

BERHAMPUR UNIVERSITY

Syllabus
for

Pre-Ph.D. Course- Law



Department of Law
Berhampur University
Berhampur -760007(Odisha)

2020

Pre-Ph.D. Course Curriculum & Syllabi-2020

P.G. DEPARTMENT OF LAW, BERHAMPUR UNIVERSITY

Introduction

About the P.G. Department of Law-

The Post Graduate Department of Law, Berhampur University was established in the year 1985. The Department offers LL.M., Ph.D and LL.D programmes.

Besides, the Department has successfully conducted different certificate and diploma courses viz. (i) UGC sponsored certificate course on Human Rights and Duties Education (ii) UGC sponsored P.G. Diploma Human Rights and Duties Education (iii) P.G. Diploma in Disaster Management. The P.G. Department of Law has attained an esteemed position with continuous effort taken for providing quality based legal education and research.

Further, the Department has organized various National Seminars and legal awareness programmes to inculcate the knowledge of law among students, academia and common masses.

The Legal Aid Clinic of the Department established under the aegis of District Legal Services Authority, Ganjam, Berhampur caters the needs of the people of the vicinity in terms of legal assistance and advice.

The Department has brought many laurels in the past years. The students and researchers of the Department are well placed in corporate sector academics, judiciary, civil services and other Government services. The Department has a Pan India network of Ph.D alumni.

Faculty Members of P.G. Department of Law:

1. Mr. ChittaRanjan Gogoi, BALL.B (5years Integrated), LL.M. UGC-NET.

Recognized Research Supervisors-

1. Dr. N.C. Patnaik, Principal, Lingaraj Law College, Berhampur (A Constituent College of Berhampur University)
2. Dr. P.V. Srinivas, Assistant Professor, Lingaraj Law College, Berhampur (A Constituent College of Berhampur University)

Facilities in P.G. Department of Law:

The P.G. Department of Law provides a conducive atmosphere for research. The R.P. Padhi Library has a good stock of reference books and text books on various subjects of Law as well as inter-disciplinary areas. The P.G. Department of Law has a Computer Lab for the use of the Students and Researchers. Apart from the Departmental computer lab, the R.P. Padhi Library has also a computer lab which gives access to different e-resources subscribed by the University. The Berhampur University in order to provide seamless access to quality e-resources has subscribed ProQuest, J-Gate data base, Oxford University Journals, Cambridge University Journals etc. Apart from these, students and researchers can access various Online Educational Resources (OER) by using University's internet service.

The back volumes of Journals as well as current journals on law and inter disciplinary areas are available at the R.P.Padhi Library. The thesis and dissertation section of the R.P. Padhi Library is open for scholars and students for study.

About the Syllabus-

The syllabus of Pre-Ph.D Course Work is designed on Choice Based Credit system in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D Degrees) Regulations, 2016 and Berhampur University Standards and Procedure for Award of Ph.D. Degrees Regulations, 2019 . The course is of One Semester duration. The course is a prerequisite for Ph.D registration and carries 16 credits. The detail layout of the Pre-Ph.D Course is presented below.

Total Number of Paper- 4 (Four)

Total Credit- 16 (Sixteen). Each paper carries 4 Credits

Total Core Course Paper- 3 (Three)

Total Elective Course- 1 (One) . Students have to select only 1 (One) out of 2 (Two) .

Sl No	Core course /Elective Course	Total Credits	Marks
1	LAWD MPC1 Legal Research Methodology	4	100
2	LAWD MPC2- Constitutional Law- New Challenges	4	100

3	LAWD MPC3 -Research and Publication Ethics	2	50
4	LAWD MPS4- Seminar Paper Presentation	2	50
5	Elective Course LAWD MPE1 Human Rights Law	4	100
	LAWD MPE2- Corporate Law and Governance	Total= 16 credits	Total Marks- 400

Credits- 4 Credits	Core/Elective Course -Core Course
Course No-LAWD MPC1	Course Name- Legal Research Methodology
Objectives of the course: This course is designed to give a comprehensive idea about the Legal education system, tools and techniques used in legal education.	

Unit 1 **Fundamentals of Legal Research** 12 Hours
 Legal Research: Meaning, Characteristics, objectives, Scope of Legal Research, Legal research ethics , Identification of Research problem,Formulation of Research Problem, Research Design

Unit 2 **Methodology** 12 Hours

Socio legal research, Doctrinal and Non-Doctrinal, Relevance of empirical research, Inductive and deductive method

Unit 3 **Techniques** 12 Hours

Techniques of research, Observation methods, Interview Methods, Question Method, Survey and case study method, Scaling and sampling procedure

Unit 4 **Data Analysis and Report Writing** 12 Hours

Processing of data, Classification of data, Interpretation of Data-methods, Legal thesis writing , Writing layout, Chapter arrangement

Microsoft Word, Microsoft Excel, Microsoft PowerPoint, Use of search engines, databases, Use of SPSS, Use of graphical software, Use of multimedia tools

