

DETAILED SYLLABUS OF M.Phil. (Law) 2 Years Programme

**With Effect From
Academic Session 2018 – 2019**



ENLIGHTENMENT TO PERFECTION
ACCREDITED AS GRADE 'A' BY NAAC

**Department of Law
North Bengal University
Raja Rammohunpur
District Darjeeling**

SEMESTER- I

PREPARATORY COURSE WORK Legal Research Methodology

Internal Continuing Evaluation

8 Credits 200 MARKS

UNIT – I Legal Research

60 marks

1.1 Research – Definition and Meaning

1.2 Types of Research on the Basis of Objectives: Basic, Applied, Action Research, Socio Legal Research

1.3 Types of Research on the Basis of Data to be Collected: Qualitative, Quantitative: Meaning and concept

- (i) Doctrinal
- (ii) Non Doctrinal
- (iii) Inductive
- (iv) Deductive

1.4 Relevance of Empirical Research

UNIT – II **Field work**, {Collection of Data Data Analysis, Viva voce}

{30+30+20 =80 marks} To be evaluated internally

Identification of Problem of Research and Preparation of Research Design

2.1 Research Problem

2.2 Selecting Topics for Research; Factors affecting the problem selection;

2.3 Survey of available literature, Literature Review, and bibliographical research

2.4 Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals

2.5 Compilation of list of reports or special studies conducted relevant to the problem

2.6 Formulation of the Research problem

2.7 Formulation of Hypothesis

2.8 Devising tools and techniques for collection of data: Methodology

UNIT – III Data Collection and Analysis of the Field work done

3.1 Data and data sources: Need for Primary Data, collection of Primary Data

3.2 Secondary Data sources, limitations of Secondary Data;

3.3 Sampling and Sampling Methods

3.3.1 Sampling Techniques.

3.4 Methods of Collecting Primary Data

3.4.1 Questionnaire

3.4.2 Interview

3.4.3 Observation

3.4.4 Survey

3.5 Methods of Collecting Secondary Data

3.5.1 Case Analysis

3.5.2 Judicial Writings

UNIT – IV Classification and Tabulation of Data of field work and Computerized Research

4.1 Collection and tabulation of statistical data

4.1.1 Graphical presentation,

4.1.2 Frequency distribution

4.1.3 Analysis of data

4.2 Test of Hypothesis

4.3 Jurimetrics

4.4 Computerized Research - A study of online legal research programmes

**UNIT – V Legal Writings and Referencing – Writing of a term paper
[To be evaluated Internally 40+20= 60marks]**

5.1 Differences in structure of each kind of writing

5.2 Elements of writing

5.3 Research Proposal: Writing a research proposal (difference from thesis/papers /books/reports), Research Proposal: Main elements: (Identifying and Presentation of Issue(s)/Topic/Problem(s) to be studied)

5.4 Referencing

- (i) Footnote
- (ii) Endnote
- (iii) Bibliography
- (iv) Conclusion and Suggestion

Suggested Reading:

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company,
4. Peter Cane and Herbert M. Kritzer “The Oxford Handbook of Empirical Legal Research, (2010)
5. Charles R. Calleros, Legal method and writing, Aspen Publishers, (2011)
6. William H. Putman, “Legal Research, Analysis, and Writing” Cengage Learning, (2004)
7. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
8. Pauline V. Young, Scientific Social Survey and Research, (1962)
9. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
10. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
11. Havard Law Review Association, Uniform System of Citations.
12. Bluebook Method of Citations (19 th Edition)
13. ILI Publication, Legal Research and Methodology.

PAPER II

Socio-Economic Transformations

4 credits

100 marks

- UNIT - I Socio-economic transformations achieved through Constitutional Amendments
Socio –economic transformation achieved through judicial activism
- UNIT – II Socio Economic Transformation achieved through legislative efforts
- i. The Protection of Children from Sexual Offences Act, 2012
 - ii. The Child Labour (Prohibition and Regulation) Act 1986
 - iii. The Juvenile Justice (Care and Protection of Children) Act, 2015
 - iv. Laws relating to Child Trafficking
 - v. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 - vi. The Protection of Women from Domestic Violence Act 2005
- UNIT – III Judicial Activism and Judicial overreach
Public Interest Legislations

