

*School of Law, HILSR
Jamia Hamdard*

Course Syllabus

Course Overview:

Course Title: Constitutional Law – I

Course Code: BALLB –304

Semester: 3rd

Credits: 4

Medium of Instruction/Assessment: English

Objectives of the Course:

The Objective of this course is to provide understanding of basic concepts of Indian Constitution and various organs created by the constitution including their functions.

Assessment and Evaluation:

The course has a weightage of 100 marks. 75 % of the marks will be covered by the End Semester Examination; while as 25 % will constitute internal assessment to be done by the concerned instructor.

(A) End Semester Examination: *There shall be ten questions in the Question paper with two from each unit. Students shall have to answer five questions in all selecting one from each unit.*

(B) Internal Assessment: *Students will be assessed and evaluated by the concerned teacher during the entire semester at regular intervals. This will be done by employing a wide range of methods including written tests, tutorials, term paper writing, presentations etc. Attendance of the students will also form a part of the internal assessment.*

Course Outline:

The course is based on five units.

UNIT I – NATURE AND SALIENT FEATURES OF INDIAN CONSTITUTION

Origin and development of Indian Constitution- - Features of Indian Constitution- Parliamentary Supremacy-Theory of Separation of Powers- - Doctrine of checks and balances, Doctrine of Judicial review- Federal, Quasi-Federal, Cooperative Federalism – kinds of Constitution-Written and unwritten, rigid and flexible- executive- parliamentary, presidential-combination of both.

UNIT II – PREAMBLE, UNION AND ITS TERRITORIES AND CITIZENSHIP

Preamble: meaning, scope, nature- Union and its Territories (Art. 1 to 4)- Citizenship (Art.5 to 11)- Mode of acquiring and loss of citizenship - Citizenship Act ,1955

UNIT III –STATE

Definition (Art. 12)- new judicial trends on concept of State- Judicial Review (Art. 13)- pre-constitutional and post-constitutional laws- Doctrine of Eclipse, Doctrine of Severability, Doctrine of Colourable legislation, Doctrine of Pith and Substance- Judicial review of legislations included in the 9th schedule

UNIT IV – FUNDAMENTAL RIGHTS

Right to equality: - reasonable classification- intelligible differentia -protective discrimination clause, reservation and social justice under Art.15 and 16 - Constitutional provisions on untouchability (Art. 17)

Right to Freedom: reasonable restrictions on right to freedom under Art. 19(2) to Art.19 (6)- Judicial interpretations

Rights of the Accused: Art. 20- Rights of the arrested person, ex-post facto law- double jeopardy- self-incrimination.

Right to life and personal liberty: Art.21 - Judicial interpretation on life and liberty, applicability of concept of reasonableness.

Preventive detention Art. 22: Right against preventive detention- exceptions- safeguards.

Freedom of religion: Art. 25-28, - judicial interpretation- restrictions.

Cultural and Educational rights: Art. 29-30- protection of minorities, recent trends on minority educational institutions

Right to Constitutional Remedies: Art. 32- writ jurisdiction- compensatory jurisprudence, - Habeas corpus, Mandamus, Quo-warranto, Prohibition, Certiorari

UNIT V- DIRECTIVE PRINCIPLES OF STATE POLICY AND FUNDAMENTAL DUTIES

Directive principles of state policy (Art. 35-51) Relationship with fundamental rights and directive principles.

Fundamental Duties: Art.51 A- enforcement of fundamental duties.

Amendment: Amendment-Art.368- Methods of Constitutional amendment- powers and procedure to amend the Constitution- Limitations upon constituent power- Doctrine of basic structure.

TEXT BOOKS

1. V.N. Shukla- Constitution of India
2. M.P. Jain – Outline of Indian Legal History
3. Rama Jois- Legal and Constitutional History of India Volume 2
4. Prof. Rhona Smith, Dr, Eimear Spain, Richard Glancey, Nutshells- Constitutional and Administrative law
5. Mahendra P Singh- Constitution of India
6. M P Jain- Indian Constitutional Law
7. Dr. Durga Das Basu- Introduction to the Constitution of India
8. H.M. Seervai, Indian Constitution