



CONSTITUTIONAL STUDIES

PROF. SUDHIR KRISHNASWAMY

Department of Law

National Law School of India University

TYPE OF COURSE : New | Core | UG/PG

COURSE DURATION : 12 weeks (20 Jul' 20 - 9 Oct' 20)

EXAM DATE : 17 Oct 2020

PRE-REQUISITES : Pursuing Bachelor's Degree, Master's Degree and / or Ph.D

INTENDED AUDIENCE : Law, Non-Law

INDUSTRIES APPLICABLE TO : Public Policy, Human Resources, Think-Tanks

COURSE OUTLINE :

This course aims to introduce the constitutional law of India to students from all walks of life and help them understand the constitutional principles as applied and understood in everyday life. The pedagogy is precise and unique, as per week, the lessons shall be in the form of questions instead of being in pure theoretics. Accompanied with light reading and weekly exercises, the objective of making the Constitution of India, familiar to all students, and not only to law students, this course aims and objectifies legal understanding in the simplest of forms.

ABOUT INSTRUCTOR :

PROF. SUDHIR KRISHNASWAMY graduated from the National Law School of India University (NLSIU), Bangalore (B.A. LL.B). He read for BCL and obtained a D.Phil. from Oxford University. Currently holding the office of Vice Chancellor, of National Law School of India University, Bengaluru.

COURSE PLAN :

- Week 1:** Constitutions and Democracy Do democratic societies need a constitution? How is a constitution different from ordinary law? Is a constitution a political or a legal instrument? Does the Constitution
- Week 2:** Making a Constitution Democratic How should a society make a constitution? How did India make its 1950 Constitution? Can Parliament amend the constitution? Can the Parliament replace the constitution?
- Week 3:** Preamble to the Constitution Does a Preamble have legal effect or is it symbolic? How was India's Preamble drafted? Does the Preamble help us interpret the constitution?
- Week 4:** Citizens Who is an Indian Citizen? Can Parliament decide Indian Citizenship without the Constitution? Are all constitutional protections confined to Indian Citizens?
- Week 5:** Fundamental Rights What Fundamental Rights do we have and are they absolute? Who can we exercise these FRs against? Who will protect these rights when they are violated?
- Week 6:** Case Study -1: Equality and Domination Case Study-2: Affirmative Action
- Week 7:** Case Study-3: Life Case Study-4: Liberty including free speech
- Week 8:** Case Study-5: Freedom to do business Case Study-6: Religious Freedom
- Week 9:** Directive Principles Are DPs enforceable? If yes, against whom? Case Study-1: Anti-Hierarchy Case Study-2: Cow Protection
- Week 10:** Structure of the State Why is the state power distributed between various entities? How is the state power distributed?
- Week 11:** Separation of Powers Is the horizontal distribution of power between the legislature, executive and judiciary based on the expertise of each branch? Are the legislative, executive and judicial co-equally branched?
- Week 12:** Role of Judiciary in maintaining the sanctity of the Constitution of India & Constitutional Interpretation Is the vertical division of power designed to improve efficiency or to prevent the concentration of power? Can the Union override the State and the Local Governments? How should the Constitution be interpreted and who can interpret it? Does judicial interpretation of constitution override all others? Is constitutional review democratic?