

CENTRAL UNIVERSITY OF PUNJAB, BATHINDA



Ph.D. Law

Session - 2020

Department of Law
School of Legal Studies

Ph.D. Course Work Structure**Semester-I**

Course No.	Course Title	Credit Hours			Total
		Theory	Practical	Research	
PDL.701	Research Methodology and Legal Writing	4	0	0	4
PDL.702	Computer Applications-Theory	3	0	0	3
PDL.703	Computer Applications-Practical	0	2	0	1
PDL.704	Short Term Community Project and Action Research	0	0	0	0
RPE.710	Research and Publication Ethics	1	2	0	2
Total					10
Any Two of the followings					
PDL.705	Environmental Laws, Policies and Governance	4	0	0	4
PDL.706	Human Rights: Emerging Issues	4	0	0	4
PDL.707	Constitutional Philosophy in India: Theory and Practice	4	0	0	4
PDL.708	Fundamental Principles of Criminal Law	4	0	0	4
Total					18

Programme Learning Outcomes

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*;
- critically examination of case law and legislations in pipe-lines in context of prevailing socio-legal backdrop and carry out legal research;
- develop the domain knowledge in the area of environmental law, human rights law and corporate law and achieve career goals.¹
- 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

L	T	P	Cr
4	0	0	4

Total Hours: 60

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

- demonstrate basic theories and skills in order;
- develop independent research pertaining to any specific legal issue; find, evaluate and employ legal research materials and theoretical approaches of reflections on the legal issues;
- analyses 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;
- work on the method of collection, analyses and interpret both qualitative and qualitative data and an understanding on ethical issues in research.

Unit-I

15 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

Research and Publication Ethics

Plagiarism in Research

Unit-II

15 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

15 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

15 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

1. Galanter, M. (ed.), *Law and Society in Modern India*, (Oxford University Press, New Delhi, 1997).
2. Lingat, R, *The Classical Law of India*, (Oxford University Press, New Delhi,1998).
3. Upendra Baxi, *The Crisis of the Indian Legal System*, (Vikas Publishing House, New Delhi.,1982).
4. Upendra Baxi (ed.), *Law and Poverty Critical Essays*, (N.M Tripathi, Bombay.,1998).
5. J. Duncan M. Derrett, *The Religion Law and the state in India*, (Oxford University Press, New Delhi., 1999).
6. H. M. Seervai, *Constitutional Law of India*, (Tripathi, Bombay., 1996).
7. D.D. Basu, *Shorter Constitution of India*,(LexiNexis, New Delhi,15th edn.,2018

8. K. Deshta and S. Deshta, *Law and Menace of Child Labour*, (Anmol Publications, Delhi., 2000)
9. K. P. Malik, *Law and Social Transformation in India*, (Pioneer Books, Faridabad., 2009).
10. M. P. Jain, *Outlines of Indian Legal History*,(Tripathi, Bombay., 2010).
11. W. Friedmann, *Law in a Changing Society*, (University of California Press, Berkely, 2004).
12. Bimal N. Patel and Mamata Biswal, *Law, Development and Socio-Economic Policy*, (Eastern Book Company, New Delhi, 1st edn., 2012).
13. Devinder Singh, Ranbir Kaur, et.al., *Law and Good Governance*, (Osbert Publishing House, U.K.,2016)

PDL 702: Computer Applications-Theory

L	T	P	Cr
3	0	0	3

Total Hours: 45

Learning Outcomes:

- Use different operating system and their tools easily.
- Use word processing software, presentation software, spreadsheet software and latex.
- Understand networking and internet concepts.
- Use computers in every field like teaching, industry and research.

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

10 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

11 Hours

Ethical Consideration in Internet Research

Plagiarism and Internet Research

Transactional Modes:

PPT

Video

e-content

google drive

Suggested Readings:

1. Sinha, P.K. Computer Fundamentals. BPB Publications.
2. Goel, A., Ray, S. K. 2012. Computers: Basics and Applications. Pearson Education India.
3. Microsoft Office Professional 2013 Step by Step
<https://ptgmedia.pearsoncmg.com/images/9780735669413/samplepages/9780735669413.pdf>

PDL 703: Computer Application- Practical

L	T	P	Cr
0	0	2	1

The lab assignments will be based on theory paper

Lab Evaluation:

The evaluation of lab criteria will be based on following parameters:

Evaluation Parameters	Marks
Practical File	5
Implementation	15
Viva-voce	30
Total	50

PDL 704: Short Term Community Project Non Credit Course

Course Code: RPE 710

Course Title: Research and Publication Ethics

L	T	P	Cr
1	0	2	2

Total Hours: 30

About the Course:

Overview: This course has 6 modules mainly focusing on basics of philosophy of science and ethics, research integrity, publication ethics. Hands on sessions are designed to identify research misconduct and predatory publications. Indexing and citation databases, open access publications, research and p metrics and plagiarism tools introduced in the course.

