

M .Phil. (LAW)
SYLLABUS FOR MASTER OF PHILOSOPHY (2016-17)
Semester – I

Course No	Name of Course	Theory Exam	Practical/Internal	Total Marks	Credit
CC- 101	Advance Research Methodology	70	30	100	4
CC- 102	Case Study			100	4
CC – 103	Indian Legal History, Legal Theory & Legal Method	70	30	100	4
	Total			300	12

M .Phil.
Semester – II

Course No	Name of Course	Theory Exam	Practical/Internal	Total Marks	Credit
CC- 104	Philosophy in Law and Legal Institutions	70	30	100	4
CC-105	Dissertation	150	50	200	08
	Total			300	12
	Grand Total			600	24

Department of Law
HEMCHANDRACHARYA NORTH GUJARAT UNIVERSITY, PATAN
SYLLABUS FOR MASTER OF PHILOSOPHY (LAW)
(2016-17)
M .Phil.
Semester - I

CC-101	Advance Research Methodology	100 Marks (4 Credit)
CC-102	Case Study (Report and Presentation)	100Marks (4 Credit)
EC-103	Indian Legal History, Legal Theory & Legal Method	100 Marks (4 Credit)

M .Phil.
Semester - II

CC-104	Philosophy in Law and Legal Institutions	100 Marks (4 Credit)
CC-106	Dissertation	100 Marks (4 Credit)

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Semester – I

CC – 101 Advance Research Methodology :

100 Marks
(4 Credit)

1. Research Methods versus Methodology.

- . Typology of research - Basic, Applied action, Survey – Inter relationship and contradictions among each, Inter – relationship and distinction between social- legal , Eco – legal research- evaluate the nexus of methodology and research conducted.

2. Research Design – Features –Importance

- . Different research Designs – experimental Design,- Developing research Plan.
- . Methods of Data collection
- . Merits –demerits of each method of data collection
- . Set the parameters for appropriate type of research
- . Processing and analysis of data, Testing of Hypothesis (parametric or nonparametric tests)
- . Presentation of data (tabulation Diagrammatic)

3. Measurements and scaling Techniques – criteria of good measurement.

- . Use of statistical Techniques
- . Interpretation Report Writing techniques and precaution in Interpretation, significance of reporting, different stage and layout of research report (thesis) – type of research Report, the synopsis and thesis – comparisons – functions parts & evaluation of each.

4. Use of Law library:

- . Evaluate possibility and repugnancy in combined application of doctrinal and non-doctrinal research methods in same research work.
- . Importance of legislative materials, decision materials and use of those in development of legal reasoning

Recommended Readings: (Books)

1. Allen, T. Harrell: New Methods in social science research, Praeger Publishers, 1918.
2. Bailey, Kenneth D; Methods & social Research, 1978
3. Freedman P; The principles of scientific research.2nd edition Pergaqman Press. 1960.
4. Ghosh B. N. Scientific Methods and social Research New Delhi, sterling Pub. Pvt. Ltd. 1982.
5. Goode and Hatt Methods in social research New York Macgraw-Hill,1952
6. Gopal M. H. Research reporting in social sciences, Dherwar, Karnataka Uni, 1965
7. Piaget, Jean, Main Trends in Interdisciplinary research, London, George Allen and Unwin Ltd., 1973
8. Sadhu A.N. and Singh, Amarjit, : Research Methodology in social science Bombay, Himalaya Publishing House, 1980
9. Seboyer G. E. Manual for report and Thesis writing, New yourk, F. C> Crofts. & Co. 1929.
10. Tandon B.. Research Methodology in social Science, Allahabad, Chaitanya Publishing House,1979.
11. Bhandarkar P.L. Methodology and Techniques of social Research, Bombay Himalaya Publishing House, 1979
12. Young Pauline V. Scientific social surveys and Research 3rd ed, New York, 1960
13. M. O. Prince, H. Bitner and Bysiewiez; Effective Legal Research, 1978.
14. Erwin C. Surrency B, A Guide to Legal Research, 1959
15. Moms L. Cohan, Legal Research in Natshell(1996) West Publishing Co.
16. I.L.I. Publication, Legal Research Methodology.

