



Azadi Ka Amrit Mahotsav



Indian Law Institute

Announces

CLEA- MILAT Certificate Course
on
Comparative Constitutional and Public Law

In association with



Commonwealth Legal Education Association (CLEA)

Menon Institute of Legal Advocacy & Training (MILAT)



Platform/Venue : Hybrid Mode – Indian Law Institute, New Delhi

4th May to 10th August, 2022

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CLEA- MILAT Certificate Course *on* Comparative Constitutional and Public Law

Background

Prof. William L. Twining opined in his article on *"Implications of 'Globalisation' for Law as a Discipline"* that *"Comparative law is increasingly more like a way of life than a marginal subject for a few specialists."* He identifies five developments in laws that are changing with globalization. They are:

- i) Increased emphasis on *"established transnational fields, such as public international law, regional law, international trade and finance (including 'lex mercatoria' and Islamic banking and finance), and environmental law; new transnational fields are emerging, such as Internet law, procurement, and transitional justice"*; international criminal law and law and development;
- ii) legal dimensions of global issues, such as *"environmental issues, radical poverty, the common heritage of mankind, migration, war, international crime, terrorism, pandemics and the media"*;
- iii) transnational dimensions of core subjects such as contracts, criminal law, family law, intellectual property and labour law;
- iv) diffusion of law through migration and the interface of religious and customary practices with law; and
- v) the need for practitioners to look beyond the law of the jurisdiction in which they practice.

In pursuit of maximizing justice in society and promoting good governance under the Rule of Law, law reform and developments play an important role. Any such research and academic exercise would lead towards having uniform legal principles, standards and regulations across the Globe. It is also pertinent to note that the globalization and internationalization of trade have led to the harmonization of norms, practices and laws in multiple jurisdictions. Hence, it is apt to promote study and research in comparative Constitutional and Public Law for exploring the possibility of greater harmonization of legal norms and constitutional principles across countries.



Commonwealth Comparative Constitutional and Public Law Project

In this backdrop and after many deliberations the Commonwealth Legal Education Association (CLEA) resolved to undertake **The Commonwealth Comparative Constitutional and Public Law Project**, it was initiated in 2019. The initiative aims to cover comparative law study of Constitutional and Public Law aspects in the world as far as it relates to the scope of the project. Through this, we intend to venture into extensive research and deliberations on constitutional developments across the globe, and more specifically in the commonwealth countries. In this era of globalization, the mechanism of comparative study is the need of the hour for a deeper understanding of human attainment, culture and other institution. The initiative aims at increasing the scholarship on the subject of comparative constitutional and public law.

About the Certificate Course

The Indian Law Institute, New Delhi, in association with CLEA & MILAT as part of the Commonwealth Comparative Constitutional and Public Law (3C&PL) Project is offering a ***Certificate Course on Comparative Constitutional and Public Law*** on online/hybrid mode. The Certificate Course has been **conceptualized by Prof. (Dr.) S. Sivakumar**, Senior Professor, ILI / Chairman, MILAT and he will be the Course Director. The course will cover a series of topics arising in the comparative study of constitutional and public law systems.

It mainly focuses on three aspects in three phases addressing Teaching, Lawyering and Justice delivery viz.,

- i) Preparing for Comparative Law Teaching
- ii) Preparing for Comparative Law Lawyering
- iii) Encouraging justice delivery institutions to consider the Comparative Law perspective also while deciding matters.

Outcome

The expected outcome of Comparative Constitutional and Public Law studies and research is to provide a unique blend of comparative perspective on the Constitution and Constitutionalism as a basic tenet of governance and the inevitable impact and effect of globalization. Students will be benefitted from a deeper understanding of the doctrines and values underlying the provisions of various constitutional systems.



Course Structure

Course Title: Certificate Course on Comparative Constitutional and Public Law

Duration : Three months - **May-July, 2022**

- **75 hours** (35-40 Lecture), 3-4 day a week between 5 pm-8 pm
- Each session will consist of one hour lecture that would provide basic understanding on the topic of the session & an open house discussion for one hour to enable interactive learning.
- There will be an optional mentoring session from May 27th- June 6th, 2022. The student - mentor sessions will be arranged by the Institute in physical mode for guidance regarding project and research paper.

Evaluation : On the basis of one project and one research paper

Certification Ceremony: Second week of August (Eve of Independence Day)

Eligibility: 100 candidates on first-come first-served basis

- Final year LL B & LL M students
- Research Scholars
- Young Lawyers

Course fees (including mentoring) : INR 5000/-

Faculty/ Resources Persons:

Judges, Jurists, Lawyers along with Academics from India and abroad

Course Outline

Module I: Concept of Constitution

- Idea and Goals
- Constitution as Supreme Law
- Originalism and Living Constitutional Theory

Module II : Foundations

- Rule of Law
- Separation of Powers
- Forms of Government



Module III: Comparative Constitutional and Public Law

- Introduction
- Relevance of Comparative Constitutional and Public Law
- Issues and Challenges.

