

Constitutional Law Additional Reading List

1. Weeks two – four:

a. Interpretation of the Constitution – Constitution as supreme law

Readings:

Seervai: Interpretation of Constitution (Vol 1, Ch 3).

Shukla: Introduction, pp A-61ff

b. Judiciary as interpreter and custodian of the constitution – its structure and position.

- (i) Single/unitary judiciary
- (ii) Supreme Court (Arts. 124 – 147 & 32)
- (iii) High courts (Arts. 214 – 231)
- (iv) Subordinate courts (Arts. 233 – 237 & 312)

a. Appointment and removal of the Supreme Court and High Court judges and transfer of the latter

Readings:

Required:

Presidential Reference, In re, (1998) 7 SCC 739

All India Judge's Assn. v. Union of India, AIR 1992 SC 165 & AIR 1993 SC 2493

Recommended:

Union of India v. Sankalchand Himatlal Sheth, (1977) 4 SCC 193

S.P. Gupta v. Union of India, AIR 1982 SC 149

Supreme Court Advocates on Record Assn. V.

Union of India, AIR 1994 SC 268

G. Austin, The Constitution of India, chapter on judiciary in his 1966 book

G. Austin, Working a Democratic Constitution, chapters 5, 15 & 25

Seervai, (Volume 3, Chapter 25)

M.P. Singh, Securing the Independence of the Judiciary – the Indian Experience, 10 Indiana Int'l & Comp L Rev. 245 (2000)

b. Jurisdiction and powers of the courts:

- i. Original, appellate, review and miscellaneous jurisdiction of the Supreme Court (Arts. 32, 129, 131 – 140, 142 & 143)

- ii. Original, appellate, writ jurisdiction and power of superintendence of the High Courts (Arts. 225 – 228).

Required readings:

Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802.
M.C. Mehta v. Union of India AIR 1987 SC 1086
Pritam Singh v. State, AIR 1950 SC 169
A.R. Antulay v. R.S. Nayak, AIR 1988 SC 1531
Rupa Ashok Hurra v. Ashok Hurra, (2002) 4 SCC 388
Union Carbide Corpn. V. Union of India, (1991) 4 SCC 584
Election Commission v. Saka Venkata Subba Rao, AIR 1953 SC 210
Nagendra nath Bora v. Commr. Hills Division, AIR 1958 SC 398

Recommended readings:

Seervai's chapters as above.
Shukla's commentary on relevant articles.

c. Judicial review as basic structure

Required reading:

L. Chandra Kumar v. Union of India, AIR 1997 SC 1125

Recommended readings:

To numerous to be mentioned extending from V.S. Deshpande's Judicial Review of Legislation to S.P. Sathe's, Judicial Activism and beyond. Moreover, there is enormous comparative material especially for US. The relevant ones will be mentioned in the course of discussion.