SEMESTER II

PAPER I

Comparative Constitution of SAARC countries

**4 Credits
100 Marks**

PAPER II

Advanced Jurisprudence

**4 Credits
100 Marks**

- UNIT – I **1.1 Natural Law**
- 1.1.1 Hugo Grotius and International Law
 - 1.1.2 Natural Law and Social Contract
 - 1.1.3 Kant and Human Freedom
 - 1.1.4 Fuller and Morality of Law
 - 1.1.5 Hart and Natural Law
 - 1.1.6 Finnis and restatement of Natural Law
 - 1.1.7 Murphy and Natural Law
- UNIT – II **2.1 Classical English Positivism**
- 2.1.1 Sovereignty
 - 2.1.2 Bentham & Pacta Regalia
 - 2.1.3 Austin and imperetism
- UNIT – III **3.1 Trends in Analytical Jurisprudence**
- 3.1.1 Hart’s Concept of law
 - 3.1.2 Raz and Reason for action
 - 3.1.2 Rights and Hohfelds analysis
 - 3.1.3 Obligation to obey law

3.1.4 Enforcement of Morality

3.1.5 Hans Kelson

- UNIT – IV 4.1 **Theories of Justice**
4.1.1 Rawls and Distributive Justice
4.1.2 Nozik and Justice of Entitlement
4.1.3 Amartya Sen and Idea of Justice
4.1.4 Corrective Justice

- UNIT - V 5.1 Sociological Jurisprudence
5.1.1 Max Waber
5.1.2 Emile Durkheim
5.1.3 Eugene Ehrich
5.1.4 Habermas
5.1.5 Roscoe Pound

- UNIT – VI 6.1 **Realism**
6.1.1 O. W. Holms
6.1.2 Jerome Frank
6.1.3 K. Llewellyn
6.1.4 Twining
6.1.5 Alf Ross
6.1.6 K Olivecrona

Suggested Reading:

1. Kanchan Chopra & Gopal Kadekodi, Operationalising Sustainable Development, Sage 1999.
2. Ramprasad Sengupta, Ecology and Economics, Oxford university Press, (2001)
3. Ramchandra Guha, Social Ecology, (Oxford University press 1998).
4. Carolyn Merchant, Radical Ecology,(Routledge,1992).
5. Bina Agarwal, Gender and the environment Debate Feminist Studies, (1992).
6. Archana Prasad, Environment, development and Society in Contemporary India: An Introduction, (Macmillan 2008).
7. Joan Martinez Alier, Environmnetalism of Poor, (OUP, 2002).

SEME4STER III

Legal education (To be evaluated internally)

UNIT –I	Taking of classes	Law Teaching Practical	2 Credit 50 marks Minimum 10 classes
UNIT- II	Seminar Presentation		2 credit 50 marks
UNIT- III	Term Paper		4 Credit 100 Marks

Teaching Methods

UNIT- I

- 2.1. Objective of Legal Education
- 2. 2. Teaching Methods in Legal Education
 - 2.2.1 Lecture Method
 - 2.2.2 Case Method
 - 2.2.3. Problem Method
 - 2.2.4. Discussion Method
 - 2.2.5. Simulation and Role Play
 - 2.2.6 Collaborative Teaching
 - 2.2.7. Seminar Method
 - 2.2.8. Other Method

UNIT – II Curriculum, Evaluation System and Supervision

- 3.1 Curriculum Planning and Developing Teaching Plans
- 3.2 Evaluation System
 - 3.2.1 Examination System and over emphasis of Examination System
 - 3.2.2 Problems in Evaluation
 - 3.2.3 Methods of Evaluation -Continuous Evaluation and End term Exams and Assessment
- 3.3 .Supervision
 - (i) Research Supervision and Inculcation of Good Practices
 - (ii) Extension Services
 - 3.3.1 Legal Aid and Legal Awareness
 - 3.3.2. Internships
 - 3.3.3. Placement

UNIT –IV Ethics in Law teaching, Globalisation and challenges to Legal Education

Suggested Reading:

1. S.P. Sathe Access to Legal Education and the Legal Profession in India(Rajeev Dhavan Ed., Butterworths, London, 1989)
2. P.L. Mehta, Sushma Gupta Legal Education and Profession in India(2000)
3. N. R. Madhava Menon (ed.) Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education (Eastern Book Co., 1998)
4. A.S. Anand, Legal Education in India Past, Present and Future S.C.C (Jour.) 1 (1998)
5. Frank S. Bloch and M. R. K. Prasad, “Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States”,13 Clinical Law Review 165 (2006-2007)
6. Frank S.Bloch, Iqbal S. Ishar, “Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State”, Mic. J. Int’l. L.(1990)
7. Upendra Baxi, “Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law”,51 Journal of the Bar Council of India(1975-76).
8. Upendra Baxi, “The Pathology of the Indian Legal Professions”, XXII IBR,(1995)
9. American Bar Association, Section of Legal Education and Admissions to the Bar, Legal Education and Profession Development – An Educational Continuum,Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, (ABA 1992)

SEMESTER IV

DISSERTATION
Viva voce

6 Credit
2 Credit