

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A., LL.B (Hons.), B.Com.LL.B(Hons.)
Course Code:	2COL841
Course Title:	Indian Federalism
Course Type:	Department Elective
Year of Introduction	2021-2022

Credit Scheme

L	T	Practical component				C
		LPW	PW	W	S	
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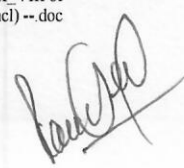
Course Learning Outcomes (CLO)

After the completion of the course the students will be able to:

1. Describe the Meaning and different models of federalism
2. Elaborate the Meaning, Nature, Scope and development of Indian Federalism.
3. Comprehend and appraise the distribution of legislative powers between Union and State under the Constitutional Scheme
4. Analyse and correlate the distribution of administrative powers between Union and State under the Constitutional Scheme
5. Explain and illustrate the financial relations between Union and State under the Constitutional Scheme
6. Examine the various other aspects related to Indian federalism under the Constitutional Scheme
7. Evaluate the various issues and challenges to the Indian Federalism in the contemporary situations.

Syllabus:

Unit	Syllabus	Total teaching hour: 60 Teaching hours
Unit-I	Introduction to Federal Principles and its Transformations 1.1 Introduction to federalism 1.2 Confederation vs. Federation 1.3 Unitary System vs. Federal System 1.4 Marble Cake Federalism & Layer Cake Federalism 1.5 Vertical and Horizontal Federalism 1.6 Co-operative federalism & Bargaining Federalism 1.7 Federation Sui Generis	6 Hours



- 1.8 India's Federal Structure vs. U.S.A's Federal Structure
- 1.9 Institutional Test & Functional Test of Federalism

Unit-II Indian Federalism 6 Hours

- 2.1 Introduction to Indian Federalism
 - 2.1.1 Legislative approach towards Indian Federalism
 - 2.1.2 Judicial perspective towards Indian Federalism
- 2.2 Nature of Indian Federalism
 - 2.2.1 Quasi Federalism
 - 2.2.2 Cooperative Federalism

Unit-III Distribution of Legislative Powers between the Union and the States 10 Hours

- 3.1 Territorial Jurisdiction to legislate, Unions Laws Cannot be questioned in domestic courts on the grounds of extraterritorial application, State Laws to be applicable within the territorial jurisdiction of the State, Exception to the general rule: Doctrine of Territorial Nexus.
- 3.2 Jurisdiction to legislate on the Subject Matter, Three Lists: Union List, State List & Concurrent List.
- 3.3 Principles of Interpretation of the three lists: Presumption of Constitutionality, Each entry to be interpreted broadly, Harmonious interpretation of entries, Inter-relation of entries, Ancillary and Incidental powers, Plenary powers, Rule of pith & Substance, Doctrine of Colourable Legislation, Doctrine of Repugnancy.
- 3.4 Residuary Powers and Validation Acts
- 3.5 Parliamentary legislation in the State field: Article 249, 250, 252, 253

Unit-IV Administrative Relations between Union & States 10 Hours

- 4.1 Obligation of the States and The Union
- 4.2 Control of Union over States in certain cases
- 4.3 Assistance to States by deployment of armed forces or other forces of the Union
- 4.4 Power of Union to confer powers etc on States in certain cases
- 4.5 Power of States to entrust functions to the Union
- 4.6 Adjudication of disputes relating to waters of inter-State rivers or river valleys
- 4.7 Inter-State Council

Unit- V	Financial Relations between Union and States	10 Hours
	5.1 Duties levied by the Union but collected and appropriated by the States 5.2 Taxes levied and collected by the Union but assigned to the States 5.3 Taxes levied and distributed between the Union and the States 5.4 Surcharge on certain duties and taxes for purposes of the Union 5.5 Taxes which are levied and collected by the Union and may be distributed between the Union and the States 5.6 Grants in lieu of export duty on jute and jute products 5.7 Prior recommendation of President required to Bills affecting taxation in which States are interested 5.8 Grants from the Union to certain States 5.9 Goods and Services Tax; Constitution (One Hundred and First Amendment) Act, 2016	
Unit-VI	Important Aspects of the Indian Constitution with the Federalism	9 Hours
	6.1 Civil Services 6.2 Emergency Provisions 6.3 Amendment Provisions 6.4 Finance Commission 6.5 Inter-State and Zonal Council 6.6 Inter-State Water Disputes	
Unit-VII	Issues and Challenges to Indian Federalism	9 Hours
	7.1 Demand of State Autonomy 7.2 National Investigation Agency and Indian Federalism 7.3 NITI Aayog and Indian Federalism 7.4 Regionalism; Ethnic Federalism 7.5 Office of Governor of States and LG of Union Territories 7.5.1 Jammu and Kashmir Reorganisation Act, 2019; National Investigation Agency (Amendment) Act, 2019 7.5.2 Government of National Capital Territory of Delhi (Amendment) Act, 2021	

Suggested Reading
Reference:

1. M. P. Jain, Constitutional Law, 6th Edition Lexis Nexis Butterworths.
2. V. N. Shukla's, Constitution of India, 12th Edition, Eastern Book Company
3. Mahendra Prasad Singh, Indian Federalism: An Introduction, National Book Trust
4. Sujit Choudhary, Madhav Khosla & Pratap Bhanu Mehta, The Oxford handbook of the Indian Constitution, First Edition, 2016
5. H.M. Seervai, Constitutional Law of India (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol.3 a. (1996)
6. D.D. Basu, Shorter Constitution of India (14th ed., 2009)
7. V.D. Sebastian, Indian Federalism the Legislative Conflicts (1985).
8. B. Shiva Rao, The Framing of India's Constitution – Select Documents (1967)
9. Granville Austin, Indian Constitution: Corner stone of the nation (1966)
10. Granville Austin, Working a Democratic Constitution - A History of the Indian Experience (1999)
11. Niraja Gopal Jayal & Pratap Bhanu Mehta, the Oxford Companion to Politics in India, First Student Edition, 2010.