

# DDU Gorakhpur University, Gorakhpur

Department of Law



Ph. D COURSE WORK

in

Law

Under CBCS System

## Department of Law

DDU Gorakhpur University, Gorakhpur

*Faculty of Law*

### Course Work for Ph. D. Law

Every student admitted in Law for the Ph. D. programme will be required to pass a course work of minimum 21 credits. The division of this 21 credits course work is into two categories. Category-A (9 credits) courses are *compulsory (Core Course)* for all Ph. D. students of Law. Category-B (6-credits) courses are *discipline-specific courses*. Category-C (6-credits) courses are *research theme-specific courses*.

Course Nature	Course Code	Core Courses	Credit
<b>(Compulsory Course)</b>			
<b>Compulsory Course</b>	LAW 601	Research Methodology	4+0
	LAW 602	Research and Publication Ethics	1+1
	LAW 603	Computer Fundamentals and IT	1+1
	LAW 604	Credit Seminar	0+1
			<b>09 Credits</b>
<b>Elective Course (Any two of the followings)</b>			
<b>Discipline-Specific Courses</b>	LAW 605	Human Right and Values in Education	03
	LAW 606	Criminology	03
	LAW 607	Constitution of India	03
	LAW 608	Jurisprudence	03
			<b>06 Credits</b>
<b>Open Elective Course (Any two of the followings)</b>			
<b>Research Theme-Specific Courses</b>	LAW 609	Crimes against social and economic security	03
	LAW 610	Law relating to procedure and proof	03
	LAW 611	International law and Human Rights	03
	LAW 612	Human Rights in India	03
	LAW 613	Pollution control law in India	03
	LAW 614	Constitutionalism and constitutional development	03
			<b>06 Credits</b>
		Thesis	Non Credit
<b>Total</b>			<b>21 Credits</b>

## Credit System:

The Credit System as adopted in different Indian Universities as per UGC guidelines/International Universities will be adopted. It may be as follows:

- (a) The credits shall be based on the number of credit hours per week. Normally 1 credit equals to 1 hour of teaching in theory/tutorial and 1 credit(Practical) equals to 2 hours of practical/project work in a week.
- (b) Credits shall be in whole numbers.
- (c) Credit load through semester system in CBCS form will be implemented in following ways:  
For Example: If Course A carries 4 (3+1) credits and Course B carries 4 (2+2) credits, following teaching and evaluation procedure will be adopted for Course A and Course B:

### Course A: 4 (3+1) Credits means

Theory: Three lectures of one hour each in a week  
Tutorial: One lectures of one hour each in a week or  
Practical: One lectures of two hour each in a week

Three theory and one practical/tutorial will be conducted throughout the semester. The total marks will be 100 and divided into following ways for theory and practical/tutorial exams.

3+1 also explains  $100 \times \frac{3}{4} = 75$  theory marks  
And  $100 \times \frac{1}{4} = 25$  practical marks

Theory Examination: 75 marks will be divided into 40% Mid-term and 60% Final exam as follow

Mid-Term= 40% of 75= 30(Mid of semester)

End-Term= 60% of 75= 45(End of semester)

Practical: 25 marks (End of semester)

### Course B: 4 (2+2) Credit means

Theory: Two lectures of one hour each in a week  
Practical: Two lectures of two hour each in a week  
Two theory and two practical will be conducted throughout the semester

2+2 credits also mean

Theory:  $100 \times \frac{2}{4} = 50$  marks of theory

Practical:  $100 \times \frac{2}{4} = 50$  marks of practical

50 marks teaching will be divided as:

Mid-Term= 40% of theory ( $50 \times \frac{40}{100}$ ) = 20 marks

End Term= 60% of theory ( $50 \times \frac{60}{100}$ )= 30 marks

- (ii) **Grading System:** The grading system, as detailed hereunder in shall be applicable:  
**Award of Grades Based on Absolute Marks**

Marks-Range (Out of 100)	Grade	Grade Point
90-100	O	10
80-89	A	9
70-79	B	8
60-69	C	7
50-59	D	6
40-49	E	5
Passed with Grace	P	4
00-39	F	0
Absent examination (Incomplete)	I	-

**Explanation:**

Letter grades **O,A,B,C,D,E and P** in a course mean that the candidate has passed that course.