THEORY

RPE 01: PHILOSOPHY AND ETHICS (3 HRS)

1. Introduction to philosophy: definition, nature and scope, concept, branches
2. Ethics: definition, moral philosophy, nature of moral judgements and reactions.

RPE 02: SCIENTIFIC CONDUCT (5 HRS)

1. Ethics with respect to science and research
2. Intellectual honest and research integrity
3. Scientific misconducts: falsification, fabrication, and plagiarism.
4. Redundant publications: duplicate and overlapping publications, salami slicing
5. Selective reporting and misrepresentation of data.

RPE 03: PUBLICATION ETHICS (7 HRS)

1. Publication ethics: definition, introduction and importance
2. Best practices/standards setting initiatives and guidelines: COPE, WAME, etc.
3. Conflicts of interest
4. Publication misconduct: definition, concept, problems that lead to unethical behavior and vice versa, types
5. Violation of publication ethics, authorship and contributor ship
6. Identification of publication misconduct, complaints and appeals
7. Predatory publishers and journals

PRACTICE**RPE 04: OPEN ACCESS PUBLISHING (4 HRS)**

1. Open access publications and initiatives
2. SHERPA/RoMEO online resource to check publisher copyright and self-archiving policies.
3. Software tool to identify predatory publications developed by SPPU
4. Journal finder/ journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.

RPE 05: PUBLICATION MISCONDUCT (4 HRS)**A. Group Discussions (2 hrs.)**

1. Subject specific ethical issues, FFP, authorship
2. Conflicts of interest
3. Complaints and appeals: examples and fraud from India and abroad

B. Software tools (2 hrs)

Use of plagiarism software like Turnitin, Urkund and other open source software tools.

RPE 06: DATABASES AND RESEARCH METRICS (7 HRS)**A Databases (4 hrs)**

1. Indexing databases
2. Citation databases: Web of Science, Scopus, etc.

B. Research Metrics (3 hrs)

Impact Factor of journal as per journal citation report, SNIP, SJR, IPP, Cite Score.

Metrics: h-index, g index, i10 index, altmetrics

PDL 705: Environmental Laws, Policies and Governance

L	T	P	Cr
4	0	0	4

Total Hours: 60

Learning Outcomes:

On completion of this course, the learners would be able to:

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

Unit- I

15 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

15 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

15 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

15 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.

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

1. Agarwal, A, et al, (ed.) (1984). *State of India's Environment*. OUP, Delhi.
2. Arnold, D. & Guha, R. C. (ed.), (1995). *Nature, Culture, Imperialism: Essays on the Environmental History of South Asia*, Oxford University Press, Delhi.
3. Balee, W. (1998). *Advances in Historical Ecology*. Columbia University Press, New York.
4. Baumol, W. E. & Oates, W. J. (1988). *Theory of Environmental Policies*. Cambridge University Press, Cambridge, UK.
5. Beinart, W. & Coates, P. (1995). *Environment and History*. London: Routledge.
6. Bell, S. & Gillivray, M.G. (2009) *Environmental Law*. Oxford.
7. Borrie, W. D. (1988). *Population, Environment and Society*. OUP, UK.
8. Bowett, D. W. (1982). *Law of International Institutions*. Oxford University Press, USA.
9. Carson, Rachel, (1962). *Silent spring*. Houghton Mifflin, Boston.
10. Crush, J. (ed.) (1995). *The Power of Development*. Rutledge, New York.
11. Detter, I. (2010). *Law Making by the International Organisation*, Gale.
12. Escobar, A. (1995). *Encountering Development: The making and unmaking of the third world*. Princeton University Press.
13. Freeman A. M. (2001). *Measures of value and Resources: Resources for the future*. Washington DC.
14. Gadgil, M. & Guha, R. C. (1992). *This Fissured land: An Ecological History of India*. Oxford University Press, New Delhi.
15. Gadgil, M. & Guha, R.C. (2001). *Ecology and Equity: The use and abuse of nature in contemporary India*. Penguin, Delhi.

