



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A.,LL.B (HONS.) FYIC

DETAILS OF COURSE OFFERED

EVEN SEMESTER (X) – ACADEMIC YEAR

SL. No	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	BL1004.6 CONSTITUTIONAL LAW SPECIALIZATION GROUP PAPER- VII	COMPARATIVE CONSTITUTION	4 PER WEEK	1 PER WEEK		4	

- A. CODE AND TITLE OF THE COURSE: BL1004.6,
CONSTITUTIONAL LAW, SPECIALIZATION GROUP PAPER-VII,
COMPARATIVE CONSTITUTION
- B. COURSE CREDIT: 4 (TOTAL MARKS 200)
- C. MEDIUM OF INSTRUCTION: ENGLISH
- D. COURSE COMPILED BY: HIMANGSHU RANJAN NATH
- E. COURSE INSTRUCTOR: HIMANGSHU RANJAN NATH

1. COURSE OBJECTIVES

A constitution is the supreme *lex*, which constitutes the fundamental rules governing the conduct of a nation establishing its concept, character and structure. It is a document embodying the aspirations and values of its framers and subjects. The constitution can be defined as an essential *rulebook* to establish a smooth running of the government, to boost a society based on rule of law, to ensure dignity of the subjects and to have unity in diversity. Depending upon the formation history of a nation its constitution may be written or unwritten. Irrespective of its type, the prime purpose of a democratic constitution is to determine the rights of the people and to lay down a system of governance through which the said rights can be preserved and protected. In order to ensure these rights, the governments are required to harmonise conflicting interests of various groups in the society. In this ever-shrinking world, dominated by technology, a comparative study of law, especially constitutional law, becomes *sine qua non*, in order to find out the best practices available in various jurisdictions to resolve the conflicting interest, while keeping the government itself within its boundaries.

The objective of this course is to help the students to understand the provisions of constitutional law of various jurisdictions in a comparative prospective thereby developing the sense of utility of these provisions for the betterment of the society at large. For the students of law, comparative study of constitutional law is necessary for several reasons. Firstly, it will broaden the vision and perception of the students by giving them a global constitutional perspective. Secondly, it helps the students in understanding the actual governmental institutions and workings of them abiding the rules laid down by the constitution. Thirdly, it will orient them to get familiar with the *nitty gritty* of judicial interpretation of constitutional rules and principles of different nations. Last but not the least, it will help the students in developing new approaches and perspectives in solving complex issues and problems in dealing with contemporary constitutional challenges mainly in the present globalised context in which we all are living.

2. TEACHING METHODOLOGY

This course is designed to bring the best of analytical aptitude in the students and to provide them best opportunity to make their ability to link theory with practical context. The teaching methodology shall be participatory teaching with discussions on

constitutional norms, principles, doctrines, precedents and statutory laws relating to the subject. The students will be informed in advance about the topic of discussion, project and assignment. They are suggested to prepare their assignments from the sources suggested and are encouraged to research independently from other authentic sources. The students are required to present their assigned topic in the class room and the teacher will summarize the same, welcome questions and present critical reflection if any. Further, for greater interest of the students, it has been proposed to take weekly tests and surprise tests in the classroom after completion of a topic included in the course content.

3. COURSE LEARNING OUTCOMES

On completion of the Course students are expected to understand the basic concepts and ideals mentioned in each module and thereby they shall be in a position to understand the underlying concepts of constitutional law from both domestic and international perspective. Further, by learning this course, it is expected that the students would be immensely benefited in their individual life by well acquainting with the meaning, scope and methods of comparative constitutional law besides developing sound understanding of certain fundamental principles of constitutional law of various nations. Likewise, students can also avail the benefit of this course in their professional and social life by contributing their acquired knowledge towards the achievement of good governance propagating constitutional justice.