The “F” grade denotes poor performance, i.e., failing in the course. A student has to appear at subsequent examination(s), if provided under the ordinances in all courses in which he/she obtains “F” grade, until a passing grade is obtained.

**The “I” Grade:** The “I” Grade is awarded, when a student does not appear in the examination of course/courses. This shall be treated as “F” Grade.

- **The Performance of a candidate in a semester or up to a semester shall be measured by SGPA and CGPA, details of which are given below:**

*SGPA: Semester Grade Point Average.*

*CGPA: Cumulative Grade Point Average.*

- **Computation of SGPA and CGPA**

The UGC recommends the following procedure to compute the Semester Grade Point Average (SGPA) and Cumulative Grade Point Average (CGPA):

1. The SGPA is the ratio of sum of the product of the number of credits with the grade points scored by a student in all the courses taken by a student and the sum of the number of credits of all the courses undergone by a student, i.e.

$$SGPA (S_i) = \sum (C_i \times G_i) / \sum C_i$$

Where  $C_i$  is the number of credits of the  $i^{th}$  course and  $G_i$  is the grade point scored by the student in the  $i^{th}$  course.

2. The CGPA is also calculated in the same manner taking into account all the courses undergone by a student over all the semesters of a programme, i.e.

$$CGPA = \sum (C_i \times S_i) / \sum C_i$$

Where  $S_i$  is the SGPA of the  $i^{th}$  semester and  $C_i$  is the total number of credits in that semester.

3. The SGPA and CGPA shall be rounded off to 2 decimal points and reported in the transcripts.
  - 4.
- **Illustration of Computation of SGPA and CGPA and Format for Transcripts**  
Computation of SGPA and CGPA

#### **Illustration for SGPA**

<b>Course</b>	<b>Credit</b>	<b>Grade Letter</b>	<b>Grade Point</b>	<b>Credit Point (Credit x Grade)</b>
Course 1	4	B	8	4 * 8= 32
Course 2	2	C	7	2*7 =14
Course 3	2	D	6	2*6=12
Course 4	1	O	10	1*10=10
Course 5	3	A	9	3*9=27
Course 6	3	E	5	3*5=15
Course 7	3	B	8	3*8=24
Course 8	3	C	7	3*7=21
	<b>21</b>			<b>155</b>

**Thus, SGPA = 155/21 = 7.3**

#### **Illustration for CGPA**

**Because this is the course of only one semester so the CGPA is equal to SGPA**

**Thus, CGPA = 7.3**

- To convert CGPA into percentage then  
Percentage= CGPA\*10  
for example:  
from above table CGPA= 7.3  
Therefore, in this case, the percentage is 7.3\*10 = 73%

# **COURSE CONTENTS**

## **Research Methodology**

**Course Code: LAW 601**

**Credits: 04**

Origin of Research, Objectives of Research, Motivation and Necessity of Research, Types of Research, Research Approaches, Significance and Relevance of Research, Criteria of Good Research, Major Research Mile Stones in Ancient Period, Historical Glimpses, Some Contribution of ancient Indian scholars.

What is Research Problem?, Selection of Problem, Identification of Problem, Fixing Domain and Boundaries, Methods and Techniques, Variables, Parameters and Constants, Classification, Computer Orientation of Research Problems, Research paper Preparation, Writing a Synopsis,

Preparing a Research Project Proposal, Writing a Dissertation, Writing Thesis, Organizing Review Articles, Plagiarism Prevention, Presentation of Project Proposal, Presentation of Research papers.