16. Gorz, A. (1980). *Ecology as Politics*. South End Press, Boston.
17. Keller, D.R. (2012). *Environmental Ethics: The Big Questions*. Wiley-Blackwell, Singapore.
18. Mart, H. (1993). *An Anthropological critique of Development: The Growth of Ignorance*. Routledge, New York.
19. Myeni, S. R. (2008). *Environmental Law*. Oxford.
20. Santa, F. (ed.) (1994). *Historical Ecology: Cultural knowledge & changing landscapes*. School of American Research Press.
21. Stephen, S. G. (1967) *Nature and Function of International Organisation*, Gale.
22. Thakur, K. (2007). *Environmental Protection: Policy and Laws in India*. Deep and Deep Publication, New Delhi.
23. Tietenberg. T, (2003). *Environmental and Natural Resource Economics*. Pearson Education, New York.

PDL.706: Human Rights: Emerging Issues

L	T	P	Cr
4	0	0	4

Total Hours: 60

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

- 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

15 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

15 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

15 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

1. Thomas Cushman (2013) Handbook of Human Rights (Routledge International Handbooks), Routledge, New York.
2. 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
3. Lynne M. Healy, Rosemary J. Link (2012) Handbook of International Social Work: Human Rights, Development, and the Global Profession, Oxford University Press, New York.
4. Dinah Shelton (2013) The Oxford Handbook of International Human Rights Law, Oxford University Press, New York.
5. Sarah Joseph and Adam McBeth (eds) (2011) Research Handbook on International Human Rights Law, Edward Elgar Publishing, UK.
6. Andrew Vincent (2010) The Politics of Human Rights. Oxford University Press. UK
7. Andrew Fagan (2010) The Atlas of Human Rights: Mapping Violations of Freedom Around the Globe. University of California Press, Berkeley
8. David P. Forsythe (eds) (2009) Encyclopaedia of Human Rights. Oxford University Press, New York
9. Arvind Sharma, Raimundo Panikkar (2007) Human Rights as a Western Concept, D.K. Printword (P) Ltd, New Delhi.
10. C. Raj Kumar & K. Chockalingam (2010) Human Rights, Justice and Constitutional Empowerment, Oxford University Press, New Delhi
11. Manoj Kumar Sinha (2010) International Criminal Law and Human Rights. Manak Publication Pvt Ltd, New Delhi
12. Tony Evans (2011) Human Rights in the Global Political Economy: Critical Processes Viva Books, New Delhi
13. Riedel, EIBE & Ors. (2014) Economic, Social and Cultural Rights in International law: Contemporary issues and Challenges. Oxford University Press, New York.
14. Rob White (2011) Environmental Crime: A Reader, Cambridge University Press, Cambridge.

15. Richard K. Wortley. (2008). Environmental Criminology and Crime Analysis, Willan.
16. Michel Rosenfeld. (2012). The Oxford Handbook of Comparative Constitutional Law, Oxford University Press, Oxford
17. Sarah Krakof. (2012). Tribes, Land, and the Environment, Ashgate, New York
18. Romina Picolotti, Jorge Daniel Taillant, (2011) Linking Human Rights and the Environment (Paperback), University Of Arizona Press Tucson
19. South Asia Human Rights Documentation Centre (2010) Introducing Human Rights: An Overview Including Issues of Gender Justice, Environmental and Consumer Law
20. 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

L	T	P	Cr
4	0	0	4

Total Hours: 60

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

- Know the concept, meaning, nature and scope of constitutional governance and philosophy;
- Understand the inter-relationship between law and morality;
- Work on the sense of duty and the relationship between right and duty;
- Come out with 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.²

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 21st 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.

Suggested readings

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

PDL 708: Fundamental Principles of Criminal Law

L	T	P	Cr
4	0	0	4

Total Hours: 60

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

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

Unit- I

15 Hours

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

15 Hours

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

15 Hours

Offences affecting human body (offences affecting human life) Concept

Offences against Women

Crimes Against Nature

UNIT IV

15 Hours

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

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

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