

**School Name : School for Legal Studies**

**Department Name : Human Rights**

**Course Name : Ph.D. Course Work**

**(\*) Compulsory Courses    (\*\*) Optional Courses**

<b>Course Code</b>	<b>Course Title</b>	<b>Credit</b>
PCCP 1*	Research Methodology	4
PCCP 2*	Review of Literature	4
PCCP 3*	Preparation & Presentation of Synopsis	4
PCOP 01**	Constitutionalism and the Judicial Process	4
PCOP 02**	Constitutional Governance	4
PCOP 03**	Law, Social Transformation and Dispensation of Justice (Revised)	4
PCOP 04**	Human Rights in India: concept, Movement and Challenges	4
PCOP 05**	Fundamentals of International Human Rights Law	4
<b>PCOP 01 to PCOP 05 any one paper is to be opted by the students</b>		

## Ph.D. Course Compulsory Paper

### PCCP 1- Research Methodology

#### Module 1

Meaning and Object of Research, Importance of Research Methodology, Legal Research in India: Evolution and Development, Approaches in Legal Research, Interdisciplinary Perspective of Research, Current Issues and Challenges in Legal Research.

#### Module 2

Tools and Techniques of Research- Identification of Research Problem, Research Design, Literature Survey, Hypothesis, Doctrinal & Empirical Research, Deduction and Induction Method of Research, Comparative Method of Legal Research.

#### Module 3

Sampling Method in Legal Research, Methods of Data Collection: Preparation of Questionnaire and Interview Methods, Field Survey Method, Analysis and Interpretation of Data, Use of Computer in Research.

#### Module 4

Report Writing, Chapterization, Mode of Citation, Bibliography, Abbreviation, Use of Quotations, Research and Policy Making.

#### Recommended Readings:

1. ILI Publication : Legal Research and Methodology
2. Kumar, Ranjit : Research Methodology
3. Mynem, S.R. : Legal Research Methodology
4. Kothari, C.R. : Research Methodology
5. Price, M.O., H. Bitner & Bysiewiez : Effective Legal Research
6. Erwin C. Surrency, B. Fielf & J. Crea : A Guide to Legal Research
7. Morris L. Cohan : Legal Research in Nutshell
8. Trivedi & Shukla : Research Methodology

## **Ph.D. Course Optional Paper**

### **PCOP 01- Constitutionalism and the Judicial Process**

#### **Module 1**

##### **Law and Scientific Methods**

Analytical Reasoning, Dialectical Reasoning, Value judgments in Law, Aims of Legal education.

#### **Module 2**

##### **Techniques of Judicial Process**

Interpretation of Constitutions, Discovery and Creation in Judicial Process. “The Rights Thesis”.

#### **Module 3**

##### **Constitution, Social Order and the Courts**

Concept of Constitutionalism, Social ordering by the Court in India. Government of the People.

#### **Module 4**

##### **Review**

#### **Recommended Readings**

1. Alexander, Larry (ed.) : Constitutionalism (1998)
2. Baxi, U. Courage : Craft and Contention (1988)
3. Cardozo : The Nature of Judicial Process (1921)
4. Cardozo : The Paradoxes of Legal Science (1928)
5. Dhavan et. al. : Judges and the Judicial Power (1987)
6. Dworkin : Taking Rights Seriously (1978)
7. Griffiths : The Politics of the Judiciary (1991)
8. Levi : An Introduction to Legal Reasoning (1949)
9. Mc Cormick : Legal Reasoning and Legal Theory (1990)
10. Stone : Legal System and Lawyer’s Reasonings (1964)

## **Ph.D. Course Optional Paper**

### **PCOP 02- Constitutional Governance**

#### **Module 1**

Administrative Discretion and Fundamental Rights, Administrative Rule- making. Decentralization and Intergovernmental Structure.

#### **Module 2**

Directive Principles of State Policy on access to justice for poors, education; health and employment.

#### **Module 3**

Right to information, Whistle Blowing, Lokpal and Lokayuktas, Commission of Inquiry and Vigilance Commissions, Role of the Bureaucracy, Media and Non-governmental organizations and civil society.

#### **Module 4**

Natural Justice, *Ultravires*, Separation of power, Rule of Law

#### **Recommended Readings**

1. M.P. Jain, H.M. Seervai, T.K. Tope, Subhash Kashyap, D.D. Basu, Arivind Datar, V.N. Shukla, A.V. Dicey, on Constitutional Law of India
2. M.P. Jain & S.N. Jain, J.F. Garner, C.K. Davis, H.W.R. Wade, Wade & Foresyth, P.P. Craig, D.D. Basu, C.K. Thakkar Griffith and Street, A.T. Markose, Hamson and Neil On Administrative Law and related topics
3. De Smith S.A. on Constitutional and Administrative Law
4. Right to Information Act, Panchayat Raj Act, Right to Education Act etc,
5. Research Papers and Articles on topics mentioned above including government Programmes and Policies.