### **Reference:**

1. Garg, B.L., Karadia, R., Agarwal, F. and Agarwal, U.K., 2002. An introduction to Research Methodology, RBSA Publishers.
2. Kothari, C.R., 1990. Research Methodology: Methods and Techniques. New Age International, 418p.
3. Day, R.A., 1992. How to write and publish a Scientific paper, Cambridge University Press.
4. Fink, A.,2009. Conducting Research Literature Reviews: From the internet to paper. Sage Publications.
5. Satarkar, S.V.,2000. Intellectual property rights and copyright. EssEss Publications.
6. Saxena, V.P.,2013. Lecture Notes on Research Methodology. Indra Publishing House.

# Research and Publication Ethics

Course Code: LAW 602

Credits: 02

## Theory:-

1. Philosophy and Ethics: Introduction to philosophy, definition, nature and scope, concept, branches, Ethics definition, moral philosophy, nature of moral judgments and reactions.
2. Scientific conduct: Ethics with respect to science and research, Intellectual honesty and research integrity, scientific misconduct: Falsification, Fabrication and Plagiarism (FFP), Redundant publication: duplicate and overlapping publication, salami slicing, Selective reporting and misrepresentation of data.
3. Publication Ethics: definition, introduction and importance, best practices/ standard setting initiatives and guidelines: COPE, WAME, etc, conflict of interest, publication misconduct, definition concept, problems that lead to unethical behavior and vice-versa, types, Violation of publication Ethics, Authorship and contributor ship, identification of publication misconduct, complain and appeals, Predatory publisher and journals.

## Practice:-

1. Open Access Publishing: open Access publication and initiatives, SHERPA/ RoMEO online resource to check publisher copyright and self-archiving policies, Software tool to identify predatory publication developed by SPPU, Journal finder/ journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.
2. Publication Misconduct: Group Discussion regarding subject specific Ethical Issues, FFP, Authorship, conflict of Interest, complaints and appeals: example and fraud from India and abroad.
3. Software tools: Use of plagiarism software like Turnitin, Urkund and other open source software tools
4. Databases and Research Metrics: Databases: Indexing databases, Citation database: web of Science, Scopus etc. Research Metrics: Impact factor of journal as per journal citation report, SNIP, SJR, IPP, Cite, Metrics: h-index, g-index, i10 index, altmetrics.

## References:

- (1) P. Chaddah, (2018) Ethics in Competitive Research: Do not get scooped; do not get plagiarized, ISBN:978-9387480865
- (2) Resnik, D. B. (2011). What is ethics in research & why is it important. National Institute of Environmental Health Sciences, 1-10. Retrieved from <http://www.niehs.nih.gov/research/resources/bioethics/whatis/index.cfm>
- (3) Indian National Science Academy (INSA), Ethics in Science Education, Research and Governance(2019), ISBN:978-81-939482-1-7. [http://www.insaindia.res.in/pdf/Ethics\\_Book.pdf](http://www.insaindia.res.in/pdf/Ethics_Book.pdf)
- (4) Bird, A. (2006)- Philosophy of Science.
- (5) MacIntyre, Alasdair (1967)- A short History of Ethics.
- (6) National Academy of Science, National Academy of Engineering and institute of Medicine (2009) On being a Scientist: A Guide of Responsible Conduct in Research.
- (7) Beall, J. (2012) – Predatory publishers are corrupting open access. Nature, 489(7415).

## Computer Fundamentals and IT

**Course Code: LAW 602**

**Credits: 02 (1+1)**

**Computer Basics:** Definition, Characteristics of Computers, Evolution of Computer, Generations of Computer, Classification of Computers, Applications of Computers, Computer System and its Components, Computer Memory, Memory Capacity, Input and Output Devices, Software and Hardware, System Software and Application Software, Operating System Definition and Functions, Working with Windows, File Management in Windows, System Utilities in Windows.

**Introduction of MS-Word:** The screen and its elements, Creating new documents, Writing and Simple Formatting, Page layout, Table, Pictures and Graphics.

**Introduction of MS-Excel and Power Point:** Basics of MS-Excel, Perform calculation on data, Manage worksheet, Analyze alternative data sets, Create and Manage slides, Insert and Manage Simple Graphics, Add sound and movements of slides.

**Introduction of Internet and email:** How to create e-mail, E-mail- sending a message, E-mail- attaching a document, How to use internet in research work.

