



# MOTHERHOOD UNIVERSITY, Roorkee

ENLIGHTENING WORLD

Recognized by the UGC with the right to award degrees  
U/S 22(1) of the UGC Act 1956 and established under  
Uttarakhand Govt. Act No. 95 of 2015

## FACULTY OF LEGAL STUDIES

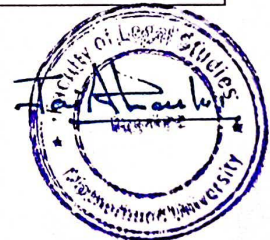
### LEGAL THEORY AND CONSTITUTIONALISM

Course Code: 602 (11)

Credit Units: 06

#### PROGRAM OBJECTIVES (POs)

The Program Objectives are the knowledge skills and attributes which the researchers have at the time of Ph.D. course work. At the end of the program, the researcher will be able to:	
PO1	be well equipped to undertake research challenges of the future for the benefit of the society.
PO2	extend knowledge about some topic; this knowledge is generated by the Ph.D. scholar with guidance of his/her supervisor.
PO3	provide training to the Ph.D. scholars to develop competencies needed to be an effective researcher.
PO4	develop wide knowledge in the distinguished area of research. Only with extensive awareness and deep understanding of the work done so far can help a researcher to claim that the work he/she has done is new.
PO5	develop the skill, build the knowledge base and identifying the gap between previous researches and current research, that is a fundamental capacity of research.
PO6	develop basic knowledge of constitutional philosophy, legal theory, basic humanitarian values, guiding Principles of international organizations and cooperation with the practical exposure that helps the researcher to stand profoundly in the academic carrier.





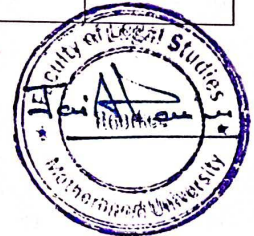
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## COURSE OUTCOMES

At the end of the course, the researchers will be able to:		Bloom's Level
CO1	create the concept about law including international law, understand the concept of sovereignty and its impact of on international relations, analyze the role of Law as an Instrument of Social Change	K6
CO2	evaluate and justify various legal systems in the world and use the knowledge in creating new theories.	K6
CO3	understand the concept and development of constitutionalism, its historical perspective; use knowledge to achieve the goals of the Constitution of India.	K3
CO4	analyze and evaluate the basic principles responsible for achieving constitutionalism in India.	K5
CO5	explore the basic human values in the changing world and evaluate the role of Civil Society in Inculcating constitutionalism in the contemporary world.	K5





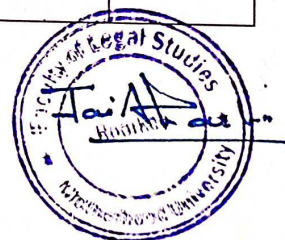
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Mapping of Course Outcomes with the Program Outcomes						
	PO1	PO2	PO3	PO4	PO5	PO6
CO1	√	√	√	√	√	√
CO2	√	√	√	√	√	√
CO3	√	√	√	√	√	√
CO4	√	√	√	√	√	√
CO5	√	√	√	√	√	√

Mapping of Course Outcomes Under Blooms Taxonomy (Bloom's Level)						
At the end of the course, student will be able :	REMEMBER	UNDERSTAND	APPLY	ANALYZE	EVALUATE	CREATE
CO1	√	√	√	√	√	√
CO2	√	√	√	√	√	√
CO3	√	√	√	-	-	-
CO4	√	√	√	√	√	-
CO5	√	√	√	√	√	-





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## FACULTY OF LEGAL STUDIES

### LEGAL THEORY AND CONSTITUTIONALISM

Course Code: 602 (11)

Total Hours: ~~60~~ hrs.  
90

Credit Units: 06

Max. Marks: 100 (70+30)

#### Course Objective:

The Legal Theory is linked to Political Ideology and Philosophy. It is necessary therefore to understand Legal Theory in depth. Concept of Constitutionalism is linked to Political Thought and Act on. Modern Political Thought draws a distinction between Constitutionalism and a Constitution. A state may have a Constitution not necessarily based on Constitutionalism. The objective of this course is to make students acquainted with the Fundamentals of Legal Theory and Constitutionalism.

#### Course Contents:

##### Unit I: Meaning of Legal Theory

Legal Theory and Contemporary International law, Sovereignty and International Law, Law as an Instrument of Social Change. (18 hrs.)

##### Unit II: Significant Legal Theories

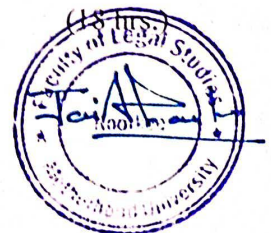
Natural law, Historical School, Positive Law, Sociological School, American, Postmodern Legal Theory. (18 hrs.)

