

HNB Garhwal University (A Central University), Srinagar Garhwal

School of Law / Department of Law

Programme Name- Ph.D. – Law

Programme Code- SOL/Ph.D.

Pre- Ph.D. Course Syllabus (Six Month)

(Approved by BOS on 26&27.02.2020)

Papers		S.N.	Course Code	Title of the Course	Credit	Maximum Marks
Core Papers (Compulsory)		1.	SOL/Ph.D./ C-01	Legal Research Methodology	04	100
		2.	SOL/Ph.D./ C-02	Research and Publication Ethics (RPE)	02	100
		3.	SOL/Ph.D./ C-03	Legal Theories	01	100
Elective Papers (Optional)	Group A	4.	SOL/Ph.D./ E-01A	Constitutional Law of India	04	100
	Or	5.	SOL/Ph.D./ E-02A	Administrative Law	04	100
	Group B	6.	SOL/Ph.D./ E-03B	Business Laws	04	100
		7.	SOL/Ph.D./ E-04B	Corporate Laws	04	100

Total Papers- Researcher will take total five papers, three core and two elective of Group A or B.

(i) Core papers (three) - $04+02+01=07$ credit

(ii) Elective papers (two) – $04+04=08$ credit

Total –15credit

Examination & Evaluation-

Total Maximum Marks - 500

1. Two sessional examinations- 40 marks

2. End semester examination – 60 marks.

Note- Other rules and regulations for pre-Ph.D. shall be according to the University prescribed time to time.

Pre-Ph.D. Course

Paper Name- Core paper SOL/Ph.D./C-01 Legal Research Methodology

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Meaning, importance and objectives of research.

Kinds of research.

Criteria of good research.

Problem of research scholar.

UNIT- II

Meaning, Nature and scope of Legal Research.

Importance and utility of Research.

Legal Research Methodology- meaning, characteristics and procedural perspective.

Selection and formulation of Research problem- essentials in formulation of research problem and difficulties.

UNIT-III

Objectivity in Legal research.

Legal research process.

Various kinds of Legal research. Hypothesis in Research.

UNIT-IV

Research Design, sampling, data collection, Interview, Questionnaire, Survey and observation.

Preparation of research report and its writing.

Use of computer & Internet in Legal research.

References:

1. M.O.Price, H.Binter and Bysiewiez - Effective Legal Research,1978.
2. Pauline V.Young - Scientific Social Survey and Research,1962.
3. William J.Grade and Paul K.Hatt- Methods in Social Research, Graw-Hill Book Co.
4. H. M. Hyman- Interviewing in Social Research, 1965
5. Payne- The Art of Asking Questions, 1965.
6. Erwin C.Surrency, B. Flelf, and J.Crea- A Guide to Research
7. Morris L.Cohan- Legal Research in Nutshell, 1996, West Publishing Co.
8. Harvard Law Review Association- Uniform System of Citations
9. Indian Law Institute Publication- Legal Research and Methodology
10. Legal Research Methodology- Prof. HN Giri (Hindi).

Pre-Ph.D. Course

Paper Name- Core paper SOL/Ph.D./C-02 Research and Publication Ethics

Maximum Marks:

Credit: 02

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

Theory

UNIT- I: Philosophy and Ethics

Introduction to philosophy: definition, nature and scope, concept, branches

Ethics: definition, moral philosophy, nature of moral judgments and reactions

UNIT-II: Scientific Conduct

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

Selecting reporting and misrepresentation of data

UNIT-III: Publication Ethics

Publication ethics: definition, introduction and importance

Best practices / standards 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 contributoship

Identification of publication misconduct, complaints and appeals

Predatory publishers and journals

PRACTICE

UNIT-IV: Open access Publishing

Open access publications and initiatives

SHERPA/ROMEO online resource to check publisher copyright & self-archiving policies

Software tool to identify predatory publications developed by SPPU

Journal finder / journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.

UNIT-V: Publication Misconduct

Group Discussion

Subject specific ethical issues, FFP, authorship

Conflicts of interest

Complaints and appeals and appeals: examples and fraud from India and abroad

A. Software tools

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

UNIT-VI: Databases and Research Metrics

Databases

Indexing databases

Citation databases: Web of Science, Scopus, etc.

A. Research Metrics

B. Impact Factor of journal as Journal Citation Report, SNIP, SJR, IPP, Cite Score
Metrics: h-index, i10 index, altmetrics

References:

1. Elsevier /- Ethics in Research & Publication
2. Paul Oliver, Open University Press 2003-The Student's Guide to Research Ethics
3. Francisco M. Salzano, A. Magdalena Hurtado, Oxford University Press (2004)- Lost Paradises and the Ethics of research and Publication
4. Cambridge University Press- Publishing Ethics: Academic Research
5. London: BMA, Committee on Publication Ethics (COPE) (1999)- Guidelines on Good Publication
6. Annilee Game & Michael A.West- Organization Studies, Aston Business School.

Pre-Ph.D. Course

Paper Name: Core paper SOL/Ph.D./C-03 Legal theories

Maximum Marks:

Credit: 01

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Definition, nature and scope of jurisprudence and legal theory.