### **PRACTICE:**

**Working with MS-Word:** Prepare a word document of Ph. D. Synopsis, Prepare word document of Research Paper, Prepare word document of References.

**Working with MS-Excel and Power Point:** Prepare Tables and Charts (Pi-chart, Bar-chart), Insert pictures in a worksheet, Prepare Power Point presentation of the Ph.D. Synopsis, Prepare power point presentation having animation graphics and sound.

**Internet and e-mail:** Creating e-mail in different ways and websites, How to search research papers in Google Scholar and any Journal, How to search information related to research.

### **Suggested Readings:**

1. Introduction to Information Technology, ITL Education Solutions, Pearson Education.
2. Introduction to Computer Science, ITL Education Solutions, Pearson Education.
3. Computer Fundamentals by P.K.Sinha & Priti Sinha, BPB Publications.

## **Seminar**

**Course Code: LAW 604**

**Credits: 01**

**The seminar paper will be related to the Research Theme- Specific Course of the candidate and the candidate should have to give a seminar presentation of it.**



## Discipline Specific Courses

### **Human Rights**

**Course Code: LAW 605**

**Credits: 03**

- The Role of NGOs in Protection of Human Rights In India
- Custodial Death : A Crude Action of Human Rights Violation
- Human Rights and Women : Problems and Perspectives
- Protection of Refugees in India

#### **References:**

1. Dr. H.O. Agrawal- Human Rights( Publisher – Central Law Publication, Allahabad Ed.2017
2. Dr. U. Chandra - Human Rights( Publisher – Allahabad Law Agency, Allahabad Ed.2016
3. Prof. T.P. Tripathi-An Introduction to the Study of Human Rights ( Publisher – Allahabad Law Agency Publication, Allahabad Ed.2017)

### **Criminology**

**Course Code: LAW 606**

**Credits: 03**

- DNA Profiling and the Forensic use of DNA Evidence in Criminal Proceedings
- Crime, Punishment and Sentencing: New Strides (Indian Perspectives)
- Criminal Justice in India: Primitivism to Post-Modernism
- Rapist and Death Sentence

#### **References:**

1. Indian Penal Code – B.M. Gandhi( Publisher –Eastern Book Company, Lucknow Ed. , 2016)
2. Indian Penal Code – S.S. Srivastava( Publisher –University Book House, Jaipur Ed. , 2014)
3. Indian Penal Code – Murlidhar Chaturvedi( Publisher –Eastern Book Company, Lucknow Ed. ,2017)
4. Indian Penal Code - S.N. Mishra S.N.( Publisher –Allahabad Law Agency Publications, Allahabad Ed. ,2017)
5. Indian Penal Code – N.V. Pranjape( Publisher –Central Law Publications, Allahabad Ed. , 2017)

### **Constitutional Law**

**Course Code: LAW 607**

**Credits: 03**

- Fundamental Rights and Duties.
- Directive Principles of State Policy.

- Emergency Provisions.
- Amendment to the Constitution of India.

### References:

1. D.D. Basu, Shorter Constitution of India, ( Publisher –Lexis Nexis 15<sup>TH</sup> Edition, 2017)
2. Kailesh Rai, Constitution of India, ( Publisher –Allahabad Law Agency, Allahabad Edition, 2014)
3. V.N. Shukla, Constitution of India, ( Publisher –Eastern Book Co.Lucknow 13<sup>th</sup> Edition, 2017)
4. M.P. Jain, Indian Constitutional Law, ( Publisher –Lexis Nexis,8<sup>th</sup> Edition 2018)

## **Jurisprudence**

**Course Code: LAW 608**

**Credits: 03**

- Nature and Source of Law.
- Positivism, Natural Law Theory, Sociological Jurisprudence.
- Rights and Duties.
- Social Justice.

