

DEPARTMENT OF LAW  
CHAUDHARY DEVI LAL UNIVERSITY, SIRSA



SYLLABUS

FOR

Ph. D. COURSE WORK

Under

Choice Based Credit System(CBCS)  
(w.e.f. Academic Session 2017-18)

*Dr. 15/2/18*  
*J.T.*

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## Paper-I Research Methodology

Max. Marks: 100

Credits: 4

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The syllabus has been designed for the purpose of imparting the students the complete knowledge regarding the research in legal field, various methods used while conducting the research and its utility.

Outcome: The student shall acquire the complete knowledge regarding legal research, various methods of it in addition to its utility and relevance.

### Unit-I

1. Meaning; Objectives and Scope of Legal Research.
2. Socio-legal Research in India
3. Kinds of Legal Research, Doctrinal and non-doctrinal legal research
4. Legal Research and law Reform
5. Legal Reasoning: Use of Deductive and inductive method.

### Unit-II

1. Legal knowledge- Meaning of Law, Sources of Law and where to find law.
2. Major steps involved in doing legal research
3. Identification & Formulation of Research Problem.
  - (a) Survey of available literature and bibliography.
  - (b) Legislative materials including subordinate legislation, notification and policy statement.
  - (c) Decisional material
  - (d) Juristic Writings, compilation of list of reports or special studies.
4. Hypothesis: Meaning, Importance, Characteristics, Types, sources and its Formulation

### Unit-III

1. Legal Research Design  
Meaning of Research Design, Aspects to be considered in Research design, Contents, Steps, Characteristics, Need Significance of good research Design Types of Research Design.
2. Sampling Design for Legal Research- Census and sampling methods, Merits and Demerits of Sampling, Characteristics of a good sampling unit, procedure to select a sample, size of a sample and types of sampling, sampling error and standard error.
3. Data to collection and its Methods.
  - (a) Use of observation studies, questionnaires and schedules.
  - (b) Interview techniques
  - (c) Surveying method
  - (d) Case study method
  - (e) Scaling techniques
  - (f) Project Technique

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4. Analysis and Interpretation of legal Research DATA

**Unit-IV**

1. Generalization in Legal Research
2. Sociometry in Socio-Legal Research
3. Preparing Legal Research Report
4. Report Writing
5. Computer Application and Legal Research

**Select Bibliography:**

Price, M.O. Bitner, H. and Bysiewicz	: Effective Legal Research (1978)
Young, Pauline V.	: Scientific Social Survey and Research (1962)
Grade, William J. and Paul, K. Hatt	: Methods in social Research, McGraw-Hill Book Company, London
Hyman, H.M.	: Interviewing in Social Research (1965)
Erwin, C. Surrency, B. Fieif and J. Cera	: A Guide to Legal Research (1959)
Morris, L. Cohan	: Legal Research in Nuishele (1996) West Publishing House Co.
Havard Law Review	: Uniform System of Citations. Association,
ILI Publication,	: Legal Research and Methodology
Baxi, Upendra	: Social Legal Research in India.

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**Paper- II Indian Constitutional Law and the New Challenges  
(Compulsory Paper)**

Max. Marks: 100

Credits: 4

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about each and every aspect of the Constitution of India particularly in the context of its federal structure, legislature, executive and the judiciary.

Outcome: The students shall be well versed about each and every aspect of the Constitution of India.

**Unit-I**

1. The Executive- Union & States Parliamentary/Presidential form of Governments- Suitability. President/Governor & Council of Ministers-Relationship. Coalition government, Power Politics.
2. Parliament & State Legislatures Composition of Legislature, Elections, Corrupt Practices. Role of the Legislature, Elections, Corrupt Practices
3. Judiciary in India, Independence of Judiciary, Appointment, Removal of the Judges, Code of Conduct for Judges. Power of Judicial Review, Writ Jurisdiction & other powers of the court, Judicial Activism. Separation of Powers, Relationship of Executive, Legislature & Courts.

**Unit-II**

1. Fundamental Rights, Definitions of State and Law.
2. Right to Equality, Reverse discrimination.
3. Political Freedoms of the citizen reasonableness of restrictions.
4. Right to life & personal liberty, various dimensions of the right to life and personal liberty.

**Unit-III**

1. Secularism, right of the minorities.
2. Socio-economic rights, Directive principles of state policy-enforcement by the state relationship between directive principles & fundamental rights.
3. Doctrine of eminent domain, right to property
4. Parliamentary Privileges & Fundamental Rights.
5. Fundamental duties of the citizen.

**Unit-IV**

1. Federalism, Co-operative federalism.
2. Legislative and Administrative relations.
3. Distribution of financial resources, Inter-State trade and commerce.
4. Amendment of the Constitution/Basic structure theory.

