

**Central University of Punjab,  
Bathinda**



**Department of Law**

**2019 - 20**

**School of Legal Studies and Governance**

**Semester-V**

Course No.	Course Title	Credit Hours			Total
		T	P	R	
PDL.701	Research Methodology and Legal Writing	4	-	-	4
PDL.702	Computer Applications-Theory	3	-	-	3
PDL.703	Computer Applications-Practical	-	2	-	1
PDL 704	Short Term Community Project and Action Research	-	-	Non Credit	Satisfactory Y/N
Total					08
<b>Any Two of the followings</b>					<b>08</b>
PDL.705	Environmental Laws, Policies and Governance	4	-	-	4
PDL.706	Human Rights: Emerging Issues	4	-	--	4
PDL.707	Constitutional Philosophy in India: Theory and Practice	4	-	-	4
PDL.708	Fundamental Principles of Criminal Law	4	-	-	4
<b>Total</b>					<b>16</b>

**Note:** Courses Research Methodology and Computer Application (Theory and Practical) are compulsory, while from the other courses student have choice to opt any one in addition to the courses offered by the supervisor. The Student who already earned the required credits in Research Methodology and Computer Application Courses are exempted.

### **General Learning Outcomes**

The doctoral of philosophy programme prepares the learners for careers in academics thorough rigorous exercising gearing towards learning through inductive and deductive method. The programme aims to promote the knowledge and intensive research skills in the domain of law, its impact and relevance in social transformation and nation's progress. The learners achieve domain knowledge consisting of hard and soft skills to evaluate the impact of law in the light of its origin, goals, functions and gap analysis. Beginning from thorough studies in 1<sup>st</sup> Semester Pre-Ph.D. course work, the learners will be able to prove their competence to demonstrate:

- ability to communicate, present, collaborate, engage and conduct themselves in professional way with the stakeholders from diverse backgrounds and represent the visions, mission and values of *alma mater*;
- critical examination of case law and legislations in pipe-lines in context of prevailing socio-legal backdrop and carry out legal research;
- domain knowledge in the area of environmental law, human rights law and corporate law and achieve career goals.<sup>1</sup>

### **Specific Learning Outcomes**

The programme would enable the student to develop:

- comprehend philosophy underlying constitution and its functioning, impact assessment, comparative governance and role of law in social transformation;
- acumen to draw logical meaning, define the concepts, identify the reasoning and will develop problem solving skills by applying the law in proper perspectives;
- their capacity to contribute in the addition and creation of knowledge.

### **PDL 701: Research Methodology and Legal Writing**

**Credit: 4**

**Learning Outcomes:** On completion of this course, the students would be able to demonstrate:

- basic theories and skills in order;
- independent research pertaining to any specific legal issue; find, evaluate and employ legal research materials and theoretical approaches of reflections on the legal issues;
- issues of research in law and appropriate methodologies for the execution of research in the chosen area, design a research, justifying use of various methods/tools to carry out the same;

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<sup>1</sup> Inserted in 6<sup>th</sup> Meeting of Board of Studies, Department of Law.

- the method of collection, analyses and interpret both qualitative and qualitative data and an understanding on ethical issues in research.

### **Unit-I**

**14 Hours**

Research- Concept, Meaning, Objectives and Types, Approaches to Research, Paradigms and Research Methods  
Legal Research- Introduction, Nature, Scope and Manual of Legal Research Through Collaborative Learning Groups  
Legal Research – A Tool for Codification and Legal Reform

### **Unit-II**

**14 Hours**

Research Design- Choice of Research Topic, Identification of Research Formulation of Research Hypothesis, Units of Analysis, Variables- Types and Relationships  
Sources of Data Collection - Observation, Questionnaire and Schedule, Interview and Case Study, Surveys-Analysis, Interpretation and Legal Writing