### References:

1. B.N. Mani Tripathi : Jurisprudence – Legal Theory( Publisher – Allahabad Law Agency, Allahabad Ed.2005)
2. N.R.Madhava Menon :Holland on Jurisprudence ( Publisher – Universal Law Publishing Co. Pvt. Ltd.,DelhiEd.2004)
3. Nomita Aggarwal : Jurisprudence – Legal Theory( Publisher – Central Law Publications, Allahabad Ed.2015)
4. Anirudh Prasad: Fundamental Theory of Jurisprudence ( Publisher – Eastern Book Company,LucknowEd.2015)
1. T.P. Tripathi : Jurisprudence ( Publisher – Allahabad Law Agency Publications, Allahabad Ed.2005)

## **Research Theme- Specific Courses**

### **Crimes against social and economic security**

**Course Code: LAW 609**

**Credits: 03**

- Organized Crimes: Smuggling – Customs Act 1962, Conservation of Foreign Exchange and Prevention of Smuggling Act 1974 (COFEPSA), Prevention of illicit Traffic in Narcotic Drugs and Psychotropic Substances Act 1988 (PITNDPS Act).
- Corporate Crimes: Corporate Criminal Liability, Individual and organization Liability Dilemma – allocating responsibility – human or corporate, Indian Penal Code, Essential Commodities Act 1955, Food Safety and Standard Act 2006, Drugs and Magic Remedies (Objectionable Advertisements) Act 1954, Drugs and Cosmetic Act 1940, Organ

Transplant Act 1994, Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 1994, Foreign Exchange Management Act 1999 (FEMA), Arms Act 1959, Prevention of Money Laundering Act 2002, Shell companies.

- Corruption: Prevention of Corruption Act, Prevention of Money Laundering Act 2002, Lokpal and Lokayukta Act 2013, Prohibition of Benami Property Transactions Act 1988, Black Money (undisclosed Foreign Income and Assets) and Imposition of Tax Act 2015.
- Dowry and Dowry related Crimes: Indian Penal Code, Dowry Prohibition Act 1961.

### References:

1. Indian Penal Code – B.M. Gandhi( Publisher –Eastern Book Company, Lucknow Ed. , 2016)
2. Indian Penal Code – S.S. Srivastava( Publisher –University Book House, Jaipur Ed. , 2014)
3. Indian Penal Code – MurlidharChaturvedi( Publisher –Eastern Book Company, Lucknow Ed. ,2017)
4. Indian Penal Code - S.N. Mishra S.N.( Publisher –Allahabad Law Agency Publications, Allahabad Ed. ,2017)
5. Indian Penal Code – N.V. Pranjape( Publisher –Central Law Publications, Allahabad Ed. , 2017)

### Law relating to Procedure and Proof

**Course Code: LAW 610**

**Credits: 03**

- Civil:- Jurisdiction of Civil Courts and Place of Suing, Res Sub-judice. Res Judicata and Foreign Judgment, Pleadings- Plaint and Written Statement, Issue – Meaning, Framing, kinds and importance, Trial, Judgment, Decree and its execution, Appeal, Reference, Review and Revision, Inherent Powers of Courts
- Criminal:- General principles relating to Fair Trial, Classes of Criminal Courts and Powers, Arrest, Search and seizure, Investigation by Police, Local Jurisdiction of Courts and cognizance, Bail, Charge and Trial, Appeal, Reference and Revision
- Proof:- Nature and Function of Law of Evidence, Relevancy of Facts and Admissibility, Proof and Burden of Proof

### References:

1. M. Monir – The Law of Evidence (Publisher –Universal Law Publishing Co. ,G,T. Karnal Road, Delhi, 2017 )
2. MuralidharChaturvedi – Evidence Act (Publisher – Eastern Book Company, Lucknow)
3. Raja Ram Yadav – Indian Evidence Act (Publisher –Central Law Agency,Allahabad, 2017)
4. BatukLal –The Law of Evidence (Publisher –Central Law Agency,Allahabad, 2017 )
5. Raghunath Prasad Verma-Indian Evidence Act (Publisher – Allahabad Law Agency, Allahabad, 2017)
6. Avtar Singh – Indian Evidence Act (Publisher –Central Law Publications ,Allahabad, 2017)

## **International law and Human Rights**

**Course Code: LAW 611**

**Credits: 03**

- Relationship between International law and Municipal law.
- Recognition
- Territorial and boundary disputes.
- Human rights, humanitarian law and refugee protection.
- International crimes including terrorism.
- Use of force: validity of India's actions in Kashmir, Goa and Bangladesh.