##### Unit III: Historical Perspective of Constitutionalism

Constitutionalism: Concept and Evolution with reference to People's Struggle against Monarchy in United Kingdom, Due Process of Law in Magna Carta and Common Law. (18 hrs.)

##### Unit IV: Indian Constitution and Constitutionalism

India Constitution and Constitutionalism, Fundamental Rights as an expression of Constitutionalism in India, Meaning of Affirmative Constitutionalism with reference to Political and Social Movement in India, Constitutionalism.





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## Unit V: Human Rights and Constitutionalism

Human Rights and the Judiciary, Constitutionalism in the changing world: Role of Civil Society in Inculcating Constitutionalism in the World, Liberalism and Totalitarian ideals, Government by Law. (18 hrs.)

### Suggested Readings:

- Anirudh Prasad, Principles of Jurisprudence (in Hindi), Eastern Book Company
- Anne Barron, Introduction to Jurisprudence & Legal Theory (Oxford University Press, 2005).
- Boyle & C. Chinkin, The Making of International Law, Foundations of Public International Law, Oxford University Press, 2007
- Costas Douzinas and Adam Gearey, Critical Jurisprudence: The Political Philosophy of Justice (Oxford Port Land Oregon-2005).
- D.D. Basu, Human Rights in Constitutional Law, Lexis Nexis, 2008(3rdEdn)
- D.D. Basu, Introduction to the Indian Constitution of India, Prentice Hall of India Private Ltd., New Delhi, 1994.
- Deepakshi Joshi, Constitutionalism and Basic Structure, Regal Publications, 2015
- Dias, Jurisprudence (5 th Edition London-Butterworth).
- G.W.Paton, A Textbook of Jurisprudence, Oxford University Press (1 January 2007)
- Glanville Austin, Indian Constitution-Cornerstone of the Nations, Oxford University Press, 1999.
- Glen Newey, After Politics: The Rejection of Politics in Contemporary Liberal Philosophy (Palgrave Macmillan, 2001).
- Gurdip Singh, International Law, EBC, 3rd Edition 2015
- H.M. Seervai, In Constitutional Law of India, Universal Law Publishing Co., Reprint, 2013.
- H.O. Agarwal, International Law and Human rights, 23rd Edition, 2021.
- Henry Steiner & Philip Alston, International Human Rights in Context: Law, Politics, Morals: Text and Materials, Oxford University Press, 2008
- John Dryzek, Deliberative Democracy and Beyond: Liberals, Critiques, Contestations (Oxford University Press, New York, 2002).
- Justice A.K. Sikri, Constitutionalism and the Rule of Law: In a Theatre of Democracy, Eastern Book Company (1 January 2023)
- Krishna Iyer, Rhetoric versus Reality: Essays on Human Rights, Justice, Democratic Values (Hope India Publications, 2004).
- Lawrence M. Friedman and Grant M. Hayden, Law and Social Change Get access Arrow, Oxford Academic Books, 2017
- M P Jain, Indian Constitutional Law, Lexis Nexis, 2018
- M. K. Sinha, Implementation of Basic Human Rights, LexisNexis, 2013
- Malcolm N. Shaw, International Law, Cambridge University Press; 9th edition (22





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July 2021)

- Michael Freeman, Lloyd's Introduction to Jurisprudence (8 th Edition 2008).
- Richard Delgado, Critical Race Theory: An Introduction (2 nd Edition, 2010).
- Richard Posner, Economic Analysis of Law (8 th Edition, 2011).
- Roger Cotterrell, The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy (2 nd Edition, Butterworth, 1994).
- S. K. Kapoor, International Law and Human Rights, Central Law Agency, 2014
- S.P. Sathe, Sathya Narayan (eds.), Liberty, Equality and Justice: Struggles for a New Social Order (EBC Publishing (P) Ltd., Lucknow, 2003).
- Sharyn L Roach Anleu, Law and Social Change Paperback, SAGE Publications Ltd
- Thomas Buergenthal, International Human Rights in a Nutshell, West Publisher Company, 2009(4thEdn)
- Upendra Baxi, The Future of Human Rights, Oxford University Press,2012(3rdEdn)
- V.N. Shukla, *Constitution of India*, Eastern Book Agency, 2014
- Varun Gauri, Daniel Brinks (eds.), Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World (Cambridge University Press, 2008).
- W Friedmann , Law and Social Change, Universal Law Publishing Pvt. Ltd.
- Wayne Morrison, Jurisprudence: From the Greeks to post-modernism (Lawman (India) Private Limited, New Delhi, 1997).
- William Twining, General Jurisprudence – Understanding Law from Global Perspective

**Note: Suggested Readings are not exhaustive. Need to be supplemented with additional readings.**

*Jai Abhaya*  
**CHAIRMAN**  
**DRCC**  
**FACULTY OF LEGAL STUDIES**  
**MOTHERHOOD UNIVERSITY**  
**ROORKEE**