDREES**

Assistant Professor

School of Law



School of Law

Model Institute of Engineering & Technology (Autonomous)

Kot Bhalwal, Jammu - 181122

[www.mietjmu.in](http://www.mietjmu.in)



Dr. Arun K. Gupta Teaching-Learning Centre

Version 1.1



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### **VISION OF THE INSTITUTE**

To create a world - class institution.

### **MISSION OF THE INSTITUTE**

To deliver exceptional value to students, industry & society.

### **VISION OF THE DEPARTMENT**

To become a world class School of Law with demonstrated excellence in teaching, research, and innovation.

### **MISSION OF THE DEPARTMENT**

1. To impart high quality instruction in Law, equipping students with fundamental knowledge and skills to address real world challenges in emerging domains.
2. To integrate academics, research, innovation, and entrepreneurship to create significant values for all stakeholders.
3. To develop meaningful linkages with world class organizations to constantly enhance capacity and capability.

### **SYLLABUS**





S. No.	Course Code	Course Name	Course Type	Cd	L	T	P	Marks		
								Sessional	Final Exam	Total
4	LLB-406 (B) CL4	INDIAN FEDERALISM	Clinical Core	4	4	0	0	30	70	100

### Detailed Syllabus

#### Unit-I: Federalism: Some Basic Principles

- 1.1 Concepts of Constitution and Constitutional Law – Definition, Kinds and Types of Constitution
- 1.2 Constitutionalism and the Idea of Limited Government.
- 1.3 Federalism – An aspect of Constitutionalism, Confederation and Federation: Fundamental Distinctions, Basic Characteristics of a Federal Constitution,
- 1.4 Federalism in U.S.A., Australia and Canada
- 1.5 Federalism in India – Federal Character of Indian Constitution, Unitary Features of the Constitution of India, Judicial Interpretation **(10 Hrs)**

#### Unit-II: Centre-State Legislative Relations

- 2.1 Distribution of Legislative Powers – Constitutional Provisions
- 2.2 Subject-wise Distribution of Legislative Powers
- 2.3 Principles of Interpretation of the Lists
- 2.4 Rules of Judicial Interpretation and Exceptions
- 2.5 Territorial and Subject Matter Limitation – Doctrine of Territorial Nexus, Inter-relation of Entries, Residuary Powers, Repugnancy **(10 Hrs)**

#### Unit-III: Centre-State Administrative and Fiscal Relations

- 3.1 Distribution of Administrative and Executive Powers – Constitutional Provisions, Centre-State Administrative Coordination
- 3.2 Inter-governmental Delegation of Functions
- 3.3 Centre's Directives to the State, Common Civil Service
- 3.4 Distribution of Fiscal Power – Constitutional Scheme of allocation of taxing powers, Restriction of Fiscal Power, Grant in Aid
- 3.5 Difference between Tax, Fee and Surcharge, Finance Commission, Niti Ayog, GST and Constitution (101st Amendment) Act, 2016 **(08Hrs)**

#### Unit-IV: Emergency, Amendment and Federalism

- 4.1 Emergency – Meaning, Kinds and Purpose
- 4.2 Centre's Duty to Protect the States, Justiciability of Proclamation made under Article 356, Effect of Emergency on Federalism
- 4.3 Constitutional Amendment – Need and Purpose, Procedure for Amendment, Amendability of the Constitution of India, Limitation upon Amending Power of the Parliament
- 4.4 Doctrine of Basic Structure
- 4.5 Constitutional Amendment and Federalism **(10 Hrs)**



### Unit-V: Local Self-Government and Cooperative Federalism

5.1 Local Self-government – Evolution of Local Self-government in India, the Gandhian Concept, Constitutional Provisions regarding Panchayats and Municipality, The Co-Operative Societies, 11th and 12th Schedule of the Constitution of India

5.2 Local Dispute Resolution System – Gram Nyayalayas Act, 2008

5.3 Cooperative Federalism in India – Inter-State Water Disputes, Inter-Governmental Cooperation in Solving Administrative Issues, Doctrine of Full Faith and Credit, the Inter-State Council, Zonal Councils, the North-East Council, GST Council

5.4 Centre-State Relations in Disaster Mitigation and Preparedness

5.5 Asymmetric Federalism, Special Status, Citizenship and Federalism (10 Hrs)

### Textbooks

S. No.	Name of the Books	Name of the Author	Publisher Name	Edition (Pub. Yr.)
1	Comparative Federalism	D.D. Basu	Eastern Book Company	2nd (2008)
2	V N Shukla's Constitution of India	Mahendra P Singh	Mahendra P Singh	14th (2024)

### Reference Books

S. No.	Name of the Books	Name of the Author	Publisher Name	Edition (Pub. Yr.)
1	Federalism in India	Singh, Mahendra Prasad	Sage publications, New Delhi.	2 <sup>nd</sup> (2022)
2	Federalizing India in the Age of Globalization	M.P Singh and Rekha Saxena	Primus Books, New Delhi	3 <sup>rd</sup> (2013)

### Statutory References

S. No.	Name of the Books	Publisher Name	Edition (Pub. Yr.)
1	Constitution of India – Bare Act	Eastern Book Company	50 <sup>th</sup> (2024)

<https://blog.ipleaders.in/difference-us-indian-federalism/>

<https://www.legalserviceindia.com/legal/article-2600-union-and-state-legislature-distribution-of-legislative-powers.html>



### COURSE OUTCOMES

At the end of the course the student will be able to: -	
CO1	Discuss the principles and characteristics of federalism in various constitutions.
CO2	Interpret the constitutional provisions governing legislative relations
CO3	Evaluate the administrative and fiscal relationships between the Centre and the states.
CO4	Examine the impact of emergencies and constitutional amendments on federalism in India
CO5	Analyze the role of local self-government and cooperative federalism in India's governance.