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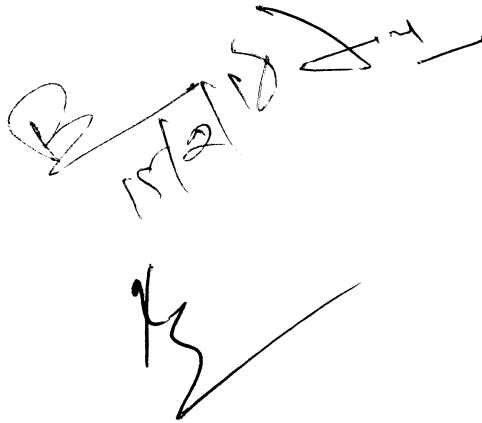
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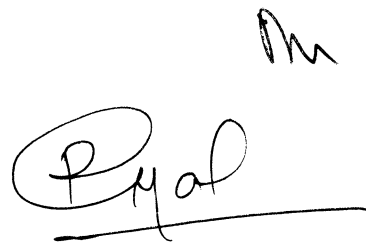
*Dr*

**Select Bibliography:**

- Seervai, H.M. : Constitutional Law of India ( 3 Volumes).  
Jain, M.P. : Indian Constitutional Law  
Shukla, V.N. : Constitution of India  
Basu, D.D. : Constitution of India  
Bar Council of India : Constitution of India  
(Edited by Hidayatulla)  
Ex. C.J. of India  
Dr. Pal, Chander : Centre-State Relation and Co-operative Federalism.  
Gupta, R.K. : Centre State Fiscal Relation under the Indian Constitutional Law  
Wheare, K.C. : Federal Government (1963)







**Paper- III Jurisprudence (Elective Paper)**

Max. Marks: 100

Credits: 4

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about the growth and development of law.

Outcome: The students shall be well versed about the historical development of the law.

**Unit-I**

1. Nature, Value and Province of Jurisprudence
2. Positivism:
  - (a) Bentham and Positivism
  - (b) John Austin and Analytical Jurisprudence
3. Modern Positivism
  - (a) Kelsen's Pure Theory of Law
  - (b) Hart's Concept of Law
  - (c) Dworkin's Criticism of Positivism and his theory of Law

**Unit-II**

1. Historical Jurisprudence:
  - (a) Savigny and the Historical School
  - (b) Henry Maine and the Anthropological School
2. Natural Law
  - (a) Revival of Natural Law
  - (b) Lon L. Fuller- Morality of Law
  - (c) Stammler- 'Natural Law with a variable content'
3. The Theory of Precedent in India

**Unit-III**

1. Modern Realism.
2. Sociological Jurisprudence:
  - (a) Ihering, Ehrlich and Duguit
  - (b) Roscoe Pounds' Social Engineering
3. Theory of Social Justice:
  - (a) John Rawls
  - (b) Indian Approach to socio-economic justice

**Unit-IV**

Legal Concepts:

1. Legal Rights
2. Legal Personality
3. Possession and Ownership

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**Select Bibliography:**

- Paton: A Textbook of Jurisprudence  
Dias: Jurisprudence  
Friedmann: Legal Theory  
Hart : Concept of Law  
Llloyd : Introduction to Jurisprudence  
Fuller : The Morality of Law  
Basu : Modern Theories of Law(TLL)  
Austin : The Province of Jurisprudence Determined  
Bodenheimer : Jurisprudence  
Ludr. Amit : Law of Personal Autonomy (2012 ed)  
Stone : Social Dimensions of Law and Justice  
Jennings : Modern Theories of Law  
Allen : Law in the Making  
Pound : Jurisprudence Vol.. I-IV  
Weermantrury : Equality and Freedom: Some Third world Prospective  
Hilaire Mc Coubery : Text Book of Jurisprudence & Nigel D. White  
Dworkin : Taking Rights Seriously (1972), Law's Empire (1986)  
Bentham : Limits of Jurisprudence Defined (Ed. By Evertt) 1945.  
Savigny : Law of Possession  
Stone, Julius : The Province & Function of Law  
Sir Henry Maine : Ancient Law  
Rawls, John : Theory of Justice  
Cardoza : Nature of Judicial Process

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**Paper-IV Environmental Law (Open Elective)**

Max. Marks: 100

Credits: 4

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

**Unit –I**

Environment -- Definition and background; Issues and Importance; Ancient and medieval writings; Traditions; Religious and Cultural practices in India.

**Unit-II**

Development – Theories of development; Right to Development Developing economics Sustainable Development – Concept; National and international perspectives; industrial development and sustainable development.

Population, Environment and Development- Population explosion and environmental impact; Populations and development, population; Industrial development ; Migration of Population.

**Unit –III**

Policy and Law- form Stockholm to Rio and after; Post- Independence India ; Role of Government ; Five year plans; Forest Policy; Conservation Strategy ; Water Policy; Early Environmental Legislation in India.

