

Honours Course: Discipline Specific Core II

Semester _____	One
Paper Number	HPSCR1021T
Paper Title	Constitutional Government and Democracy in India
No. of Credits	6
Theory/Composite	Theory
No. of periodsassigned	Th: 5+1 Tutorial class Pr:
Name of Faculty member(s)	
Course description/objective	This course acquaints students with the constitutional design of state structures and institutions, and their actual working over time. The Indian Constitution accommodates conflicting impulses (of liberty and justice, territorial decentralization and a strong union, for instance) within itself. The course traces the embodiment of some of these conflicts in constitutional provisions, and shows how these have played out in political practice. It further encourages a study of state institutions in their mutual interaction, and in interaction with the larger extra-constitutional environment.
Syllabus	<p>MODULE I (40 Marks)</p> <p>I. The Constituent Assembly and the Constitution Role of the Constituent Assembly in framing the Constitution; Philosophy of the Constitution: the Preamble, Features of the Constitution(5 lectures)</p> <p>II. Organs of Government</p> <p>a. The Legislature: Parliament---structure and functions, Speaker, Privileges, Committee system (7 lectures)</p> <p>b. The Executive: President and Prime Minister---powers, position, Emergency provisions, inter-relation (10 lectures)</p> <p>c. The Judiciary: Supreme Court and High Courts, powers, functions and jurisdictions; judicial activism(8 lectures)</p> <p>MODULE II (40 Marks)</p> <p>III Fundamental Rights and Directive Principles (10 lectures)</p> <p>IV Federalism and Decentralization (20 lectures)</p> <p>a. Federalism: Division of Powers, Fifth and Sixth Schedules (12 lectures)</p> <p>b. Panchayati Raj and Municipalities: structure and functions(8 lectures)</p>

Texts	
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Reading/Reference Lists	<p>I. The Constituent Assembly and the Constitution Philosophy of the Constitution, the Preamble, and Features of the Constitution Essential Readings: G. Austin, (2010) ‘The Constituent Assembly: Microcosm in Action’, in <i>The Indian Constitution: Cornerstone of a Nation</i>, New Delhi: Oxford University Press, 15th print, pp.1-25. R. Bhargava, (2008) ‘Introduction: Outline of a Political Theory of the Indian Constitution’, in R. Bhargava (ed.) <i>Politics and Ethics of the Indian Constitution</i>, New Delhi: Oxford University Press, pp. 1-40. Additional Reading: D. Basu, (2012) <i>Introduction to the Constitution of India</i>, New Delhi: Lexis Nexis. S. Chaube, (2009) <i>The Making and Working of the Indian Constitution</i>, Delhi: National Book Trust.</p> <p>II. Organs of Government a. The Legislature: Parliament Essential Readings: B. Shankar and V. Rodrigues, (2011) ‘The Changing Conception of Representation: Issues, Concerns and Institutions’, in <i>The Indian Parliament: A Democracy at Work</i>, New Delhi: Oxford University Press, pp. 105-173. V. Hewitt and S. Rai, (2010) ‘Parliament’, in P. Mehta and N. Jayal (eds.) <i>The Oxford Companion to Politics in India</i>, New Delhi: Oxford University Press, pp. 28-42.</p> <p>b. The Executive: President and Prime Minister Essential Readings: J. Manor, (2005) ‘The Presidency’, in D. Kapur and P. Mehta P. (eds.) <i>Public Institutions in India</i>, New Delhi: Oxford University Press, pp.105-127. J. Manor, (1994) ‘The Prime Minister and the President’, in B. Dua and J. Manor (eds.) <i>Nehru to the Nineties: The Changing Office of the Prime Minister in India</i>, Vancouver: University of British Columbia Press, pp. 20-47. H. Khare, (2003) ‘Prime Minister and the Parliament: Redefining Accountability in the Age of Coalition Government’, in A. Mehra and G. Kueck (eds.) <i>The Indian Parliament: A Comparative Perspective</i>, New Delhi: Konark, pp. 350-368.</p> <p>c. The Judiciary: Supreme Court Essential Readings:</p>

U. Baxi, (2010) 'The Judiciary as a Resource for Indian Democracy', *Seminar*, Issue 615, pp. 61-67.

R. Ramachandran, (2006) 'The Supreme Court and the Basic Structure Doctrine' in B. Kirpal et.al (eds.) *Supreme but not Infallible: Essays in Honour of the Supreme Court of India*, New Delhi: Oxford University Press, pp. 107-133.

