

NIRMA UNIVERSITY

Institute:	Institute of Law
Name of Programme:	B.A., LL.B (Hons.), B.Com.LL.B(Hons.)
Course Code:	2COL843
Course Title:	Comparative Constitutions
Course Type:	Department Elective
Year of Introduction	2021-2022

Credit Scheme

L	T	Practical component				C
		LPW	PW	W	S	
3	-	-	1	-	-	4

Course Learning Outcomes (CLO)

At the end of the course, students will be able to-

1. Describe and illustrate the theoretical, historical and processual antecedents of constitutions.
2. Compare and appraise the variations of democratic participation in the countries of US, UK, Bangladesh and Canada.
3. Extract and articulate the accountability and responsibility mechanisms of the executive government in the countries of US, UK, Canada and France.
4. Recognize and correlate the foundations and jurisdiction of the judicial organ in the countries of US, UK, Germany and Bangladesh.
5. Identify, illustrate and critique variations in the model of judicial review in the countries of US, UK, France and South Africa.
6. Classify and appraise the inter-relation and interaction between different organs of government in the countries of US, UK, South Africa and Canada.
7. Compare and correlate the models of limitations on the power to amend the constitution in the countries of US, Germany, Bangladesh and South Africa.

Syllabus:

Unit	Syllabus	Teaching hours
Unit-I	Introduction to Comparative Constitutional Law 1.1 Meaning and Idea of Constitutions 1.2 History of Comparative Constitutional Studies 1.3 Comparative Constitutional Law: Purposes, Uses and Challenges 1.4 Making of the Constitution 1.5 Constitutional Borrowing and Transplantation 1.6 Constitutional Philosophies	8 hours
Unit-II	Legislature and its foundations of power 2.1 Constitution of Legislative Body	8 hours



	2.2 Membership: Qualifications, Disqualifications and Election	
	2.3 Legislative Process	
	2.4 Power of the Members of Legislative Body	
	2.5 Interaction of Privileges with Fundamental Rights	
Unit-III	Executive and its foundations of power	8 hours
	3.1 Constitution of the Executive Body	
	3.2 Membership: Qualifications, Disqualifications and Election	
	3.3 Powers and Functions of the Executive	
	3.4 Privileges and Immunities	
Unit-IV	Judiciary and its foundations of power	
	4.1 Constitution of the Judiciary	
	4.2 Jurisdiction: Original, Appellate, Advisory and Special	7 hours
	4.3 Independence of Judiciary: Appointment and Removal of Judges	
Unit- V	Judicial Review	10 hours
	5.1 Judicial Review: Concept and Origin of Constitutional Review	
	5.2 Methods of Constitutional Review: Judicial and Political Review, Concentrated and Diffused Review, Anticipatory and Successive Review	
	5.3 Limitations on Constitutional Review	
Unit-VI	Inter-relation and interaction between different organs	9 hour
	6.1 Rule of Law: Dicey's Concept and Modern Concept of Rule of Law	
	6.2 Separation of Powers: Checks and Balances; Separation of Powers or Separation of Functions	
	6.3 Distribution of Powers: Centre-State Relations – Legal, Administrative and Judicial	
Unit-VII	Constitutional Guardianship	10 hour
	7.1 Theoretical Foundations of Amendment	
	7.2 Amendment: Scope and Processes	
	7.3 Explicit and Implied Limitations on Amendment Power	

Suggested Reading

Reference:

1. Singh M.P. (2018). *Comparative Constitutional Law* (2nd Ed.) Eastern Book Company.
2. Basu D.D. (2008). *Comparative Constitutional Law* (3rd Ed.) Lexis Nexis Publication.
3. David Amar, Tushnet Mark (2009). *Global Perspectives on Constitutional Law* (1st Ed.) Oxford University Press.

4. Rosenfeld Michel, Sajo Andras (2012). *The Oxford Handbook of Comparative Constitutional Law* (1st Ed.) Oxford University Press.
5. Ginsburg Tom, Dixon Rosalind (2012). *Comparative Constitutional Law* (2nd Ed.) Edward Elgar Publications.
6. Khilnani Sunil, Thiruvengadam Arun and Raghavan Vikram (2016). *Comparative Constitutionalism in South Asia* (1st Ed.) Oxford University Press.
7. Singh M.P., Kumar Niraj (2018). *The Indian Yearbook of Comparative Law 2018*. Springer.
8. Glenn Patrick H (2010). *Legal Traditions of the World* (1st Ed.) Oxford University Press.
9. Ginsburg Tom, Huq Aziz (2020). *From Parchment to Practice: Implementing New Constitutions* (1st Ed.). Cambridge University Press.
10. Tushnet Mark, Khosla Madhav (2015). *Unstable Constitutionalism* (1st Ed.). Cambridge University Press.
11. Ginsburg Tom (2012). *Comparative Constitutional Design* (1st Ed.). Cambridge University Press.
12. Hirschl Ran (2014). *Comparative Matters: The Renaissance of Comparative Constitutional Law* (1st Ed.) Oxford University Press.