

LL.M. 2ND SEMESTER

CORE PAPER

FUNCTIONING OF STATE AND GOVERNANCE

Paper: 201

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note:

1. There shall be total Five Units in the question paper.
2. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus.
3. There shall be two questions in each Unit i.e. Unit-II to Unit-V.
4. The student is required to attempt four questions by selecting one question from each unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

COURSE OBJECTIVES:

- To familiarize students with the legislative procedures, the separation of powers, and the dynamics of legislative control over the executive and judiciary.
- To provide students with insights into the federal structure of India, the roles and constitutional positions of key federal entities, and the principles of federal comity and checks and balances.
- To enable students to understand the foundational principles of judicial independence, the appointment and removal processes of judges, and the concepts of judicial review and judicial activism.
- To equip students with knowledge about the functioning of the state, focusing on elections, civil services, and the processes related to constitutional amendments.
- To analyze case studies related to coalition governments and their impact on stability, durability, and governance, and to explore changing dimensions in areas like contempt of court.

UNIT-I

Legislative Process

- Legislative control over executive and judiciary
- Executive control over legislature
- Immunities, powers and privileges of houses and their members
- Separation of power

- Legislative procedure
- Coalition government: “stability, durability, and corrupt practice”: in contemporary trend

UNIT-II

Federalism

- Role and constitutional position of president and governors in federal govt
- Federal Comity: Relationship between Centre and State.; Doctrine of checks and balances
- Emergency Provisions and federalism
- Distribution of Power between Centre and States.

UNIT-III

Judicial Process

- Independence of Judiciary
- Appointment, transfer and removal of judges of SC and HC
- The concept of Judicial Review and Judicial Activism.
- Contempt of Court- changing dimensions.

UNIT-IV

Constitutional Framework and Governance in India: Elections, Civil Services, and Constitutional Amendments

- Election: Status of election commission, electoral reforms
- Civil services under Indian constitution; Doctrine of Pleasure
- Amendment of constitution and basic structure doctrine

COURSE OUTCOME:

- Students will possess a comprehensive understanding of the legislative processes, including the separation of powers, legislative control mechanisms, and the dynamics between different branches of government.

- Students will be proficient in analyzing the federal structure of India, understanding the roles of key federal entities, and evaluating the principles of federal comity and checks and balances.
- Students will develop skills to analyze the judicial process, understanding the principles of judicial independence, the appointment and removal processes of judges, and the concepts of judicial review and judicial activism.
- Students will gain a deep understanding of the constitutional framework governing elections, civil services, and constitutional amendments, enabling them to analyze and interpret related provisions and processes.
- Students will be able to analyze case studies, evaluate contemporary issues, and propose informed solutions and interpretations in the realm of state functioning and governance.

SUGGESTED READINGS:

1. Basu, D. D. : Introduction to the Constitution of India.
2. Shukla, V.N. : Constitution of India
3. Seervai : Indian Constitution
4. Pandey, J.N. : Constitutional Law of India
5. Wheare, K.C. : Federal Government
6. Austin, Granville : The Indian Constitution-Cornerstone of a Nation