Additional Reading:

L. Rudolph and S. Rudolph, (2008) 'Judicial Review Versus Parliamentary Sovereignty', in *Explaining Indian Institutions: A Fifty Year Perspective, 1956-2006: Volume 2: The Realm of Institutions: State Formation and Institutional Change*. New Delhi: Oxford University Press, pp. 183-210.

III. Fundamental Rights and Directive Principles

Essential Readings:

G. Austin, (2000) 'The Social Revolution and the First Amendment', in *Working a Democratic Constitution*, New Delhi: Oxford University Press, pp. 69-98.

A. Sibal, (2010) 'From Niti to Nyaya,' *Seminar*, Issue 615, pp 28-34.

Additional Reading:

The Constitution of India: Bare Act with Short Notes, (2011) New Delhi: Universal, pp. 4-16.

IV. Federalism and Decentralization

a. Federalism: Division of Powers, Fifth and Sixth Schedules

Essential Readings:

M. Singh, and R. Saxena (eds.), (2011) 'Towards Greater Federalization,' in *Indian Politics:*

Constitutional Foundations and Institutional Functioning, Delhi: PHI Learning Private Ltd., pp. 166-195.

V. Marwah, (1995) 'Use and Abuse of Emergency Powers: The Indian Experience', in B. Arora and D. Verney (eds.) *Multiple Identities in a Single State: Indian Federalism in a Comparative Perspective*, Delhi: Konark, pp. 136-159.

B. Sharma, (2010) 'The 1990s: Great Expectations'; 'The 2000s: Disillusionment

Unfathomable', in *Unbroken History of Broken Promises: Indian State and Tribal People*,

Delhi: Freedom Press and Sahyog Pustak Kuteer, pp. 64-91.

The Constitution of India: Bare Act with Short Notes, (2011) New Delhi: Universal, pp 192-

213.

	<p>Additional Readings: R. Dhavan and R. Saxena, (2006) 'The Republic of India', in K. Roy, C. Saunders and J. Kincaid (eds.) <i>A Global Dialogue on Federalism</i>, Volume 3, Montreal: Queen's University Press, pp. 166-197. R. Manchanda, (2009) <i>The No Nonsense Guide to Minority Rights in South Asia</i>, Delhi: Sage Publications, pp. 105-109.</p> <p>b. Panchayati Raj and Municipalities</p> <p>Essential Readings: P. deSouza, (2002) 'Decentralization and Local Government: The Second Wind of Democracy in India', in Z. Hasan, E. Sridharan and R. Sudarshan (eds.) <i>India's Living Constitution: Ideas, Practices and Controversies</i>, New Delhi: Permanent Black, pp. 370-404. M. John, (2007) 'Women in Power? Gender, Caste and Politics of Local Urban Governance', in <i>Economic and Political Weekly</i>, Vol. 42(39), pp. 3986-3993. Raghunandan, J. R (2012) <i>Decentralization and local governments: The Indian Experience</i>, Orient Black Swan, New Delhi Baviskar, B.S and George Mathew (eds) 2009 <i>Inclusion and Exclusion in local governance: Field Studies from rural India</i>, New Delhi, Sage.</p>
Evaluation	<p>CIA: 20 End-Sem: 80 Short Notes: 2 out of 3 of 5marks each (2x5=10) Essay Type: 3 out of 4 (3X10= 30) (40 marks per module) 40+40 (Module I + Module II= 80) (80+20 CIA=100)</p>