### **Unit-III**

**14 Hours**

Techniques of Research Writing- Project and Research Proposals, Project Report, Research Paper and Monographs- Abstract, Referencing, Foot Note and Bibliography  
Ethics in Research  
    Ethical Behaviour and Plagiarism  
    Plagiarism in Research  
    Principle of Respect for Persons  
    Belmont Report on Research

### **Unit – IV**

**14 Hours**

Nature and Objectives of Legal Education  
    Legal Literacy  
    Clinical Legal Education - Legal Aid  
    Law Reforms and Civil Society  
    Jurimetrics and Socio-metrics  
Legal Research and Online Research Database-  
    Rational and Significance of Online Database  
    Use of Internet  
    Authentication of Websites  
    Use of Internet Communication Technology

**Transaction Mode:** In this course students will be encouraged to be active learner through lectures, tutorials, practical exercises and presentations; researching for and presenting a research proposal, term paper and assignments and literature review. Lectures are designed to provide students with a basic understanding of the subject area whilst tutorials and practical exercises are designed to allow and encourage students to develop an ability to apply their

knowledge in practical situations so as to identify issues, think critically, carry out appropriate research, work together in groups, and make effective plans and present research.

### **Suggested readings**

- Bryman, A., (2009). *Social Research Methods*. Oxford University Press, New York.
- Deborah, K. Padgett (2008). *Qualitative Methods in Social Work and Research*. Sage Publications (CA).
- Paul, K. Hatt & William J. Goode, (2006). *Methods in Social Research*. Surjeet Publications, Delhi.
- Menon, N. R. M. (Ed.) (1998). *A Handbook of Clinical Legal Education*. Eastern Book Company, Lucknow.
- Morris, L. C. (1996). *Legal Research in Nutshell*. West Publishing Co. Minnesota.
- Shawn, C. S. (2010). *International Adoption- A Legal Research Guide (Legal Research Guides)*. William's Hein & Co. New York.
- William, J. G. & Paul K. H. (2006). *Methods in Social Research*, Mc Graw-Hill Book Company, London.
- Young, P. V. (2010). *Scientific Social Surveys and Research*. P. H. Learning Pvt. Ltd., New Delhi.
- Yvonne, N. B. (2009). *How to Write a Master's Thesis*. Sage Publications (CA).
- P K Majumdar (2011). *Research Methods in Social Science*. Viva Books Private Ltd. New Delhi.
- Kultar Singh (2007). *Quantitative Social Research Methods*. Sage India, New Delhi.
- J. Paul Lomio (2011). *Legal Research Methods in a Modern World: A Course Book (0003 Edition)*. Djoef Publishing, Denmark.

### **PDL 702: Computer Applications-Theory**

**Credit: 3**

Learning Outcomes: On the completion of the course, the learner will be acquainted with:

- the basic knowledge about the operation of the computers;
- the functioning of software and their usefulness in day to day life;
- the method and techniques of presentation in the public with the help of ICT.

### **Unit I**

**12 Hours**

**Fundamentals of Computers-** Parts of Computers, Hardware, BIOS, Operating Systems, Binary System, Logic Gates and Boolean Algebra.

**Application Software-** Spreadsheet Applications, Word-Processing Applications, Presentation Applications, Internet Browsers, Reference Management, and Image Processing Applications.

**Computer Language-** Basic DOS Commands, Auto Hotkey Scripting Language, HTML and Basic Structure of a Webpage, Designing Websites.

**World Wide Web-** Origin and Concepts, Latency and Bandwidth, Searching the Internet, Advanced Web-Search Using Boolean Logic, Cloud Computing

## **Unit II**

**12 Hours**

**Use of Statistical Techniques in Analysis of Data-** Measures of Central Tendency, Measures of Dispersion, Correlation & Regression, Testing of Hypothesis, Test of Significance Z-Test and T-Test, Analysis of Variance (One Way and Two Way), Chi-Square Test of Independence

**DBMS-** Introduction, Components, Functions, Development of Database Systems, Advantages of Using DBMS, Data Abstraction, Data Models, Data Independence, Database Languages, Database Manager, Database Administrator, Database Users.

