

Discipline Specific Course

DSC-9 : CONSTITUTIONAL GOVERNMENT AND DEMOCRACY IN INDIA

Credit distribution, Eligibility and Pre-requisites of the Course

Course title & Code	Credits	Credit distribution of the course			Eligibility criteria	Pre-requisite of the course(if any)
		Lecture	Tutorial	Practical/ Practice		
Constitutional Government and Democracy in India DSC 9	4	3	1	-	NA	NA

Learning Objectives

The aim of this course is to enable students to know the constitutional design of government and political institutions in India. The purpose is to understand how liberty, equality and justice, territorial decentralization and federalism, development and democracy, serve as values on which constitutional democracy in India is premised. The course traces the contestations over how these values were incorporated in the Constitution, and demonstrates the manner in which they played out in practice. It encourages students to see how institutional practices and constitutional design are impacted by the political contexts within which they unfold. The relationship between emergency provisions, constitutionalism and democracy offers significant insights into these processes. The course helps develop an understanding of how the different organs of government exist in an institutional matrix which is characterised by conflict and cooperation, division of powers in an asymmetrical federal arrangement, protection of the vulnerable against discrimination on the grounds of cases, class, ethnicity and gender, and decentralisation of power to facilitate participatory governance at local levels. The course is expected to enable students to develop the ability to comprehend the relationships between constitutionalism, democracy and governance by using concepts and analytical frameworks informed by the scholarly literature on the subject buttressed by empirical details.

Learning outcomes

On successful completion of the course, students will demonstrate:

- understanding the specificities of Indian constitutionalism through a reading of the Constituent Assembly debates
- familiarity with the debates around constitutional architecture, institutional design and practice, and constitutional democracy
- awareness of the manner in which government functions through its various organs
- understanding of the division of power between various organs of the government at different levels.

SYLLABUS OF DSC-9

UNIT – I

The Constituent Assembly and the Constitution

- a) Philosophy of the Constitution, the Preamble, and features of the Constitution.

- b) Citizenship, Fundamental Rights, Directive Principles and Fundamental Duties

UNIT – II

Organs of Government

- a) The Legislature: Power and Functions of Parliament, Debates on Representation in Parliament.
- b) The Executive: Election, Power, Functions and the changing role of President and Prime Minister.
- c) The Judiciary: Appointment of Judges in High Courts and the Supreme Court, Power and Functions of High Courts and the Supreme Court.

UNIT – III

Federalism and Decentralization

- a) Centre-State Relations, Asymmetrical Federalism
- b) The Panchayats and Municipalities

UNIT – IV

Constitutional Provisions and National Security Laws

- a) Emergency Provisions
- b) Preventive Detention and National Security Laws

Essential/recommended readings

Classics

The Nehru Committee Report: An Anti-Separatist Manifesto (1928), The Committee Appointed by the All Parties' Conference, New Delhi: Michiko & Panjathan.

Shriman Narayan Agarwal (1946), *Gandhian Constitution for Free India*, Foreword by Mahatma Gandhi, Kitabistan, Allahabad.

Shiva Rao (1968), *The Framing of India's Constitution, A Study*, Indian Institute of Public Administration, New Delhi, printed by Government of India Press, Nasik, distributed by N.M. Tripathi Pvt. Ltd, Bombay.

Unit wise reading list

1. The Constituent Assembly and the Constitution

a. Philosophy of the Constitution, the Preamble, and Features of the Constitution

G. Austin (2010), 'The Constituent Assembly: Microcosm in Action', in *The Indian Constitution: Cornerstone of a Nation*, 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.) *Politics and Ethics of the Indian Constitution*, New Delhi: Oxford University Press, pp. 1-40.

A. Thiruvengadam (2017), *The Constitution of India, A Contextual Analysis*, Oxford: Bloomsbury, Ch. 'Origins and the Crafting of the Constitution', pp.11-38.

D.D. Basu (2012), *Introduction to the Constitution of India*, New Delhi: Lexis Nexis.

S.K. Chaube (2009), *The Making and Working of the Indian Constitution*, Delhi: National Book Trust [Ch.III: The Spirit of the Indian Constitution, pp.21-29].