

FACULTY OF LAWS

SYLLABUS

FOR

Pre Ph.D Course in Law
(Credit Based Evaluation and Grading System)

SESSION: 2019-20



GURU NANAK DEV UNIVERSITY

AMRITSAR

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Pre Ph. D Course in Law
(Credit Based Evaluation and Grading System)

Scheme for Pre-Ph.D. Course in Law*

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i) The students who have completed the LL. M. Course after 7 years of study after +2 will be imparted 9 course credit study in the pre-Ph.d. Course; which they will complete in first two Semesters. They will take two core course including Research Methodology from the Department and third course in consultation with his/her supervisor.

ii) The students who have completed the LL. M. Course after 6 years of study after +2 will be imparted 16 course credits study in the pre-Ph.d. Course; which they will complete in first two Semesters. They will take three core course including Research Methodology from the Department and fourth course in consultation with his/her supervisor.

Course No.	Title of the Course	Credits			Total Credits	Mid Sem. Marks	End Sem. Marks	Total Marks
		L	T	P				
LWL901	Research Methodology	4*	0	0	4*	20	80	100
	Any One Paper from LWL902 to LWL909 of the following							
LWL902	Constitutional Law	4*	0	0	4*	20	80	100
LWL903	Jurisprudence	4*	0	0	4*	20	80	100
LWL904	Administrative Law	4*	0	0	4*	20	80	100
LWL905	Criminal Law	4*	0	0	4*	20	80	100
LWL906	Intellectual Property Law	4*	0	0	4*	20	80	100
LWL907	Family Law	4*	0	0	4*	20	80	100
LWL908	International Law	4*	0	0	4*	20	80	100
LWL909	Consumer Law	0	0	0	0	20	80	100
LWS910	Seminar	0	0	1	1	20	80	100
Interdisciplinary Course	One paper may be offered from the outside Department if suggested by the supervisor as per the topic.	3*	0	0	3*	20	80	100
	Total Credits:	16	0	0	16*			

Total Credits of Pre-Ph.D. Course in Law = 16

LWL901

Research Methodology

Credits: 4*+0+0

Total Marks: 100 (Equivalent Grade Points to be Indicated)

Total Marks:100

Mid Semester Marks:20

End Semester Marks:80

Mid Semester Examination: 20% weightage

End Semester Examination: 80% weightage

Instructions for the Paper Setters:

Eight questions of equal marks (Specified in the syllabus) are to be set, two in each of the four Sections (A-D). Questions may be subdivided into parts (not exceeding four). Candidates are required to attempt five questions, selecting at least one question from each Section. The fifth question may be attempted from any Section

SECTION A

Meaning, Nature & Scope of Research Methodology

Current Trends in Legal Research.

Role of Judges and Jurists in Legal Research.

Modes of Legal Research:

Doctrinal or Traditional Research.

Non-doctrinal or Empirical Research.

Descriptive and Analytical Research.

Applied and Fundamental Research.

Induction and deduction.

Historical Research.

Sociological Research.

Planning of Legal Research:

Identification and formulation of Research Problems.

Research Design.

SECTION B

Hypothesis

Sampling

Methods of Investigation and Data Collection:

Case Study Method .

Survey Method .

Experimental Method.

Discussion Method.

Observation.

Interview.

Schedule.

Questionnaire.

SECTION C

Data Processing:

Introduction.

Editing.

Coding.

Classification and Tabulation of data.

Analysis and Interpretation of Data:

Research Report:

Introduction.

Types of Report.

Contents of a Report.

Steps in Drafting Report.

SECTION D

Computer Application and Legal Research:

Role of computer in the field of Legal Research.

Plagiarism

Different techniques of foot noting

Bibliographic techniques

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LWL902

CONSTITUTIONAL LAW

Credits: 4*+0+0

Total Marks: 100 (Equivalent Grade Points to be Indicated)

Total Marks:100

Mid Semester Marks:20

End Semester Marks:80

Mid Semester Examination: 20% weightage

End Semester Examination: 80% weightage

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SECTION A

CONSTITUTIONALISM

CLASSIFICATION OF CONSTITUTIONS

Written and Unwritten Constitution

Unitary and Federal

Rigid and Flexible

INDIAN CONSTITUTION

Historical background

Features of constitution

FEDERALISM

Origin and Growth

Features of Indian federalism

Centre State Relations-Legislative, Administrative and Financial

SECTION B

FUNDAMENTAL RIGHTS

History and its Sources

Emerging shades of Fundamental Rights

Emerging regime of new right and remedies

Right to Education

Right to information

DIRECTIVE PRINCIPLES OF STATE POLICY

Reading Directive Principles and Fundamentals Duties into Fundamental Rights Commercialization of Education and its impact Separation of Powers