### CO-PO AND MATRIX

CO	PO1	PO2	PO3	PO4	PO5	PO6
1	3	1	2	-	1	3
2	1	3	-	1	-	3
3	1	2	-	2	-	3
4	1	1	-	2	2	3
5	1	2	-	-	2	3

### COURSE PLAN

**Unit-I: Federalism: Some Basic Principles**

S. No	Topics	Recommended Books
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1	Concepts of Constitution and Constitutional Law – Definition, Kinds and Types of Constitution	Ref Book 1, Unit 1, Ch 2
2	Constitutionalism and the Idea of Limited Government	Ref Book 1, Unit 1, Ch 3
3	Federalism – An aspect of Constitutionalism, Confederation and Federation: Fundamental Distinctions, Basic Characteristics of a Federal Constitution,	Ref Book 1, Unit 1, Ch 4
4	Federalism in U.S.A., Australia and Canada	Book 2, Ch 5
5	Federalism in India – Federal Character of Indian Constitution, Unitary Features of the Constitution of India, Judicial Interpretation	Ref Book 1, Unit 3, Ch 1
<b>Unit-II: Centre-State Legislative Relations</b>		
6	Distribution of Legislative Powers – Constitutional Provisions	Ref Book 1, Unit 2, Ch 16
7	Subject-wise Distribution of Legislative Powers	Ref Book 1, Unit 2, Ch 11
8	Principles of Interpretation of the Lists	Ref Book 1, Unit 2, Ch 6
9	Rules of Judicial Interpretation and Exceptions	Ref Book 1, Unit 2, Ch 9
10	Territorial and Subject Matter Limitation – Doctrine of Territorial Nexus, Inter-relation of Entries, Residuary Powers, Repugnancy	Ref Book 1, Unit 2, Ch 15
<b>Unit-III: Centre-State Administrative and Fiscal Relations</b>		
11	Distribution of Administrative and Executive Powers – Constitutional Provisions, Centre-State Administrative Coordination	Ref Book 1, Unit 1 Ch 12
12	Inter-governmental Delegation of Functions	Ref Book 1, Unit 1 Ch 14
13	Centre's Directives to the State, Common Civil Service	Ref Book 1, Unit 1 Ch 13,14
14	Distribution of Fiscal Power – Constitutional Scheme of allocation of taxing powers, Restriction of Fiscal Power, Grant in Aid	<a href="https://blog.ipleaders.in/">https://blog.ipleaders.in/</a>
15	Difference between Tax, Fee and Surcharge, Finance	<a href="https://blog.ipleaders.in/">https://blog.ipleaders.in/</a>



	Commission, Niti Ayog, GST and Constitution (101st Amendment) Act, 2016	
<b>Unit-IV: Emergency, Amendment and Federalism</b>		
16	Emergency – Meaning, Kinds and Purpose	Ref Book 1, Unit 5, Ch 4
17	Centre's Duty to Protect the States, Justiciability of Proclamation made under Article 356, Effect of Emergency on Federalism	<a href="https://www.ijrpr.com/index.php">https://www.ijrpr.com/index.php</a>
18	Constitutional Amendment – Need and Purpose, Procedure for Amendment, Amendability of the Constitution of India, Limitation upon Amending Power of the Parliament	Book 2, Ch 10
19	Doctrine of Basic Structure	Ref Book 1, Unit 5, Ch 8
20	Constitutional Amendment and Federalism	Ref Book 1, Unit 5, Ch 5
<b>Unit-V: Local Self-Government and Cooperative Federalism</b>		
21	Local Self-government – Evolution of Local Self-government in India, the Gandhian Concept, Constitutional Provisions regarding Panchayats and Municipality, The Co-Operative Societies, 11th and 12th Schedule of the Constitution of India	Ref Book 1, Unit 3, Ch 11
22	Local Dispute Resolution System – Gram Nyayalayas Act, 2008	Book 2, Ch 6
31	Cooperative Federalism in India – Inter-State Water Disputes, Inter-Governmental Cooperation in Solving Administrative Issues, Doctrine of Full Faith and Credit, the Inter-State Council, Zonal Councils, the North-East Council, GST Council	Ref Book 1, Unit 5, Ch 14 Book 2, Ch 12
32	Centre-State Relations in Disaster Mitigation and Preparedness	Book 2, Ch 8 <a href="https://blog.ipleaders.in/">https://blog.ipleaders.in/</a>
33	Asymmetric Federalism, Special Status, Citizenship and Federalism	Book 2, Ch 14



### Additional Web Sources

1.	<a href="https://blog.ipleaders.in/difference-us-indian-federalism/">https://blog.ipleaders.in/difference-us-indian-federalism/</a>
2.	<a href="https://www.legalserviceindia.com/legal/article-2600-union-and-state-legislature-distribution-of-legislative-powers.html">https://www.legalserviceindia.com/legal/article-2600-union-and-state-legislature-distribution-of-legislative-powers.html</a>

### 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 (12:05 PM - 12:55 PM)**

**Friday (12:05 PM - 12:55 PM)**

- **Contact Information**

[insha.llb@mietjammu.in](mailto:insha.llb@mietjammu.in)



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