## **Unit III**

**12 Hours**

### **Computerized Research/ E-Research**

Introduction

Ethnography of Internet

The Use of Internet as Object of Analysis

The Use of Internet as a Tool of Collection

Quality Research Using Online Focus Groups

Qualitative Research Using Online Personal Interviews

Online Social Surveys

Web Surveys

Mixing Modes of Survey Administration

## **Unit IV**

**12 Hours**

Ethical Consideration in Internet Research

Plagiarism and Internet Research

**Transaction Mode:** The transaction in the class room shall be based on lecture method and presentations.

### **Suggested readings**

- Rajaraman, V., (2010). *Fundamental of Computer*. Delhi, PHI.
- Anita Goel, (2010) *Computer Fundamentals*, Pearson.
- *Modern Operating System*, Tanenbaum, PHI Publication
- Santosh Gupta, (2010), *Research Methodology & Statistical Techniques*, Delhi, Deep & Deep Publication (P) Ltd.

**PDL 703: Computer Application- Practical**

**Credit: 2**

**PDL 704: Short Term Community Project**

**Non Credit Course**

**PDL 705: Environmental Laws, Policies and Governance**

**Credit: 4**

**Learning Outcomes:** On completion of this course, the learners would be able to discuss:

- fundamentals of environment law and its relations with philosophy of human rights and environmental constitutionalism;
- recent paradigms of judicial and quasi-judicial approaches.

**Unit- I**

**14 Hours**

Introduction to the Indian environmental legal system

Environment, Environment deterioration and responsible factors, natural resources and environment: Forest resources, Water resources, Mineral resources, Food resources, Energy resources, Land resources,

Equitable use of resources for sustainable lifestyles

Environment and Environmental Law, Components of environment,

Location of deterioration and factors responsible

Framework for analysis, definitions, methods, and tools

Processes, trends, projections

Theories and ways for the protection of environment and natural resources

Environmental ethics

International and national environmental jurisprudence

The socio-economic patterns of environmental justice

**Unit-II**

**14 Hours**

Environmental constitutionalism

Environmental human rights

Right to environment

Environmental law making

Implementation of environmental laws

Environment and development: conflicting issues, environment in the age of liberalization, privatization and globalization

Sustainable development and the law

The World summit on sustainable development and beyond

Formal international negotiations: Climate change

The “Mainstreaming” of environmental concerns: Financial Markets

Emergence of philosophy of Sustainable development and sustainability from Newtonian determinism to relativism; Popper and the theory of falsification.

### **Unit-III**

**14 Hours**

Concept and scope

Environmental principles, Implementation of sustainable development

Environmental and natural resources law and policy: International and national measures

Important aspects of sustainability of energy resources

Environmental governance

Environmental crimes

National and local environmental laws and policies

Pollution control mechanism and effectiveness

Role of judiciary and effectiveness

The rise of social movements around natural resources and environment

Challenges of integrating environmental law and management

Judicial review of NGT decisions

The Litigation process and alternative dispute resolution

### **Unit – IV**

**14 Hours**

Case Study: Study of two cases of polluting the environment and scenarios based on actual resource management dilemmas based on the legal and policy framework. All materials needed to do the case study exercise will be given in advance.

Term paper: Each student will write a term paper on the basis of, experience and literature studied regarding a local problem and concerned issues.

Assignment: Student will have to write an assignment on any topic and area of his interest with the consultation of the supervisor and will present the same in an open seminar.

(Note: Each student will compile the results of his work e.g.; case study, term paper and assignment, into a single paper which will serve as the foundation for the presentation).

**Transaction Mode:** This course will be taught through lectures and tutorial, but predominantly involve large and small group discussion and activities in which students will be required to research, discuss, debate and defend their analysis of the relevant material set in the course readings. It is extremely critical that students have undertaken the reading before coming to class. Students have to submit a term paper and assignment given to them within time and also through presentation.