Constitution and Social Justice

Compensation Jurisprudence

INDIAN JUDICIAL SYSTEM

Judicial Independence

Judicial Activism and Judicial Restraint

Judicial Review

Appointment, transfer and removal of judges

PIL and its Misuse

EMERGENCY

Pre and Post constitutional 44th Amendment position

Judicial response to Emergency

Protection of Civil Liberties during Emergency

SECTION C

AMENDMENTS

Judicial Response

Basic structure Theory

All the Amendments of Constitution

ELECTION COMMISSION

Status

Electoral reforms

Electoral Offences under RPA and IPC

Coalition Government: Its Stability, durability, corrupt practice

SECTION D

POWERS, FUNCTIONS AND DUTIES OF

President of India

Governor of States

Speaker of Lok Sabha

Services Under Union And States

Freedom Of Trade, Commerce And Intercourse Tribunals

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LWL903

JURISPRUDENCE

Credits: 4*+0+0

Total Marks: 100 (Equivalent Grade Points to be Indicated)

Total Marks:100

Mid Semester Marks:20

End Semester Marks:80

Mid Semester Examination: 20% weightage

End Semester Examination: 80% weightage

Instructions for the Paper Setters:

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SECTION A

- I. Prelude to Jurisprudence
- II. Growth & Development of Law
- III. Origin of belief usage & custom
 - a) Morality & Value of different ages – Natural School Growth
 - b) Concept of Eternal Values
 - (i) Adoption of these values by the society
 - (ii) Difficulties in adoption of these values
 - c) Morals & Values as part of these legal system
 - d) State and Sovereignty
 - a) Primary: Usage, Custom, Codes
 - b) Secondary: Legislature, quasi-legislation, Judicial Decisions

SECTION B

I. Concepts of Law:

Persons, Possessions, Ownership, Administration of Law, Rights & Duties, Liability, Property

1. Legal thoughts from 19th century onwards:
 - a) Historical and Anthropological School

SECTION C

Analytical School

Realistic School

1. Modern Trends in Analytical and Normative Jurisprudence
2. Post-modernism, Feminism, Critical Legal Studies, Race theory

SECTION D

Judicial Process:

- a) Principles of legislation & Interpretation.
- b) Theories of Adjudication & Administration of Justice

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LWL904

ADMINISTRATIVE LAW

Credits: 4*+0+0

Total Marks: 100 (Equivalent Grade Points to be Indicated)

Total Marks:100

Mid Semester Marks:20

End Semester Marks:80

Mid Semester Examination: 20% weightage

End Semester Examination: 80% weightage

Instructions for the Paper Setters:

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SECTION A

Administrative Reach and Accessibility of Common Man

- Origin of Administrative Law, Administrative law in Post-Liberalization Era
- Meaning, Nature, Definition & Scope, Distinction from Constitutional Law (UK, USA, France, India) Comparative Position
- Rule of Law & Separation of Powers
- Legitimate Expectation
- Estoppel, Wednesbury Principle

SECTION B

Quasi Judicial Setup Limits & Controls

- Necessity of Delegation
- Limits of Delegation
- Control on Delegation
- Administrative Adjudication
- Tribunal System in India

SECTION C

- Natural Justice Principles
- Writs
- Judicial Review, exclusion of Judicial Review
- Red Light Theory, Green Light Theory, Amber light Theory
- Public Interest Litigation and its emerging dimensions

SECTION D

Administrative Institutions, Functional Democracy, Supervisory Institutions

- C.V.C.
- Ombudsman (Lokpal & Lok Ayuktas)
- CAG
- Right to Information Act, 2005
- MGNREGA Act, 2005

Suggested Readings:

Hood Philips et. al. Constitutional & Administrative Law, Sweet & Maxwell (2001)

Harlow and Law and Administration (London, 1997)

Rawlings

Wade and Administrative Law (Oxford 1994, 2004)

Forsyth's

Cane, Administrative Law (Oxford, 2004)

M.P. Jain, Cases and Materials on Indian Administrative Law, N.M. Tripathi. Bombay

Jain and Jain, Principles of Administrative Law, N.M. Tripathi, Bombay.

D.D. Basu, Administrative Law, Kamal Law House, Calcutta.

S.A. De Smith, Judicial Review of Administrative Action, Third Edition, Stevensons, London

S.P.Sathe, Administrative Law, N.M. Tripathi, Bombay

I.P. Massey, Administrative Law, Fourth Edition, Eastern Book Company, Lucknow

C.K. Thakkar, Lectures on Administrative Law in India, Eastern Law Book Co., Lucknow

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- ii) The students who have completed the LL. M. Course after 6 years of study after +2 will be imparted 16 course credits study in the pre-Ph.d. Course; which they will complete in first two Semesters. They will take three core course including Research Methodology from the Department and fourth course in consultation with his/her supervisor.