**Unit -IV**

Constitutional Perspectives-

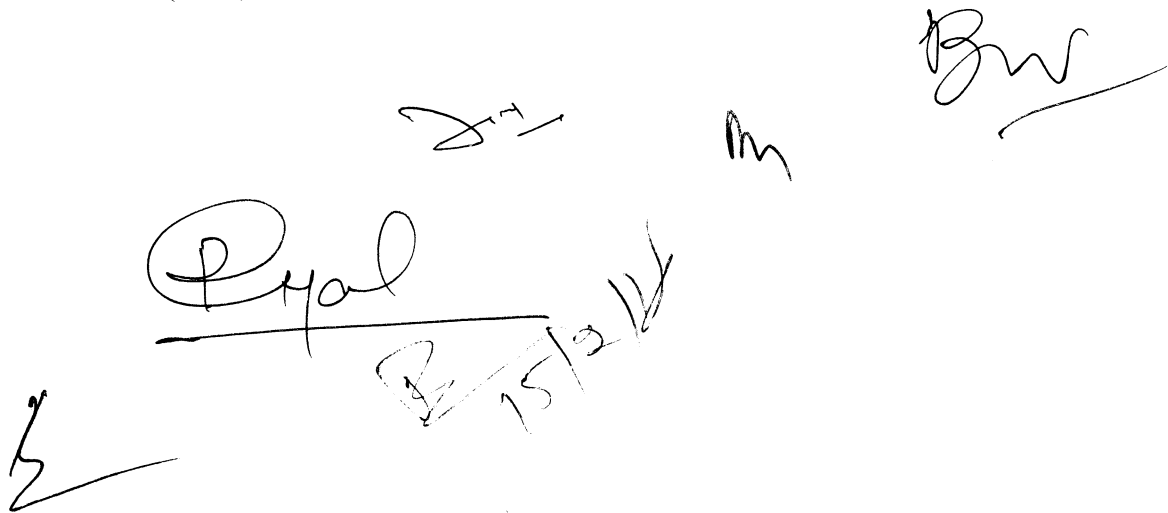
Fundamental Right to environment; Enforcement of the right; Directive principles and fundamental duties; legislative power; Environment; Emerging Concepts and challenges; Polluter pay principle: absolute liability of hazardous industry; precautionary principle; public trust doctrine.

**Select Bibliography :**

- Abraham, C.M : Environmental Jurisprudence in India (1999), Kluwer
- Gadgil Madhav and : This fissured Island: An Ecological History of India, Ramachandra (1996), Oxford.
- Singh R.B.& : Environmental Law in India (1996), Concept Publishing Misra , Suresh Co., New Delhi.
- Thakur, Kailash : Environmental Protection: Law and policy in India(1997), Deep & Deep Publications, New Delhi
- Riversz, Richard L. : Environmental Law, the Economy and sustainable Et al. (eds.) Development (2000), Cambridge.
- Stone, Christopher D. : Should Trees Have Standing and other Essays on Law, Morals and the Environmental (1996), Oceana.



Bell Stuart : Environmental Law (2000)  
and Donald, McGilivray: Blackstone Press.  
Webster, Charles A.R : Environmental Health Law (1981)  
Leelakrishan P. : Law and Environment  
*Et al.* (eds.) (1990), Eastern.  
Leelakrishan P. : The Environmental Law in India (1999) , Butterworth- India  
Department of science and Technology, Government of India, Report of the Committee for  
Recommending Legislative Measures and Administrative Machinery for Ensuring  
Environmental Protection (1980)(Tiwari Committee Report)  
Thomas J. Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc, Westbury,  
New York. Darryl D'Monte, Temples or Tombs Industry Versus Environment; Three  
Controversies (1985) , Centre for Science and Environment, New Delhi.  
Indian Journal of Public Administration, Special Number on Environment and Administration,  
July- September 1988 Vol XXXV, No. 3, pp.- 353-801  
Khosho, Environmental Concerns and strategic (1988). Ashish , Delhi.  
Centre for Science and Environment, The State of India's Environment 1982, The State of  
India's Environmental 1982, The State of India' s Environment 1984-85 and the State of Indian  
Environment 1999-2000.  
World Commission on Environment and Development, Our Common Future (1987), Oxford.  
Garrett Hardin, The Ostrich Factor: our Population Myopia (1998), Oxford.  
Desai, Ashok A. : Environmental Jurisprudence, Modern Law House, 2<sup>nd</sup> (ed.)  
(2002)

The block contains several handwritten signatures and initials. At the top right is a signature that appears to be 'Bw'. Below it are several initials, including 'JH', 'm', and a large signature that looks like 'Piyal'. There is also a signature that looks like 'B' on the left side. In the center, there is a signature 'Piyal' with a horizontal line underneath it, and below that, a date '15/12/11' and some other scribbles.