



KLE COLLEGE OF LAW, NAVI MUMBAI

COURSE PLAN

A.Y. 2021-2022

SECTION-I

CLASS: LL.M.

SEMESTER: 1

**COURSE NAME: CONSTITUTIONALISM: PLURALISM AND
FEDERALISM**

HOURS PER WEEK: 6 hours

CREDITS: 4

COURSE OBJECTIVES:

Constitutionalism essentially means a limited Government. Where Government functions according to certain Principles, it is said to be abiding by Constitutionalism. Must it be a Democracy or can it be autocracy also. In Ancient India, the King was supposed to act according to dharma. He was not absolute in sense in which John Austin Defined sovereignty. Constitutionalism may therefore be Determined by a written constitution or by religion or tradition or by mere practice or convention in England. In a Plural society, where different religion as well as linguistic groups have to live together, various rules of accommodations and mutual recognition are incorporated in Constitution. Usually these are contained in the Bills of rights which contain guarantees of individual Liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule; it has been consensual rule. However, where there is not only such Vertical Pluralism but also Horizontal

Pluralism reflected by Sub nations /regional Loyalties, power is not only required to be restrained but it has to be shared. This calls for federal Government, the purpose of this paper is to provide exposure to the students to various models of Pluralism and forms of Constitutional Governments and Federal structures.

COURSE OUTCOMES:

1. To explore the basic principles of Constitutionalism, different model of federalism and its interplay in the Indian legal system;
2. To examine the adoption of, utility and justification of Constitutional model in India
3. To analyse India as pluralist society and suitability of various model, approaches in India in functional aspects of comparison with other legal system.
4. Mapping of similarities and difference among different societies of global arena.

SECTION-II

Unit number and title	Unit details	Week	Hours per week	Teaching learning methods used)/ activities and or class trips/ dates for assessment	Resource/ Reference details
Module-1 Constitutionalism 1.1	Authoritarianism – Dictatorship	1	3	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution
1.2	Democracy – Communism.		2	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment

					of the Indian Constitution
1.3	Limited Government – Concept – Limitations on government power.		2	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
1.4	What is a Constitution?	2	1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
1.5	Development of a democratic government England – Historical evolution of constitutional government		3	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
1.6	Conventions of constitutionalism – law and conventions		2	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P.

					Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
1.7	Written Constitutions: U.S.A., Canada, Australia, Sweden, South Africa and India.	3	4	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
1.8	Separation of powers: Montesquieu		2	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
1.9	Rule of Law: Concept and new horizons	4	3	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe,
1.10	Marxist concept of Constitutionalism		3	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe

1.11	Dictatorship of the proletariat.	5	3	Interactive lecture method, group discussions, presentations	Research Papers and Readings
1.12	Communist State from Stalin to Gorbachov.		3	Interactive lecture method, group discussions, presentations	Research Papers and Readings
1.13	Fundamental Rights: Human rights	6	2	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe
1.14	Judicial Review: European Court of Human Rights.		2	Interactive lecture method, group discussions, presentations	Research Papers and Readings
1.15	Human Rights: International conventions.		2	Interactive lecture method, group discussions, presentations	Research Papers and Readings
1.16	Limits & doctrine of domestic jurisdiction in International Law.	7	1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
2. Federalism 2.1	What is a federal government ?		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India

2.2	Difference between confederation and federation		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
2.3	Conditions requisite for federalism		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
2.4	Patterns of federal government – U.S.A., Australia, Canada, India.		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
2.5	Judicial review – for federal umpiring		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
2.6	New trends in federalism : Co-Operative federalism	8	1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India

2.7	India – Central Control v. State Autonomy		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
2.8	Political factors influencing federalism		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
2.9	Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
2.10	Dynamic of federalism		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
Module II Pluralism 3.1	What is a pluralistic society ?		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and

					Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
3.2	Ethnic. Linguistic, cultural, political pluralism	9	1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
3.3	Individual rights – right to dissent		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings
3.3.1	Freedom of speech and expression		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
3.3.2	Freedom of the press		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
3.3.3	Freedom of		1	Interactive lecture method, group	M.P. Jain Indian

	association			discussions, presentations	Constitutional Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutional Law of India
3.4	Rights to separateness		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings
3.4.1	Freedom of religion	10	2	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutional Law of India
3.4.2	Rights of the religious and linguistic minorities		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutional Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutional Law of India
3.4.3	Compensatory discrimination for backward classes		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings
3.5	Women – right to equality and right to special protection		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings

3.6	Scheduled Tribes, Distinct Identity – protection against exploitation – NSIS – Exclusion from Hindu Law		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
Module III 4. Uniform Civil Code	Non-State law (NSLS) and State Law Systems – Problems of Uniform Code v personal laws – vertical federalism	11	1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
5. Equality in Plural Society 5.1	Right to equality and reasonable classification		2	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
5.2	Prohibition of discrimination on ground of religion, caste, sex, language		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
5.3	Abolition of untouchability		1	Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and

					Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
5.4	Secularism – constitutional principles		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India
5.5	Tribal Groups and Equality		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings
Module IV 6. Pluralism and Internationa l Concerns 6.1	Universal Declaration of Human Rights			Interactive lecture method, group discussions, presentations	M.P. Jain Indian Constitutiona l Law; S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution; H.M. Seervai, Constitutiona l Law of India
6.2	Conventions against genocide	12	1	Interactive lecture method, group discussions, presentations	Research Papers and Readings
6.3	Protection of religious, ethnic and linguistic minorities		2	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona l Law of India

6.4	State intervention for protection of human rights		2	Interactive lecture method, group discussions, presentations	Research Papers and Readings; H.M. Seervai, Constitutiona I Law of India
6.5	Right of self-determination		1	Interactive lecture method, group discussions, presentations	Research Papers and Readings

SECTION-III

Course Outcome (CO) and Programme Outcome (PO) & Programme Specific Outcome (PSO1) Mapping

Course Outcome	Programme Outcome				
	PO1	PO2	PO3	PO4	PO5
CO1	✓				
CO2			✓		
CO3					✓
CO4					✓
CO5					

SECTION-IV

Course Outcome and Internal Assessment Mapping

Learning outcomes of the course	Components of Assessment		
	Internal Assessment 1 (Class Test)	Internal Assessment 2 (Research Project)	End Semester Exam
CO1: Remember and Understand	✓		✓
CO2: Apply			✓
CO3: Analyze	✓	✓	
CO4: Evaluate	✓	✓	
CO5: Create		✓	