4. COURSE EVALUATION METHOD

All theory Courses (with the exception of Clinical Papers and CBCC) will be evaluated on 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

Module I

1. CONSTITUTION AND CONSTITUTIONALISM
 - Concept, Nature and Importance of Constitution
 - Types of Constitution
 - Requisites of an Ideal Constitution
 - Constitutional Drafting and Design
 - Constitutional Law
 - Constitutionalism and Constitutional Supremacy
2. COMPARATIVE CONSTITUTIONAL LAW
 - Scope of Comparative Constitutional Law
 - Problems and Relevance of Study of Comparative Constitutional Law
 - Need for Comparative Study of Constitutional Law in Constitution Making
 - Comparative Constitutional Law in India

Module II

1. CONSTITUTIONAL STRUCTURE – BASIC PRINCIPLES
 - Rule of Law
 - Separation of powers
 - Judicial Review
 - Independence of Judiciary
2. SYSTEMS OF GOVERNANCE AND THE CONSTITUTION
 - Forms and Structure of Governments
 - Presidentialism
 - Parliamentaryism
 - Federalism

Module III

1. CONSTITUTION AND INDIVIDUAL RIGHTS
 - Structure and Scope of Constitutional Rights
 - Bill of rights
 - Fundamental Rights
 - Human Rights
 - Citizenship and Constitution
 - Horizontal Application of Constitutional Rights
2. CONSTITUTION AND CIVIL LIBERTY
 - Freedom of Opinion and Expression
 - Freedom of Religion
 - Equality
 - Privacy

Module IV

1. CONSTITUTIONAL AMENDMENT
 - How Constitution Changes?

- Need and Justification for Constitutional Changes
 - Types and Principles Relating to Amendment
 - Limitations on the Amending Power
2. CONSTITUTIONAL INTERPRETATION
- Interpretative Methodologies
 - Judicial Approach

6. PRESCRIBED READINGS

1. An Historical Introduction to Western Constitutional Law – R. C. Van Caenegem, Cambridge University Press, London, 2003.
3. An Introduction to the study of the Law of the Constitution – A.V. Dicey, Universal Law Publishing, New Delhi, 2012.
4. Comparative Constitutional Law – D. D. Basu, Third edition, Lexis Nexis, Gurgaon, 2014.
5. Comparative Constitutional Law – Tom Ginsburg and Rosalind Dixon, Edward Elgal, Cheltenham, 2011.
6. Comparative Constitutionalism in South Asia – Sunil Khilnani, Vikram Raghavan and Arun K. Thiruvengadam, Oxford University Press, New Delhi, 2013.
7. Comparative Federalism – D. D. Basu, 2nd Edition, Wadhwa and Company, Agra, 1987.
8. Constitution of India – V. N. Shukla, 12th edn. 2013, Eastern Book Company, Lucknow.
9. Constitutional Law of India – H. M. Seervai, 4th Edition, Universal Law Publishing Co Pvt Ltd, Delhi, 1983.
10. Constitutions of Nations – Amos J. Peaslee, The Rumford Press; 1950 (Reprinted: Buffalo; William S. Hein & Co.), 2006.
11. Federal Government – K. C. Wheare, Oxford University Press, London, 1963.
12. Federalism and Governance: Contemporary Developments – D. Sujatha (Ed.), ICFAI University Press, Hyderabad, 2007.
13. Indian Constitutional Law – M. P. Jain, 7th Edition, LexisNexis, Gurgaon, 2014 (Reprint).
14. Modern Constitutions – K C Wheare, 2nd Edition, Oxford University Press, London, 1966.
15. Select World Constitutions – Atlanta Publishers and Distributors (P) Ltd, 2009.
16. The Law and the Constitution – Sir Ivor Jennings, 5th Edition, University of London Press Ltd, London, 1973.
17. The Oxford Handbook of Comparative Constitutional Law – Michel Rosenfeld and Andras Sajó, 2nd Edition (Reprint), Oxford University Press, London, 2013.
18. Judicial Review in New Democracies, Constitutional Courts in Asian Cases – Tom Ginsburg, Cambridge University Press, London, 2003.
19. Comparative Constitutional Law – Nuzhat Parveen Khan, Satyam Law International, New Delhi, 2015.

20. Comparative Constitutional Law – Vicki C. Jackson and Mark V. Tushnet, 2nd Edition Foundation Press, New York, 2006.
21. Advanced Introduction to Comparative Constitutional Law – Mark Tushnet, Edward Elgar Publishing, Cheltenham, United Kingdom, 2014.