

COURSE TITLE	COMPARATIVE PUBLIC LAW/SYSTEMS OF GOVERNANCE
COURSE CODE	10LM0102
COURSE CREDITS	3

Objective:

- 1 To provide an overview of the scope, uses and methods of comparative public law.
- 2 To address key areas of comparative public law like separation of powers, rights, and judicial review to better understand and appreciate one's own legal system
- 3 To critically analyse new constitutional movements that are changing the boundaries of constitutionalism and constitutional systems.
- 4 To provide an overview of the scope, uses and methods of comparative public law.
- 5 To address critical areas of comparative public law like separation of powers, rights, and judicial review to better understand and appreciate one's legal system
- 6 To critically analyze new constitutional movements changing the boundaries of constitutionalism and constitutional systems.
- 7 Understand the similarities and differences between leading legal traditions in key areas like separation of powers, protection of rights and the role of judiciary.
- 8 Familiar with the methodology of comparative public law
- 9 Use comparative methodology in public law analysis
- 10 To provide an overview of the scope, uses and methods of comparative public law.
- 11 To address key areas of comparative public law like separation of powers, rights, and judicial review to better understand and appreciate one's own legal system
- 12 To critically analyse new constitutional movements that are changing the boundaries of constitutionalism and constitutional systems.

Course Outcomes: After completion of this course, student will be able to:

- 1 Understand the similarities and differences between leading legal traditions in key areas like separation of powers, protection of rights and the role of judiciary
- 2 Familiar with the methodology of comparative public law
- 3 Use comparative methodology in public law analysis

Pre-requisite of course: To provide an overview of the scope, uses and methods of comparative public law. 2. To address key areas of comparative public law like separation of powers, rights, and judicial review to better understand and appreciate one's own legal system 3. To critically analyse new constitutional movements that are changing the boundaries of constitutionalism and constitutional systems.

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
2	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	Comparative Public Law: Overview, uses and methods <ul style="list-style-type: none"> • Uses, purposes and challenges of comparative law , • Different methodological approaches: Classificatory, historical, , • normative, functional, and contextual, • The evolving boundary between public and private law , • Place of constitutional law and administrative law in a legal system 	
2	Constitutions: Making, functions and typology <ul style="list-style-type: none"> • Constitution making: Constituent power, process and the question of inclusiveness, and substance, • Functions: Creating organs, conferring power and protection of individual liberties, • Typology: On the basis of legal character and on the basis of expression of political ideals 	
3	Separation of power: Horizontal and vertical <ul style="list-style-type: none"> • Different forms of government: presidential, parliamentary, hybrid systems , • Federal and unitary states; Concept of quasi federalism , • The changing role of the state, emergence of the regulatory state 	
4	Rights <ul style="list-style-type: none"> • Similarities and differences , • Content and scope of rights in different constitutional cultures , • Overlapping rights , • Cross-jurisdictional variance in realisation of rights , • Security of state and individual liberties. 	
5	Constitutional Interpretation and Judicial review <ul style="list-style-type: none"> • Courts as the authoritative interpreter of the constitution , • Origins of judicial review, Judicial Activism , • Limitations 	
6	Amendment of the Constitution <ul style="list-style-type: none"> • Different methods , • Limitations, Basic structure theory 	
7	Emerging trends and issues <ul style="list-style-type: none"> • Internationalization of constitutional law: Driving forces, divergent practices and criticisms , • Militant democracy: concept, history, varieties and contestations , • On-going projects: Global Administrative Law; Global Constitutionalism; Transnational Law 	
Total Hours		

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Comparative Public Law: Overview, uses and methods public and private law , constitutional law and administrative law	
2	Constitutions: Making, functions and typology Constitution making	

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
3	Separation of power: Horizontal and vertical Federal and unitary states	
4	Rights Security of state and individual liberties	
5	Constitutional Interpretation and Judicial review Courts as the authoritative interpreter of the constitution , judicial review, Judicial Activism	
6	Amendment of the Constitution Different methods of amendment of constitution, Basic structure theory	
7	Emerging trends and issues Internationalization of constitutional law, Militant democracy, Global Administrative Law; Global Constitutionalism; Transnational Law	
Total Hours		

Textbook :

- 1 The Oxford handbook of comparative constitutional law, Rosenfeld, M. and Sajo, A. , Oxford University Press, 2012

References:

- 1 Comparative constitutional law. 2nd Ed. , Comparative constitutional law. 2nd Ed. , Singh, M. P. , Lucknow: Eastern Book Company, 2011

Suggested Theory Distribution:

The suggested theory distribution as per Bloom's taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery					
Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00

Instructional Method:

- 1 Classroom Teaching
- 2 Seminar
- 3 Tutorial Experiences
- 4 Expert Lectures
- 5 Research Project

Supplementary Resources:

- 1 https://studio.youtube.com/channel/UCi3xyj7IPUFSdGWOT_sTjDg/videos/upload?c=UCi3xyj7IPUFSdGWOT_sTjDg&filter=%5B%7B%22name%22%3A%22TITLE%22%2C%22value%22%3A%7B%22name%22%3A%22CONTAINS%22%2C%22value%22%3A%22CPL%22%7D%7D%5D&sort=%7B%22columnType%22%3A%22date%22%2C%22sortOrder%22%3A%22DESCENDING%22%7D
- 2 <https://hpnlu.ac.in/PDF/33b42cd7-c048-4a79-96a3-7503a63b87e4.pdf>
- 3 https://www.researchgate.net/publication/389747462_A_HANDBOOK_ON_COMPARATIVE_PUBLIC_LAW
- 4 <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1018?p=emailAA0ewKaVIWNGA&d=/10.1093/law:epil/9780199231690/law-9780199231690-e1018&print>