### **Suggested readings**

- Agarwal, A, et al, (ed.) (1984). *State of India's Environment*. OUP, Delhi.
- Arnold, D. & Guha, R. C. (ed.), (1995). *Nature, Culture, Imperialism: Essays on the Environmental History of South Asia*, Oxford University Press, Delhi.
- Balee, W. (1998). *Advances in Historical Ecology*. Columbia University Press, New York.



- Baumol, W. E. & Oates, W. J. (1988). *Theory of Environmental Policies*. Cambridge University Press, Cambridge, UK.
- Beinart, W. & Coates, P. (1995). *Environment and History*. London: Routledge.
- Bell, S. & Gillivray, M.G. (2009) *Environmental Law*. Oxford.
- Borrie, W. D. (1988). *Population, Environment and Society*. OUP, UK.
- Bowett, D. W. (1982). *Law of International Institutions*. Oxford University Press, USA.
- Carson, Rachel, (1962). *Silent spring*. Houghton Mifflin, Boston.
- Crush, J. (ed.) (1995). *The Power of Development*. Rutledge, New York.
- Detter, I. (2010). *Law Making by the International Organisation*, Gale.
- Escobar, A. (1995). *Encountering Development: The making and unmaking of the third world*. Princeton University Press.
- Freeman A. M. (2001). *Measures of value and Resources: Resources for the future*. Washington DC.
- Gadgil, M. & Guha, R. C. (1992). *This Fissured land: An Ecological History of India*. Oxford University Press, New Delhi.
- Gadgil, M. & Guha, R.C. (2001). *Ecology and Equity: The use and abuse of nature in contemporary India*. Penguin, Delhi.
- Gorz, A. (1980). *Ecology as Politics*. South End Press, Boston.
- Keller, D.R. (2012). *Environmental Ethics: The Big Questions*. Wiley-Blackwell, Singapore.
- Mart, H. (1993). *An Anthropological critique of Development: The Growth of Ignorance*. Routledge, New York.
- Myeni, S. R. (2008). *Environmental Law*. Oxford.
- Santa, F. (ed.) (1994). *Historical Ecology: Cultural knowledge & changing landscapes*. School of American Research Press.
- Stephen, S. G. (1967) *Nature and Function of International Organisation*, Gale.
- Thakur, K. (2007). *Environmental Protection: Policy and Laws in India*. Deep and Deep Publication, New Delhi.
- Tietenberg. T, (2003). *Environmental and Natural Resource Economics*. Pearson Education, New York.

**PDL.706: Human Rights: Emerging Issues**

**Credit: 4**

**Learning Outcomes:** On the completion of the course, the learners will be able to discuss:

- the historical development of human rights, Constitutional Philosophy and Human Rights, Implementation of International Human Rights Treaties in India;
- India's obligation to international human rights instruments and challenges in its implementation.
- implementation mechanism in India to ensure implementation and enforcement of human rights.

**Unit – I****14 Hours**

Historical Development of Human Rights in National and International Perspectives (HR), Nature & Classification, Generations of Human Rights. Human Rights under International Law, UN Charter and Human Rights, Role of Principal organs & Specialized agencies of UN, Core International Human Rights Instruments and mechanism for Implementation

**Unit – II****14 Hours**

Constitutionalization of Human Rights, Good Governance & Issue of corruption in India, Media & HR, Judicial approach towards HR War, Terrorism & HR, Criminal Injustice: Communal violence & Riots in India, Victimology and victim justice, Gender Violence, Identity & HR, Custodial Deaths, Death Penalty

**Unit – III****14 Hours**

Right based approach to environmental protection, Climate change and human rights, International environmental crime, Development v Environmental protection dilemma, Displaced Persons, Environmental protection and tribal rights, Land acquisition Issue, Naxalite issue and HR violation Refugee Problem in India, IDPs, ESC rights in India, Poverty & HR, Disability as HR Issue, Transgender people's rights

**Unit – IV****14 Hours**

Institutional Mechanism for protection of HR in India: NHRC, SHRC, NCW, NCC and other statutory commission for the protection of specific group. Role of NGO: Amnesty International, Human Rights Watch, Human Rights Movement in India, HR Education: Theory & Practice

**Transaction Mode:** It will cover learning through:

- lecture method preceded and succeeded by study of relevant material available through text books, reference books, online databases;
- brain storming sessions and exercises through role playing, argumentative essays, reaction papers and case analysis.

