

CORE- II: CONSTITUTIONAL GOVERNMENT AND DEMOCRACY IN INDIA

Course 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.

I. The Constituent Assembly and the Constitution (16 lectures)

- a. Philosophy of the Constitution, the Preamble, and Features of the Constitution (2 weeks or 8 lectures)
- b. Fundamental Rights and Directive Principles (2 weeks or 8 lectures)

II. Organs of Government (20 lectures)

- a. The Legislature: Parliament (1.5 weeks or 6 lectures)
- b. The Executive: President and Prime Minister (2 weeks or 8 lectures)
- c. The Judiciary: Supreme Court (1.5 weeks or 6 lectures)

III. Federalism and Decentralization (12 lectures)

- a. Federalism: Division of Powers, Emergency Provisions, Fifth and Sixth Schedules (2 weeks or 8 lectures)
- b. Panchayati Raj and Municipalities (1 week or 4 lectures)

READING LIST

I. The Constituent Assembly and the Constitution

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

Essential Readings:

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.

Additional Reading:

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

S. Chaube, (2009) *The Making and Working of the Indian Constitution*, Delhi: National Book Trust.

b. Fundamental Rights and Directive Principles

Essential Readings:

13

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.

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 *The Indian Parliament: A Democracy at Work*, New Delhi: Oxford University Press, pp. 105-173.

V. Hewitt and S. Rai, (2010) 'Parliament', in P. Mehta and N. Jayal (eds.) *The Oxford*

Companion to Politics in India, New Delhi: Oxford University Press, pp. 28-42.

b. The Executive: President and Prime Minister

Essential Readings:

J. Manor, (2005) 'The Presidency', in D. Kapur and P. Mehta P. (eds.) *Public Institutions in*

India, New Delhi: Oxford University Press, pp.105-127.

J. Manor, (1994) 'The Prime Minister and the President', in B. Dua and J. Manor (eds.) *Nehru*

to the Nineties: The Changing Office of the Prime Minister in India, 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.) *The Indian Parliament: A Comparative Perspective*, New Delhi: Konark, pp. 350-368.

c. The Judiciary: Supreme Court

Essential Readings:

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. Federalism and Decentralization

a. Federalism: Division of Powers, Emergency Provisions, 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.

Additional Readings:

R. Dhavan and R. Saxena, (2006) 'The Republic of India', in K. Roy, C. Saunders and J. Kincaid

(eds.) *A Global Dialogue on Federalism*, Volume 3, Montreal: Queen's University Press, pp.

166-197.

R. Manchanda, (2009) *The No Nonsense Guide to Minority Rights in South Asia*, Delhi: Sage

Publications, pp. 105-109.

b. Panchayati Raj and Municipalities

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.) *India's Living Constitution: Ideas,*

Practices and Controversies, New Delhi: Permanent Black, pp. 370-404.

M. John, (2007) 'Women in Power? Gender, Caste and Politics of Local Urban Governance',

in *Economic and Political Weekly*, Vol. 42(39), pp. 3986-3993.

Raghunandan, J. R (2012) *Decentralization and local governments: The Indian Experience*,

Orient Black Swan, New Delhi

Baviskar, B.S and George Mathew (eds) 2009 *Inclusion and Exclusion in local governance:*

Field Studies from rural India, New Delhi, Sage