Module IV: Approaches in Comparative Law

- Constitutional borrowings and non-borrowings
- Constitutional borrowings in South Asia
- Legal culture and Transplants
- Migration of Constitutional Ideas
- The interface between Constitution and International Law

Module V: Federalism

- Meaning and theories of Federalism
- Features of Federal Constitution
- Constitutionalism and its dimensions
- Tensions between Constitutionalism and democracy

Module VI: Judiciary and Judicial Activism

- Powers and functions of Judiciary
- Judicial Review
- Independence of Judiciary and Implication
- Comparison of Constitutions-USA, India, Germany, etc.

Module VII: Emergency Provisions

- Emergency Provisions
- Interplay between Constitutional law and Politics
- Impact of Emergency on Federalism
- Comparative emergency powers – USA, India, Germany, etc.

Module VIII: Constitutional Review

- Concept and Methods
- Limitations

Module IX: Amendments to Constitution

- Theories – Origin and Development
- Methods and Limitations : Flexibility & Rigidity
- Comparative Amendment Power : USA, India, Germany etc.

Module X : Workshop / Project

On a broad theme in one of the five areas of developments identified by Prof William L. Twining in his article on “**Implications of 'Globalisation' for Law as a Discipline**”.



Indian Law Institute (ILI)



The Indian Law Institute [ILI] was set up in 1956 as an autonomous body registered under the Societies Registration Act, 1860. 'Cultivating and promoting the science of law and contributing substantially in reforming the administration of justice, so as to meet the socio-economic aspirations and needs of the people through law and its instrumentalities' are the prime objectives of the ILI. The Institute has achieved the stature of being a premier centre of national and international legal research and studies, in which the lawyers from all branches of the profession, judges, government officials and academicians have been participating. It is a UGC recognized centre for refresher and orientation programmes. The Chief Justice of India is the Ex-officio President and Prof. (Dr.) Manoj Kumar Sinha is the Director.

Commonwealth Legal Education Association (CLEA)

Founded in 1971, CLEA is a Commonwealth-wide body which fosters and promotes high standards of legal education in the Commonwealth. CLEA has regional Chapters and Committees in Asia, Southern Africa, West Africa, the Caribbean and Europe. The goal of CLEA is to make legal education socially relevant and professionally useful by developing law curricula and teaching methodologies; supporting continuing legal education and distance learning programmes etc. The Commonwealth Institute for Justice Education and Research (CIJER) has been set up at Lloyd Law College in 2017, under the auspices of CLEA - ASIA, to serve as a dedicated research wing. Prof. David McQuoid-Mason is the President CLEA and Prof. (Dr.) S. Sivakumar is the Vice President CLEA/ President CLEA - ASIA.



Menon Institute of Legal Advocacy & Training (MILAT)

MILAT was set up by Prof. Menon's students and well-wishers as an educational non-profit society for legal education, training, research and extension activities for legal personnel with an objective of skill development, professional training, building legal awareness and legal reform. Prof. Menon was the first Chairman of MILAT. Prof. (Dr.) S. Sivakumar is the current Chairman. MILAT, in association with Bar Council of India, State Bar Councils and various law schools across the country, conducts professional development training programmes on legal education and legal advocacy for law teachers and advocates. These training programmes have created a cadre of well-trained lawyers, legal professionals, law teachers and researchers in India.



Advisors

Prof. (Dr.) David McQuoid Mason

President, Commonwealth Legal Education Association/ University of Kwazulu-Natal, Durban, South Africa

Prof. (Dr.) John Hatchard

Buckingham University Law School/
Vice President, CLEA

Prof. (Dr.) Mizanur Rahman

Professor of Law, University of Dhaka/
Former Chairman, National Human Rights Commission (Bangladesh)

Mr. R. Venkataramani

Senior Advocate
Supreme Court of India

Dr. T. K. Vishwanathan

Former Union Law Secretary/Secretary General, Lok Sabha

Chairman

Prof. (Dr.) Manoj Kumar Sinha

Director, Indian Law Institute, New Delhi

Secretary

Mr. Manohar Thairani

Secretary, MILAT / President, Lloyd Law College

Chief Co-ordinator

Mr. Shreenibas Chandra Prusty

Registrar, Indian Law Institute, New Delhi

Co-ordinators

Dr. A. K. Verma

Deputy Registrar
Indian Law Institute, New Delhi

Adv. Vikram Singh Arya

Secretary, CLEA-Asia



Course Director

Prof. (Dr.) S. Sivakumar

Senior Professor ILI / Vice-President, CLEA & Chairman, MILAT

Course Co-ordinator

Dr. Deepa Kharb

Assistant Professor, Indian Law Institute, New Delhi

IMPORTANT DATES

Date of Announcement	:	25th March, 2022
Last Date of Submitting Application	:	20th April, 2022
Publishing Selected List	:	22nd April, 2022
Last Date of Payment of Fees	:	26th April, 2022
Commencement of the Classes	:	04th May, 2022

--: Contact Person ::--

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https://www.ili.ac.in/clea-milat_certificate_course_2022.htm

--: ADDRESS FOR COMMUNICATION ::--

INDIAN LAW INSTITUTE

(Deemed University)

NAAC Accredited - 'A' Grade

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