Importance of the study of jurisprudence and legal theory.

Analytical Positivism- Jermy Bentham and John Austin.

The Pure Theory- Hans Kelsen.

UNIT-II

Sociological School and Social engineering.

Historical School- Savigny.

Natural School.

References :

1. Bodenheimer, Jurisprudence-The Philosophy and Method of Law (1996), Universal Del.
2. Fitzgerald(ed)- Salmond on Jurisprudence(1999),Tripathi, Bombay
3. W.Fridman- Legal Theory, Universal, New Delhi
4. Paton G.W.-Jurisprudence, Oxford, ELBS
5. Dias R.W.M.- Jurisprudence, First Indian Reprint, Aditya Books, New Delhi.
6. Roscoe Pound- Introduction to Philosophy of Law Re-print, Universal, New Delhi
7. Lloyds- Introduction to Jurisprudence

8. Tripathi B.N.M.- Jurisprudence and Legal Theory

Pre-Ph.D. Course

Paper Name- Elective paper- Group A- SOL/Ph.D./E-01A **Constitutional law of India.**

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Preamble, Nature of the Indian Constitution and Challenges before Indian constitution.

Meaning of the State and its expansion.

Fundamental Rights & Directive Principles of state policy and its importance.

UNIT-II

Parliament and Judiciary.

Relations between the Union and The States and new dimensions.

UNIT- III

Services under the Union and the States and changes.

Elections.

Special provisions relating to certain classes and States.

UNIT- IV

Emergencies and effects.

Amendment of the Constitution.

References :

1. H.M.Seeravi- Indian Constitutional Law, three volumes, Tripathi
2. M.P.Jain- Constitutional Law of India, Wadhwa

3. D.D.Basu- Commentaries of Indian Constitution

4. V.N.Shukla- Constitution of India

Pre-Ph.D. Course

Paper Name- Elective paper- Group A- SOL/Ph.D./E-02A **Administrative Law.**

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Evolution, need and significance of Administrative Law.

Doctrine of Separation of powers and Rule of Law- changing dimensions.

Delegated Legislation.

UNIT- II

Administrative Discretion and maladministration.

Administrative Tribunals, Writs and Judicial Review.

UNIT- III

Principle of Natural Justice.

Access to information and Right to information Act.

Lokpal and Lokayukt.

Commission of Inquiry and vigilance commission.

UNIT- IV

Liability of the State- Under contract and Tort.

Public Undertakings and privatization- Advantages & Disadvantages.

Constitutional protection to civil servants and Supreme Court.

References :

1. Pater H. Schunk- Foundation of Administrative Law
2. Friedman- The State and Rule of Law in a Mixed Economy
3. Ivor Jennings- Law and the Constitution
4. Schwartz and Wade- Legal Control of Government
5. De Smith- Judicial Review of Administrative Action
6. D.D.Basu- Comparative Administrative Law
7. Jain and Jain- Principles of Administrative Law
8. Narender Kumar- Nature and Concepts of Administrative Law,ALA, Faridabad
- 9..K.K.Shukla and S.S.Singh-Lok-Ayukta : A socio- Legal Study

Pre-Ph.D. Course

Paper Name- Elective paper- Group B- SOL/Ph.D./E-03B Business Laws.

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Law of Contract- General principles of contract. Bailment & Pledge and Agency.

UNIT – II

Indemnity and Guaranty, Bailment & Pledge and Agency.

UNIT – III

Law relating to Sale of Goods, Partnership and Limited Liability Partnership.

UNIT – IV

Banking Law- History of Banking in India, Nature and development of banking, different kinds of banks and their functions.

The Central Bank- Evolution, characteristics and functions.

Relationship of Banker and Customer and Negotiable Instruments.

Recent trends of banking system in India.

References:

1. Anson - Law of Contract
2. Pollock and Mulla - Indian Contract Act
3. Avtar Singh - Law of Contract
4. G.C.Cheshire and H.S.Fifoot and M.P.Furmston - Law of Contract, ELBS, Butterworth

5. H.K.Saharay - Partnership and Sale of Goods Act

6. Avtar Singh - Partnership and Sale of Goods Act

Pre-Ph.D. Course

Paper Name- Elective paper- Group B- SOL/Ph.D./E-04B Corporate Laws

Maximum Marks:

Credit: 04

(a) Semester examination: 60.

(b) Sessional assessment: 40.

Syllabus

UNIT- I

Company and its Forms, Formation of Company, Memorandum of Association, Articles of Association and Prospectus.

UNIT –II

Allotment of Shares, Shares and Share Capital, Membership of Company, Meetings and proceedings and Borrowing powers.

UNIT – III

Directors, Dividends, Bonus and Interest, Prevention of oppression and management, Winding Up.

UNIT –IV

Company Law in a Computerized Environment: E-filing, Credit rating and Insider trading, the Co-operative Societies Act, SEBI and the Information Technology Act.

References:

1. L.C.B.Grover - Principle of Modern Company Law
2. Palmer - Palmer's Company Law
3. A.Ramaiya - Guide to Companies Act
4. Avtar Singh - Company Law
5. R.K.Bangia - Company Law

