

COURSE TITLE: COMPARATIVE CONSTITUTIONAL LAW

L	T	P	O	TOTAL CREDIT UNITS
2	-	-	-	2

Course Code: LWH801

Credit Units: 2

Course Objective:

The aim of this course is to develop an understanding of various concepts and theories of Constitutionalism and Constitution. The course, along with, will cover the basic principles of a Constitution and comparative analysis of various provisions of different Constitutions, across the globe.

Course Contents:

Section A

Basic Principles of Constitutionalism & Position under Different Constitutions (Contact Hours-10)

- A. Essential Features of Constitutionalism, comparative Context.
- B. Rule of Law-Dicey's Concept of Rule of Law, Modern Concept of Rule of Law, in Comparative Context.
- C. Separation of Powers, Checks and Balances in India, US and UK, Australia and Canada

Section B

Constitutional Sovereignty and Review (Contact Hours-10)

- A. System of Governance under different Constitutions.
- B. Constitutional Review.
- C. Judicial Review & Limitations on Judicial Review.

Reference Material

1. AmanUllah and Uzair Samee, "*Basic Structure of Constitution: Impact of KesavanandaBharati on Constitutional Status of Fundamental Rights*", Vol. 26 (2) South Asian Studies 299-309 (July-December 2011).
2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights"
3. Bruce Ackerman, "*The New Separation of Powers*" 113 (3) Harv. L. Rev. 634-729 (2000).
4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November).
5. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) Madras Law Journal 8-16 (2010).

6. Chris Brown and Ainley Kirsten (2009) *Understanding International Relations*, New York: Palgrave Macmillan(4th edition).
7. D.D. Basu, *Comparative Constitutional Law*(2nd ed., Wadhwa Nagpur).
8. Daniel B. Rodriguez, “Change that matters: Essay on State Constitutional Development”,115(4).
9. Daryl Levinson and Richard H. Pildes “Separation of Parties, Not Powers”119(8) Harvard Law.
10. David King, “Formalizing Local Constitutional Standards of Review and the Implications for Federalism”97 (7) Virginia Law Review 1685-1726 (November 2011),*International Relations*, Vikas Publishing House, Delhi (5th Edition).
11. David Strauss, *The Living Constitution* (Oxford University Press, 2010).
12. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law House, 2004).
13. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
14. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rded., Aspen, 2006).
15. J Baylis, S. Smith, *Globalization of World Politics: An Introduction to International Relations*.
16. J.D.M Derrett, *An Introduction to Legal Systems*(3rdEdn, Universal Law House).
17. M.V. Pylee, *Constitution of the World* (Universal Law House, 2006).
18. Mahendra Kumar, *International Relations*.
19. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
20. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010).
21. Penn State Law Review 1073-1098 (Spring 2011).
22. Prakash Chandra, *International Relations*(Vikas Publishing House).
23. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
24. Basic Structure Doctrine (Oxford University Press, 2009).
25. Sudhir KrishnaSwamy, Democracy and constitutionalism in India- A Study.
26. Sunil Khilnani, VikramRaghavan, ArunThiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
27. V.N. Khanna (201 Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
28. VikramDavid Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
29. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions*(Cambridge University Press, 2009).