



**GOKUL GLOBAL UNIVERSITY, SIDDHPUR.**  
**FACULTY OF LAW**



**Program:** Master of Law (LL.M)

**Branch:** ALTERNATIVE DISPUTE RESOLUTION

**Year:** 2022-23

**Semesters:** I

**Course title:** Comparative Public Law

**Course code:** FLLM110102

**Course type:** Compulsory

**Course credit:** 03

**Pre-requisite :** Graduation in Law, Basic understanding of constitutional and substantive laws.

**Rationale :** Master in law is expected to be aware of constitutional and statutory provisions of various countries and have analytical skill to appreciate different jurisprudence.

**Teaching Examination Scheme:**

Teaching (Hours/week)			Examination Scheme		
Lecture	Tutorial	Practical	Internal	External	Total
3	0	0	CE	60	100
			40		

**Course Objective :**

- (a) To develop analytical skill of students regarding comparative public law.
- (b) To enhance the study of uses, scope and methods of comparative public law.
- (c) To identify the evolving boundary between public and private law through comparative study of public law.

**Course Outcome :**

The student shall be able to

- (i) Critically analyze new constitutional movements through comparative study of public law
- (ii) Analyze the main issues, trends and methods in comparative public law
- (iii) Appreciate a particular legal system in wider socio-political context

### Content

Unit	Description in detail	Credit	Weightage
I	<b>Public Law</b> Meaning and definition of Public Law Comparative Law Meaning and Development Significance of Comparative Law Process of Comparative Law Challenges to comparative Law Preponderance of Foreign law Need for comparison, Manner of comparison	0.75	25 %
II	<b>Constitution and Constitutionalism</b> Meaning of Constitutionalism, Growth of Constitutionalism Constitutionalism as Rule of Law, Liberal Constitutionalism, Changing ideas of Constitutionalism Types of Constitution : Codified, Uncodified, Flexible and Inflexible Constitutions, Monarchical and Republican Constitutions, Presidential and Parliamentary Constitutions Federal and Unitary Constitutions, Political and Legal Constitutions Constitutional government in Developing, Asian and African Countries	0.75	25 %
III	<b>Constitutional Interpretations</b> Methods of Constitutional interpretation, Need for interpretation Originalism or Living Constitution, Criticism of living constitution Doctrine of Proportionality History and spread of proportionality Proportionality in International Law Proportionality in Domestic Jurisdiction Proportionality in India, Criticism of proportionality Interpretation using Foreign Law	0.75	25 %
IV	<b>Constitutional Design</b> Federalism Theory and types of federalism, International Law and unification Citizenship and federalism, Presidential and Parliamentary design Semi-Presidential System Choosing right system of Government, Secularism, Models of Secularism Doctrine of Separation of Power in US, UK and India	0.75	25 %

**Reference Books :**

1. Singh, M. P. (2011). Comparative constitutional law. 2nd Ed. Lucknow: Eastern Book Company.
2. Rosenfeld, M. and Sajo, A. (2012). The Oxford handbook of comparative constitutional law. Oxford: Oxford University Press.
3. D.D. Basu, Comparative Constitutional Law (2<sup>nd</sup> Ed. Wadhwa Nagpur)

**Suggested Readings :**

1. Elizabeth Giussani, Constitutional and Administrative Law (Sweet and Maxwell, 2008)
2. M.V. Pylee, Constitution of the World (Universal, 2006)

**Online Resources :**

1. <https://epgp.inflibnet.ac.in>

**Practical / Activities :**

1. Review article on comparative study
2. Analysis of provision related to human rights in different country.