

10.2 Course –II, Opt-V Comparative Constitutions

Objectives:

Comparative study of constitutional law widens the perception of basic constitutional principles like sovereignty, liberty, democracy, governmental powers and the limitations thereon, etc. it is desirable that a student should be imbued with an ability to comparatively analyse the provisions of the constitutions to critically evaluate the provisions of our own constitution. By and large when governments world over are performing the same functions for the benefit of their citizen, it becomes necessary to appreciate the interpretations that developments that take place in other legal systems. It is with this object the course is offered.

Course Outcomes:

Students who have taken admission for this course will be able to-

1. identify, analyse and explain theoretical knowledge and understanding of the range of constitutional models throughout the world;
2. critically evaluate the role and relevance of constitutional comparison;
3. identify, evaluate and review the accomplishments and shortcomings of the Indian constitutional system through a comparative lens.

Contents:

UNIT-I

Basic concepts: state, sovereignty, state action, constitution, characteristics of a written constitution, constitutional law, bill of rights. Judicial review and the doctrine of state action.

UNIT-II

Due process of law; equality and rule of law, admissibility of extraneous evidence.

UNIT-III

Incidents and Justiciability of a written constitution, interpretation of the constitution, final interpretation of the constitution.

UNIT-IV

Amendability of the constitution; constitution as higher law.

UNIT-V

The written constitution as a limitation; principle against delegation of constitutional powers as a limitation.

Book prescribed:

Durga Das Basu, *Comparative Constitutional Law*, (Nagpur, Wadgwa and Co., 2008)

Reference Books:

1. M.P.Singh ed., *Comparative Constitutional Law*, 2nd ed. (Lucknow, Eastern Book Co.)
2. M.V.Pylee, *Select Constitutions of the World*, (New Delhi, Universal Law Publishing Co.)
3. M.P.Jain, *Indian Constitutional Law*, (Nagpur: LexisNexis- Butterworths Latest editions of books are to be referred.