

Foundation Course-II: Comparative Public Law

Objectives:

This paper is designed to sensitize the students towards a regime that is of relevance to every one in a state. The concept of welfare state under a constitutional order, the doctrines used to tame the state power to protect individuals, the basic principles against abuse of power are all common to developed and developing states. Same is the case with criminal justice system. The students should be introduced to these uniformities obtaining in public law in different legal systems to equip them well to undertake the study of other specialized subjects. The students may undertake a comparative study of American, British and Indian constitutions and refer to other constitutions wherever necessary.

Course Content:

Unit-I

Meaning of Constitution, constitutionalism, rule of law, separation of powers, welfare state, constitution as a living document,

Unit-II

Guarantee of fundamental rights and freedoms; Restrictions that may be imposed on the rights; when the rights may be suspended; remedies available against violation of rights and their effectiveness.

Unit-III

Principles of Natural Justice- Audi Alteram Partem, Rule against bias, exceptions; judicial review of administrative action; abuse of discretions;

Unit-IV

Constitutional basis to respect international law, treaty making, implementation of treaties, Vienna Convention of Law of Treaties, certain basic principles- *jus cogens*, *pacta sunt servanda*, *rebus sic stantibus*,

Unit-V

Basic principles of criminal law, application of criminal law against abuse of state power, regime against corruption, terrorism, etc., Corporate criminal liability.

Books Prescribed:

M.P.Jain, *Constitution of India*,

Cauper, *Constitution of USA*,

Nowak, Ruthunda & Young, *Constitutional Law*

Whade and Phillips, *Constitutional Law*

Hood Phillips, *Constitutional Law*

Bailey, Harris & Jones, *Liberty*

Jain and Jain, *Administrative Law*

Whade, *Administrative Law*

De Smith, *Judicial Review*

Kenny, *Outlines of Criminal Law*

Glanville Williams, *Criminal Law*

Elias T.O., *Modern Law of Treaties*

Mc Nair Arnold, *Law of Treaties*.

Special laws dealing with modern crimes like terrorism, money laundering, corruption, etc.