### **References:**

1. S.K. Kapoor : Public International Law( Publisher – Central Law Publication, Allahabad Ed.2018
2. H.O. Agrawal : International Law and Human Rights ( Publisher – Central Law Publication, Allahabad Ed.2018
3. Prof. T.P. Tripathi-An Introduction to the Study of Human Rights ( Publisher – Allahabad Law Agency Publication, Allahabad Ed.2017)

## **Human Rights in India**

**Course Code: LAW 612**

**Credits: 03**

- History and Development of Human Rights in Indian Constitution. Constitutional Philosophy. Preamble, Fundamental Rights- General.
- Right to Equality: Gender Justice and Empowerment of Women. Special provisions for Weaker Sections of society Reservation Policy under the Constitution.
- Freedom of Speech and Expression. Freedom of Press. Limitations, Right to Information.
- Right to Life and Personal Liberty. New Dimension. Judicial approach.
- Protection of Human Right Act,1993

### **References:**

1. Dr. H.O. Agrawal- Human Rights( Publisher – Central Law Publication, Allahabad Ed.2017
2. Dr. U. Chandra - Human Rights( Publisher – Allahabad Law Agency, Allahabad Ed.2016
3. Prof. T.P. Tripathi-An Introduction to the Study of Human Rights ( Publisher – Allahabad Law Agency Publication, Allahabad Ed.2017)

## **Pollution control law in India**

**Course Code: LAW 613**

**Credits: 03**

- Constitutional Mandate and Environment with special reference to Article 32 and 226 (emphasis shall be given on use of PIL as a tool to provide environmental justice)
- Study of Water Act, 1974, the Air Act, 1981 and the Environment (Protection) Act, 1986
- Efficacy of Remedies- Section 133 Criminal Procedure Code, Public Liability Insurance Act, 1991, National Environmental Tribunal Act, 1995, National Environment Appellate Authority Act, 1997. Citizens Suit provisions, remedies under Civil Procedure code, 1908.
- Specific Environmental Problems and Legal Responses- special emphasis shall be placed on rules and notification framed under the Environment (Protection) Act, 1986. (Rules and Notifications shall be prescribed each year).

### **References:**

1. Gurdip Singh - Environmental Law ( Publisher – Eastern Book Company, Lucknow 2<sup>nd</sup> Ed. 2016)
2. J.J.R. Upadhaya - Environmental Law ( Publisher – Central Law Agency, Allahabad Ed. 2015)
3. P.S. Jaswal - Environmental Law ( Publisher – Allahabad Law Agency, Faridabad, Haryana Ed. 2008)
4. Anirudh Prasad - Environmental Law ( Publisher – Central Law Agency, Allahabad Ed. 2015)
5. C.P. Singh - Environmental Law ( Publisher – Allahabad Law Agency Publications, Allahabad Ed. 2010)

## **Constitutionalism and constitutional development**

**Course Code: LAW 614**

**Credits: 03**

- What is a Constitutional Law and Constitutionalism?
- Historical evaluation of constitutional government in India.
- Rule of Law. Concept and new horizons; Separation of powers. Concept and its applicability in India.
- Judicial Review and Constitutionalism in India.

### **References:**

1. D.D. Basu, Shorter Constitution of India, ( Publisher – Lexis Nexis 15<sup>TH</sup> Edition, 2017)
2. Kailesh Rai, Constitution of India, ( Publisher – Allahabad Law Agency, Allahabad Edition, 2014)
3. V.N. Shukla, Constitution of India, ( Publisher – Eastern Book Co. Lucknow 13<sup>th</sup> Edition, 2017)
4. M.P. Jain, Indian Constitutional Law, ( Publisher – Wadhwa & Company, Nagpur, 5<sup>th</sup> Edition 2003)