Suggested Readings

1. Gupta S.C, Fundamentals of Statistics, Himalaya Publication House, Bombay
2. Rajaram V. (1996), Fundamentals of computers, Prentice Hall of India, New Delhi
3. Sanders D.H. (1981), Computer Today, McGraw Hill, New York.
4. Sinha P.K. (1992), Computer Fundamentals, BPB Publications, New Delhi.
5. Engalhart Max D. (1972), Methods of educational Research, Rand McNally and Company, Chicago
6. Coburn Peter and others (1982), Practical guide to Computers in Education, Addison Wesley Publication Company, California
7. Galtung Johan, (1974), Theory and Methods of Social Research, George Allan and Unwin Ltd., New Delhi
8. Kothari C.R.,(2008), Research Methodology- Methods and Techniques, Wiley and Eastern Ltd., New Delhi
9. Singh Rattan, Legal Research Methodology, Lexis Nexis
10. S.K. Verma, (2010) Legal Research and Methodology, Indian Law Institute
11. Yaqin Anwarul, (2008), Legal Research and Writing Methods

Credits- 4 Credits	Core/Elective Course -Core Course
Course No- LAWD MPC2	Course Name- Constitutional Law- New Challenges
Objectives of the course: This course is designed to give a comprehensive idea about the principles of constitutional law and the emerging challenges.	

Unit 1 15 Hours

The making of the Constitution, Constituent Assembly, debates in the assembly, Need of reservation procedure, Directive principles

Unit 2. 15 Hours

Fundamental Rights and Duties, Right to equality (Article 14-16), Freedoms (Article 19(1)(a) to 2(f)), Right to life and liberty (Article 21), Right to enforcement of fundamental rights (Writs, Article 32, 226, 227, 228)

Unit 3. 15 Hours

Separation of Power, Judicial activism, Judicial accountability, Tribunalization in India, Independence of Judiciary

Unit 4. 15 Hours

Electoral reforms, Law Commission Report regarding Electoral reforms, Right to education, Compensatory Jurisprudence in India.

Suggested Readings

1. M P Jain, Indian Constitutional Law, 2017, Lexis Nexis.
2. Gautam Bhatia, The Transformative Constitution: A Radical Biography in Nine Acts, 2019, HarperCollins India.
3. R. C. Bhardwaj, Constitution Amendment in India, 2012 Northern Book Centre for Lok Sabha Secretariat.
4. Udai Raj Rai, Constitutional Law- I Structure, 2016, Eastern Book Company.
5. Justice Sujata V. Manohar, T K Tope Constitutional Law of India, 2010, Eastern Book Company.
6. Mamta Rao, Constitutional Law, 2013, Eastern Book Company
7. Sujit Choudhry et al, Oxford Handbook of the Indian Constitution, 2017, Oxford.

Credits- 2+2=4 Credits	Core/Elective Course -Core Course
Course No- LAWD MPC3 Research and Publication Ethics	
Objectives of the course: This paper gives an insight into the ethical dimensions of conducting research.	

Research and Publication Ethics:

Unit 1 **Philosophy and Ethics**

3Hours

Introduction to Philosophy, definition, nature and scope, content and branches, Ethics, definition, moral philosophy, nature of moral judgments and reactions

Unit 2 **Scientific Conduct**

5 Hours

Ethics with respect to science and research, Intellectual honesty and research integrity, Scientific misconducts : Falsification, Fabrication and Plagiarism (FFP), Redundant publications: duplicate and overlapping publications, salami slicing, Selective reporting and misinterpretation of data

Unit 3 **Publication Ethics**

7 Hours

Definition, introduction and importance, Best practices and standard setting initiatives and guidelines: COPE, WAME etc., Conflicts of Interest, Publication misconduct: definition, concept, problems that lead to unethical behavior and vice versa, types, Violation of publication ethics, authorship and contributorship, Identification of Publication misconduct, complaints and appeals, Predatory Publishers and journals

Unit 4 Practice

4 Hours

Open access publishing, Open access publications and initiatives, SHERPA and RoMEO online resources to check publisher copyright and self-archiving policies, Software tools to identify predatory journals, Journal Finder/journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester etc.

Unit 5 Practice

4 Hours

Group discussion on subject specific ethical issues Falsification, Fabrication and Plagiarism (FFP) and authorship, conflict of interest, complaints and appeals – examples and fraud from India and abroad, Use of plagiarism software like Turnitin and Urkund .

Unit 6 Databases and Research Metrics

7 Hours

Indexing databases, Citation databases, Web of Science, Scopus, Impact factor Journals as per journal citation report , SNIP, SJR, IPP, Cite Score, Metrics: h index, g index, i10 index, altmetrics.

Suggested Readings

1. Bird A, (2006), Philosophy of Science, Routledge
2. Alasdair MacIntyre(1967), A Short History Of Ethics. London
3. Praveen Chaddah,(2018), Ethics in Competitive Research: Do not get scooped, do not get plagiarized
4. National Academy of Sciences; National Academy of Engineering; Institute of Medicine (2009) On Being a Scientist : A Guide to Responsible Conduct in Research
5. Beall Jeffrey, (2012), Predatory Publishers Are Corrupting Open Access available at- <https://pubmed.ncbi.nlm.nih.gov/22972258/>

Credits- 2+2=4 Credits	Core/Elective Course -Core Course
Course No- LAWD MPS4	Course Name- Seminar Paper Presentation
Objectives of the course: To give a comprehensive idea about literature review	

Seminar Presentation–For this paper a scholar is expected to review any five research papers relevant to his proposed research work. The research paper must be published in peer review journals preferably indexed in Scopus, Web of Science, Manupatra, SCC Online and Hein

Online etc. After review of the papers it should be presented before all faculty members. This component of the paper shall carry 50 marks.