**Suggested readings**

- Thomas Cushman (2013) Handbook of Human Rights (Routledge International Handbooks), Routledge, New York.
- Robert Kolb & Gloria Gaggioli (2013) Research Handbook in Human Rights, Research Handbook on Human Rights and Humanitarian Law (Research Handbooks in Human Rights Series), Edward Elgar Pub, UK
- Lynne M. Healy, Rosemary J. Link (2012) Handbook of International Social Work: Human Rights, Development, and the Global Profession, Oxford University Press, New York.
- Dinah Shelton (2013) The Oxford Handbook of International Human Rights Law, Oxford University Press, New York.

- Sarah Joseph and Adam McBeth (eds) (2011) Research Handbook on International Human Rights Law, Edward Elgar Publishing, UK.
- Andrew Vincent (2010) The Politics of Human Rights. Oxford University Press. UK
- Andrew Fagan (2010) The Atlas of Human Rights: Mapping Violations of Freedom Around the Globe. University of California Press, Berkeley
- David P. Forsythe (eds) (2009) Encyclopaedia of Human Rights. Oxford University Press, New York
- Arvind Sharma, Raimundo Panikkar (2007) Human Rights as a Western Concept, D.K. Printword (P) Ltd, New Delhi.
- C. Raj Kumar & K. Chockalingam (2010) Human Rights, Justice and Constitutional Empowerment, Oxford University Press, New Delhi
- Manoj Kumar Sinha (2010) International Criminal Law and Human Rights. Manak Publication Pvt Ltd, New Delhi
- Tony Evans (2011) Human Rights in the Global Political Economy: Critical Processes Viva Books, New Delhi
- Riedel, EIBE & Ors. (2014) Economic, Social and Cultural Rights in International Law: Contemporary issues and Challenges. Oxford University Press, New York.
- Rob White (2011) Environmental Crime: A Reader, Cambridge University Press, Cambridge.
- Richard K. Wortley. (2008). Environmental Criminology and Crime Analysis, Willan.
- Michel Rosenfeld. (2012). The Oxford Handbook of Comparative Constitutional Law, Oxford University Press, Oxford
- Sarah Krakof. (2012). Tribes, Land, and the Environment, Ashgate, New York
- Romina Picolotti, Jorge Daniel Taillant, (2011) Linking Human Rights and the Environment (Paperback), University Of Arizona Press Tucson
- South Asia Human Rights Documentation Centre (2010) Introducing Human Rights: An Overview Including Issues of Gender Justice, Environmental and Consumer Law
- Jefferey F., Jahid Hossain Bhuiyan Addicott, Traeq M.R. Chowdhury (2012) Globalization, International Law and Human Rights, Oxford University Press, Oxford.

**Important Note:**

1. The Course Coordinator of the respective course shall be at liberty to add new topics.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

## **PDL 707: Constitutional Philosophy in India: Theory and Practice Credit 4**

**Learning Outcomes:** On the completion of the course, the learner shall be able to demonstrate:

- the concept, meaning, nature and scope of constitutional governance and philosophy;
- the inter-relationship between law and morality;
- the sense of duty and the relationship between right and duty;
- remedies in case of infringement of fundamental rights.