**CC – 103 Indian Legal History, Legal Theory & Legal Method 100 Marks
(4 Credit)**

	Evolution of Modern Legal System	
Unit -1	A)	Development of Civil Law in Presidency Towns
	B)	Development of Civil Law in the Mofussil
	C)	Legislation and Compilation of the Laws
	D)	Development of Criminal Law
	E)	Codification of Laws
	F)	Law Commission under the Constitution
	Development of Modern Judicial System	
Unit-II	A)	The Early Stages - (i) Development of Judicial System in Madras (ii) Judicial System at Bombay (iii) Judicial System at Calcutta
	B)	Re-organization of the Judiciary under the Charter of 1753
	C)	Reforms under the Act of Settlement of 1781
	D)	Adalat System of Judicial Administration (i) Judicial Plan of 1772 of Warren Hastings (ii) The Plan of 1774 (iii) Re-organization of Adalats in 1780
	E)	Reforms of the Judicial System by Cornwallis (i) The Scheme of 1787 (ii) The Scheme of 1790 (iii) The Scheme of 1793
Unit-III	A)	The Privy Council
	B)	Judicial System at the time of the Commencement of the Constitution a) The High Court b) Subordinate Civil Courts
	C)	Constitutional History a) The Government of India Act 1915 b) The Government of India Act 1919 c) The Government of India Act 1935 d) The Indian Independence Act 1947
Unit – IV	A)	Introduction to Jurisprudence & Legal Theory
Unit - V	A)	Purposes of Law & Sources of Law
	B)	Legal Concepts
		a) Legal Rights : the Concept b) Kinds of Right, Rights & Duty Correlation
	C)	Nature of Personality a) Status of the unborn, minor, lunatic, drunken & dead persons b) Corporate Personality c) Dimensions of the Modern Legal Personality: Legal Personality of non-human beings d) Possession, Concept & Kind of Possession e) Obligation: (1) Nature and kinds (2) Sources of Obligation

Semester – II

CC – 104 Philosophy in Law & Legal Intuitions:

**100 Marks
(4 Credit)**

1. Approaches and thoughts to LAW :

- . U.S.A., Britain and Indian Legal Philosophy.
- . Legal Values in modern democracy
- . Fastest and National society legal thoughts.
- . English, American and continental approaches to law legal realism.

2. Theories of Law and Justice :

- . Theories of Justice (John Rawls, Stammler, Kelsen, Itart)
- . Concept of Justice in Indian perception.
- . Sociological Aspect in India:
 - _ Sociological overtones.
 - _ Gandhian and other alternatives.
 - _ Opposition to Judicial Law –making, committed Judge.
 - _ Emerging social Legal realities
 - _ Independence of Judiciary
 - _ Social – Economics issues and U.S. supreme court.
 - _ Sociological Jurisprudence in India – Movement begin with Krishna Iyer, Bhagwati-Desai Reddy's dimensional approaches toward.
 - _ Poverty – P.I.L Legal Aid.
 - _ Dalit – Rationale
 - _ Gender - Women protection – New Constitution Justice – Judicial Trend.
 - _ Environmental – Judicial Eco. Ordering.
 - _ Consumer – Judicial Innovations.

3. Constitutional Challenges:

- . Impacts of liberalization and privatization on apex court's decisions since 1991 on fundamental Rights.

- Nature of freedoms and Rights are going to change.
- Importance of Fundamental duties & directive Principles.
- Emerging problems in constitution of India:
 - _ Commercialization of education.
 - _ Misuse of P. I. L.
 - _ Controversy between legislature and Judiciary.
 - _ Compensation to victims.
 - _ Concept of secularism.
 - _ Judicial activism
 - _ Judicial Independence
 - _ Reservation policy.

4. Inter-relationship between social change – and-Law: Law and Social values Law and culture.

- Law as a tool of social change
- Problems and needs of modernization.
- Impacts of modernization on legal reform.
- Issues of women and children in modern India and resolving machineries in Indian Legal system.
- Causes and needs for alternation dispute resolving systems in India.
- Unjust and Un effective Law resulted Marxist, Naxalite movements need to be required appropriate legal set-up to contry anti social movement.
- Social disturbing problems:
 - _ Family – Matrimonial problems.
 - _ Industrialization in agriculture
 - _ Over pending cases before civil- criminal – trial courts.

Recommended Reading (Books)

1. Jull us stone : (1) Legal system and lawyers reasoning.
(2) Social Dimensions of Law and Justice
2. Fridman : Legal Theory (Chapters :1,2,3,4,15,16,17,18,19,
20,24,25,26,27,28,29,30,33)
3. Fridman : Law in a changing society.
4. Rescop Pound : An Introduction to Philosophy of Law.

5. Bodenhimer : Jurisprudence(Chapter :4,5,6,7,10,11,12,13&14)
6. Marc Galanter : Law and society in Modern India (1997) oxford Press.
7. U.Baxi : The cvisis of the Indian Legal system (1982) New Delhi.
8. I.L.I. : Law and social change (1988) Tripathi
9. M.P.Jain : Outlines of Indian Legal History (1993) Tripathi, Bombay.
10. D.D. Basu : Shorter constitution of India (1996) New Delhi

Dissertation 150**(8 Credit)****Viva 50***** Note :**

(1) Choose the topic from the subjects of group of LL.M which the student passed.

(2) Following points should be covered in dissertation strictly

- . Social, Eco- Legal Importance and Utility of the topic selected for dissertation.
- . Followed the stage of Research Methodology while arranging topics and sub-topic of the selected subject :
- . Substantive topic should be discussed in dissertation in following aspects:
 - (A) Analytical philosophy or
 - (B) Comparative philosophy
 - (C) Evaluative philosophy or
 - (D) Examination of Issues or Problems in Implementation aspects.
- . While concluding the dissertation last topic must be on
 - Conclusion & suggestions or
 - Finding & Suggestion or
 - Observations and Incase of short fall loop- holes state the reasons or factors for them and suggestions in forms of remedial measures
 - New problems and litigation reputed from credit card & A.T.M. serious.