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

There will be two Schemes of the syllabus within this scheme:

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.

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<th>Course No.</th>
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<td>One paper may be offered from the outside Department if suggested by the supervisor as per the topic.</td>
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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.
Pre Ph. D Course in Law
(Credit Based Evaluation and Grading System)

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

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)

Mid Semester Marks:20
End Semester Marks:80

Mid Semester Examination: 20% weightage
End Semester Examination: 80% weightage

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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:

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
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**
- **Forsyth’s**
- **Jain and Jain**, Principles of Administrative Law, N.M. Tripathi, Bombay.
- **S.P. Sathe**, Administrative Law, N.M. Tripathi, Bombay
- **C.K. Thakkar**, Lectures on Administrative Law in India, Eastern Law Book Co., Lucknow

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CRIMINAL LAW

**LWL905**

Credits: 4*+0+0

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

Total Marks: 100

Mid Semester Marks: 20

End Semester Marks: 80

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**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)

Mid Semester Marks: 20
End Semester Marks: 80

Total Marks: 100

Mid Semester Examination: 20% weightage
End Semester Examination: 80% weightage

Instructions for the Paper Setters:

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SECTION A
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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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

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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:

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
- 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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  Department and third course in consultation with his/her supervisor.
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  Semesters. They will take three core course including Research Methodology from the
  Department and fourth course in consultation with his/her supervisor.
Pre Ph. D Course in Law  
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LWL909  
CONSUMER LAW

Credits: 4*0+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
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:
Pritee Shah (ed.): Consumer Education Series (In 5 Volumes), Consumer Education and Research Centre, Ahmedabad, 1990-97.

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