### **Unit – I**

Need and importance of Law

Theory of Social Contract- Contribution of Locke, Rousseau, Hobbes

Government: Meaning, origin, object, design, nature and measure against being tyrannical

Social Foundations of Law: Law and Morality, Law and Justice, Realism, Constitutional renaissance, Constitutional morality.<sup>2</sup>

Legitimacy of Laws

### **Unit – II**

Natural Law Theories and Indian Constitution

Constitutional Philosophy of Justice

Rule of Law under Indian Constitution

Judicial Review in India

### **Unit – III**

Auto-limitation theory in India

Meaning and functions of State in 21<sup>st</sup> Century

Philosophy behind fundamental rights

Constitutional Remedies

### **Unit – IV**

Directive Principles of State policy

Relations between Centre and State

Doctrine of Basic Structure

**Transaction Mode:** Followings are some of the modes of classroom transaction: Lecture, Brain storming sessions and exercises, Case study, Case analysis, Lecture cum demonstration, Debate etc.

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<sup>2</sup> Inserted in the 6h meeting of BoS, Department of Law.

### **Suggested readings**

- J.C.Johari (2012). *The Constitution of India - A Politico - Legal Study*, Sterling Publication Pvt. Ltd., New Delhi.
- Granville Austin (2000). *The Indian Constitution - Corner Stone of a Nation*, Oxford, New Delhi.
- G.P.Tripathi, (2014). *Legal Method*. Central Law Publications.
- J.G.Riddal (2009). *Jurisprudence*. Oxford U.K.
- Marc Galanter (1997). *Law and Society in Modern India* (Ed.). Oxford.
- Upendra Baxi (1992). *The Crisis of the Indian Legal System*. Vikas, New Delhi.
- Upendra Baxi (1988). *Law and Poverty Critical Essays*. (Ed.). Tripathi, Bombay.
- Duncan Derret (2003). *The State, Religion and Law in India*. Oxford University Press. N. Delhi.
- H.M. Seervai (2013). *Constitutional Law of India*. Universal: New Delhi.
- D.D. Basu (2011). *Shorter Constitution of India*. Lexis Nexis- Butterworths. Bombay.
- M. P. Jain (2014). *Indian Constitutional Law*. Lexis Nexis- Butterworths. Bombay.

### **PDL 708: Fundamental Principles of Criminal Law**

**Credit: 4**

**Learning outcomes:** On the completion of the course, the learner shall be able to discuss:

- the fundamental concepts of criminal law;
- kinds of offences and;
- legal provisions thereon.

#### **Unit- I**

Nature and Definition of crime

Stages of crime - Intention, Preparation, Attempt and Commission of Crime

Elements of Crime - *Actus Reus* and *Mens rea*

Application of the Indian Penal Code - Territorial and Extra Territorial application

General Explanations & Punishments

#### **Unit-II**

General Exceptions

Abetment

Criminal Conspiracy

Offences against the State

Offences against public peace and Tranquility

Crimes against administration of Justice: Resisting Arrest, Obstruction of Justice, Bribery

### **Unit-III**

Offences affecting human body (offences affecting human life) Concept  
Offences against Women  
Crimes Against Nature

### **Unit - IV**

Offences Against Environment  
Offences Against Public  
Offences Against Property  
Offences by or Relating to Public Servants  
False Evidence and Offences Against Public Justice  
Offences relating to Marriage  
Defamation

**Transaction Mode:** Followings are some of the modes of classroom transaction:  
Lecture, Brain storming sessions and exercises, Case study, Case analysis,  
Lecture cum demonstration, Debate etc.

### **Suggested readings**

- Agarwal, A, et al, (ed.) (1984). State of India's Environment. OUP, Delhi.
- Arnold, D. & Guha, R. C. (ed.), (1995). Nature, Culture, Imperialism: Essays on the Environmental History of South Asia, Oxford University Press, Delhi.
- Balee, W. (1998). Advances in Historical Ecology. Columbia University Press, New York.
- Baumol, W. E. & Oates, W. J. (1988). Theory of Environmental Policies. Cambridge University Press, Cambridge, UK.