

BA.LL.B (HONS.) – VII-SEMESTER

COMPARATIVE CONSTITUTIONAL LAW

COURSE CODE:

Course Objective: The main objective of this Course is to provide comparative analysis about the structure of the Government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

Course Outcomes:

1. To understand the basic principles of Comparative Constitutional Law
2. To analyse the principle of constitutionalism
3. To comparatively analyse the making of constitution, methodology and interpretation
4. To understand various forms of government structures
5. To identify and able to conduct research on emerging trends in comparative constitutional law

UNIT-1: Introduction: The Evolution of the Field of Comparative Constitutional Law, Comparative Constitutional Law and Politics, Constitutional founding's and Transformations, Federalism, Rule of Law

UNIT-II: Constitutionalism; Civil and Political Rights, Economic and Social Rights, Constitutional Philosophy and Judicial Review, International Human Rights, and Constitutional Law, Constitutional Foundations of Administrative Law;

UNIT-III: Constitution-Making, Methodology, and Interpretation; Interpretive Methodology: Proportionality, Legalism, Originalism, Purposivism; Types of Constitutions: Written Constitutions-U.S.A., Canada, Australia and India; Unwritten Constitutions-England

UNIT-IV: Government Structures and Frameworks; Separation of Powers, Federalism and Consociationalism, Amendment Rules, Legal Traditions; Constitutional Rights- Democratic Rights; Freedoms of Expression, Association and of the Press, Dignity, Equality and Liberty Rights, Procedural Rights: Access to Courts, Rights to Hearings, and Particular Procedures, Religion, Social Rights

UNIT-V: Constitution of India-evolution and impact of global constitutions, Constitutionalism in India, Judicial review v. Judicial overreach, Judicial Appointments, Tenure, And Independence

Text Books:

1. D D Basu, Comparative Constitutional Law, 3rd Edition, LexisNexis, 2014
2. M.P Jain: Comparative Constitutional Law, 2nd Edition, EBC, 2011

Reference Books:

1. June L. Dsouza, World Constitutions (Constitutional Texts and Comparative Study), 1st Ed. (Rep.), Central Law Publications, 2019