LWL905

CRIMINAL LAW

Credits: 4*+0+0

Total Marks: 100 (Equivalent Grade Points to be Indicated)

Total Marks:100

Mid Semester Marks:20

End Semester Marks:80

Mid Semester Examination: 20% weightage

End Semester Examination: 80% weightage

Instructions for the Paper Setters:

Eight questions of equal marks (Specified in the syllabus) are to be set, two in each of the four Sections (A-D). Questions may be subdivided into parts (not exceeding four). Candidates are required to attempt five questions, selecting at least one question from each Section. The fifth question may be attempted from any Section

SECTION A

- I. Crime : Origin, Meaning & Definition
- II. Elements of Crime: Actus Rea & Mens Rea
- III. Actus Reus:
 - a) Liability for failure to act
 - b) Voluntary Acts
- IV. Mens Rea : Classification & Application

SECTION B

- I. Rights & Liability:
 - a) Accused
 - b) Victim
- I. Patterns of Criminality:
 - a) Violent Personal Crimes
 - b) Conventional & Professional Crimes

SECTION C

- Corporate Crimes
- Organized Crimes
- Public Order Crimes
- Occupational Crimes

SECTION D

- I. Criminal Justice Systems : Accusatorial & Inquisitorial
- II. Concept of Plea Bargaining
- III. Correctional Measures

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LWL906**INTELLECTUAL PROPERTY LAW****Credits: 4*+0+0****Total Marks: 100 (Equivalent Grade Points to be Indicated)****Total Marks:100****Mid Semester Marks:20****End Semester Marks:80****Mid Semester Examination: 20% weightage****End Semester Examination: 80% weightage****Instructions for the Paper Setters:**

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SECTION A

Concept of Intellectual Property. Origin and Development of Intellectual Property Law
International Protection of Intellectual Property-Conventions and International
Organizations (WTO, WIPO)

SECTION B

Trade Related Intellectual Property Rights (TRIPS)
Important IP Laws in India and their control mechanism

SECTION C**Indian Patent Act:**

- Objective
- Provisions

SECTION D**Indian Patent Act:**

Amendments
Important Case Law

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LWL907**FAMILY LAW****Credits: 4*+0+0****Total Marks: 100 (Equivalent Grade Points to be Indicated)****Total Marks:100****Mid Semester Marks:20****End Semester Marks:80****Mid Semester Examination: 20% weightage****End Semester Examination: 80% weightage****Instructions for the Paper Setters:**

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SECTION A

- Nature and Essentials of Marriage under various Personal Laws
- Social Obligations to save Marriage Institution in the light of Latest Legislations
- Live-in-relationship
- Child Marriage

SECTION B

- Irretrievable Breakdown of Marriage: A Critique
- Divorce under different Personal Laws
- Gender Bias in Personal Laws

SECTION C

- Mother as a guardian under different Personal Laws
- Family Law & Uniform Civil Code
- Rights of Parents to claim Maintenance in the light of Maintenance & Welfare of Parents & Senior Citizens Act, 2007

SECTION D

Law of Adoption in India
Misuse of Dowry Law; Stridhan Vis & Vis Dowry

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LWL908**INTERNATIONAL LAW****Credits: 4*+0+0****Total Marks: 100 (Equivalent Grade Points to be Indicated)****Total Marks:100****Mid Semester Marks:20****End Semester Marks:80****Mid Semester Examination: 20% weightage****End Semester Examination: 80% weightage****Instructions for the Paper Setters:**

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SECTION A

- History and Development of International Law including Schools
- Codification and Progressive Development of International Law and Emergence of large number of New states
- Sources
- Subjects

SECTION B

- Extradition
- Asylum
- Treaties
- Recognition

SECTION C

- Law of the Sea
- Disarmament

SECTION D

- Law of War
- UNO including all Organs

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LWL909**CONSUMER LAW****Credits: 4*+0+0****Total Marks: 100 (Equivalent Grade Points to be Indicated)****Total Marks:100****Mid Semester Marks:20****End Semester Marks:80****Mid Semester Examination: 20% weightage****End Semester Examination: 80% weightage****Instructions for the Paper Setters:**

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SECTION A**Comparative Growth of Consumer Protection Law in U.S., U.K., India**

- Origin & Development
- Legislations for Protection of Consumer
- Consumer Protection Law – Rights & Redressals provided in them

SECTION B**Judicial Activism in the field of Consumer Protection**

- Prior to Consumer Law
- Parallel to Consumer Law

SECTION C**International Agreement/Arrangements benefiting the Consumer relating to:**

- Anti-dumping
- Anti-trust
- Competition
- WTO/GATT

SECTION D

- Participation of NGO's toward protection of Consumer Rights
- Lobbying
- Boycott
- Consumer Education

Suggested Reading:

- D.N. Saraf: Law of Consumer Protection in India, 2nd Edition, N.M. Tripathi, Bombay, 1995.
- Gurjeet Singh: The Law of Consumer Protection in India: Justice Within Reach, Deep & Deep Publications, New Delhi, 1996.
- Avtar Singh: Law of Consumer Protection Principles and Practice, Eastern Book Co., Lucknow, 1994.
- Gurbax Singh: Law of Consumer Protection, Bharat Law Publications, Jaipur, 1993.

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Pritee Shah (ed.): Consumer Education Series (In 5 Volumes), Consumer Education and Research Centre, Ahmedabad, 1990-97.

Ross Cranston: Consumer and the Law, Second Edition, Weidenfeld and Nicolson, London, 1984.

David W. Oughton: Consumer Law: Texts, Cases and Materials, Blackstone Press, London, 1991.

Iain Ramsay: Consumer Law, Dartmouth Publishing Co., Hants, 1992.

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LWL910

SEMINAR

Credits: 0+0+1