Credits- 4 Credits	Core/Elective Course –Elective Course
Course No- LAWD MPE1	Course Name- Human Rights Law
Objectives of the course- The prime objective of the course is to impart advanced level knowledge on human rights situation in India with reference to International Human Rights Law	

Unit 1 Relevance of the study in Human Rights in India

Social aspects, Economic aspects, Political aspects, Hours

Unit 2 Evolution of Human Rights and Duties 10 hours

Inter-civilization approach to Human Rights, Theoretical perspectives, Developmental perspectives, Human Rights movements in India

Unit 3 Human Rights: International Norms 10 hours

Universal Declaration of Human Rights, Civil and political rights, Economic, social and cultural rights, Rights against torture, discrimination and forced Labour, Rights of the Child

Unit 4 Human Rights and Duties in India 10 hours

Concept of duty in Indian tradition, The preamble to the Constitution of India, Human Rights and Duties in the Constitution: Normative analysis

Unit 5 Redressal Mechanisms for Human Rights Violations 10 hours

Judiciary, Government systems for Redressal, National Human Rights Commission and other Statutory Commissions, Media Advocacy, Creation of Human Rights Literacy and Awareness

Unit 6 Deprivation of Human Rights: the Core Issues 10 hours

Poverty, overpopulation, illiteracy, Problems of Unsustainable Development, Disadvantaged Groups: Women, Children, Scheduled Castes and Scheduled Tribes, Homeless and Slum Dwellers, Physically and Mentally retarded, Refugees and Internally Displaced Persons

Suggested Readings

1. Alam, Aftab ed., *Human Rights in India: Issues and Challenges* (New Delhi: Raj Publications, 1999)
2. Bajwa, G.S. and D.K. Bajwa, *Human Rights in India: Implementation and Violations* (New Delhi : D.K. Publishers, 1996)
3. Chatrath, K. J.S., (ed.), *Education for Human Rights and Democracy* (Shimla: Indian Institute of Advanced Studies, 1998)
4. Jayapalan N., *Human Rights* (New Delhi: Atlantic Publishers, 2000)
5. Kaushal, Rachna, *Women and Human Rights in India* (New Delhi: Kaveri Books, 2000)

6. Mani, V.S., *Human Rights in India: An Overview* (New Delhi: Institute for the World Congress on Human Rights, 1998)
7. Mohanti, M., *Human Rights Education* (New Delhi: Deep and Deep 2000)
8. Paul, R.C., *Situation of Human Rights in India* (New Delhi: Commonwealth Publishers, 2000)
9. Rehman, M.M. and Others, *Human Rights and Human Development: Concepts and Contexts* (New Delhi: Manak Publications, 2000)
10. Saxena, J.N. and others, (ed.), *United Nations for Better World* (New Delhi: Lancers Books, 1986)
11. B.P. Singh Sehgal, (ed.) *Human Rights in India: Problems and Perspectives* (New Delhi: Deep and Deep, 1999)

Credits- 4 Credits	Core/Elective Course –Elective Course
Course No- LAWD MPE2	Course Name- Corporate Law and Governance
Objectives of the course- The present course is designed to give an advanced level understanding of corporate law and governance. The course is designed keeping in mind the recent trends in corporate law and governance.	

Unit 1 15 Hours

Kinds of Companies and Role of MNC in the era globalization, One man company and its impact on corporate governance, Prospectus-Criminal and Civil Liability, Corporate Social Responsibility

Unit 2 15 Hours

Issue and Kinds of Shares, Debentures, Charges, Floating Charges, Listing of shares.

Unit 3 15 Hours

SEBI, Central Government Control, Company Law Tribunal, Control by Registrar of Companies

Unit 4 15 Hours

Directors- Appointment of removal, Company Secretaries and His role, Auditors of Companies, Full time directors and their necessity

Suggested Readings

1. Gower's *Principles of Company Law* 8th Edition 2008, R. Cambay & Co. Pvt. Ltd.
2. Smith and Keenan's, *Company Law* (2002).
3. Avtar Singh, *Company Law*, 16th Edition, 2015.
4. J. Sarkar, S.S arkar, *Corporate Governance in India*, 2012, Sage Publications India.
5. A.C Fernando, *Corporate Governance: Principles, Policies and Practices*, 2nd Edition 2011.
6. R.I. Rob Tricker, *Corporate Governance: Principles, Policies and Practices*, 3rd Edition 2015.
7. S. K. Verma&Suman Gupta, *Corporate Governance and Corporate Law Reform in India*. (2005)
8. Sanjay Anand, *Essentials of Corporate Governance*, 2008