## **Ph.D. Course Optional Paper**

### **PCOP 03 - Law, Social Transformation and Dispensation of Justice**

#### **Module 1**

##### **Law and Social Transformation**

Law as an instrument of social change, Interaction between law and tradition, Law and its relationship with social institutions – Religion, Community, Language, Regionalism, Education

#### **Module 2**

##### **Protective Discrimination to Disadvantaged Sections of Society**

Crime against women, Children, Elder abuse, Crime against SC/ST, Group crime

#### **Module 3**

##### **Modernization and Law**

Reforms in family law, Reforms in criminal justice process, Environment jurisprudence, Compensatory jurisprudence, feminism, Consumerism

#### **Module 4**

##### **Institutional Reforms and Dispensation of justice**

NHRC, NCW, Police reforms, Prison reforms, Panchayati raj system, Legal aid, Role of NGOs

#### **Recommended Readings:**

1. Bhat P. Ishwar : Law and Social Transformation
2. Indian Law Institute : Law and Social Change: Indo – American Reflection
3. Duncan Derret : The State, Religion and Law in India
4. Malik & Raval : Law and Social Transformation in India
5. Vibhute K.I. : Criminal Justice
6. Kuppuswamy B. : Social Change in India
7. Verma J.S. : The New Universe of Human Rights
8. Srivastava S.S. : Criminology and Criminal Administration
9. Siddique Ahmad : Criminology & Penology
10. Goswami, B.K. : A Critical Study of Criminology and Penology
11. Sutherland, E.H. : Principles of Criminology
12. Barnes and Teeters : New Horizons of Criminology
13. Taft and England : *Criminology*
14. Report of the Committee on Draft National Policy on Criminal Justice, Ministry of Home Affairs, Government of India
15. Ruth and Jordan Cavan, Delinquency and Crime
16. Baxi Upendra : The Crisis of Indian Legal System
17. Seervai H.M. : Constitutional Law of India

## **Ph.D. Course Optional Paper**

### **PCOP 04- Human Rights in India: Concept, Movement and Challenges**

#### **Module 1**

Human Rights: Conceptual and Historical Development.

#### **Module 2**

Human Rights: National and International Perspective

#### **Module 3**

Human Rights Movement in India: Issues and Concern.

#### **Module 4**

Human Rights, Democracy and Globalisation.

#### **Recommended Readings**

1. Sweet, William (ed) (2008) Philosophical theory and Universal Declaration of Human Rights.
2. Anderson, Michael R. And Sumit Gupta (ed) 1998, Changing concepts of Rights and Justice in South Asia, New Delhi- OUP.
3. Baxi, Upendra (2004)- The Future of Human Rights: New Delhi OUP.
4. Baxi, Upendra (2007) Human Rights in Posthuman World. New Delhi OUP.
5. Desai, AR. (ed) (1986)- Violation of Democratic Rights in India (Mumbai Popular Prakashan)
6. Hargopal, G (1993) Political Economy of Human Rights: Emerging Dimensions (Mumbai) Himalay Publishing House.

## **Ph.D. Course Optional Paper**

### **PCOP 05      Fundamentals of International Human Rights Law**

#### **Module 1**

Historical and Philosophical Perspectives of Human Rights; United Nations Charter Provisions on Human Rights, Three Generations of Human Rights.

#### **Module 2**

International Standards of Human Rights; UDHR, ICCPR, ICESCR Provisions and implementation.

#### **Module 3**

Regional Arrangements of Human Rights; European Convention on Human Rights, American Convention on Human Rights, African Convention on Human and Peoples Rights

#### **Module 4**

National Understanding of Human Rights; Conceptual & Historical Development, NHRC and NGOs

#### **Recommended Readings**

1. Brownlie I                   :      Basic Documents on Human Rights (2006)
2. P C Sinha                    :      Encyclopaedia of Human Rights (Set of 5 Vols., 2002)
3. Greenberg J                :      Human Rights: Their Implementation and Supervision (1987)
4. Mashood A. Baderin, :      International Human Rights Law: Six Decades after the  
& Manisuli Senyonjo                   UDHR and Beyond (2010)
5. Rhona K. M. Smith       :      Textbook on International Human Rights (2007)
  
6. Aryeh Neier                :      The International Human Rights Movement: A History (2012)
7. Curtis F. J. Doebbler   :      Introduction to International Human Rights Law (2006)
8. Jack Donnelly              :      Universal Human Rights in Theory and Practice, (Second  
Edition, 2003)
9. Micheline R. Ishay       :      The History of Human Rights: From Ancient Times to the  
Globalization Era (2008)
10. Roger Norm and         :      Human Rights at the UN: The Political History of Universal  
Sarah Zaidi                               Justice (2008)
11. Khare S.C.                :      Human Rights & the U.N. (1995)
12. Vicent O. Orlu           :      The African Human Rights System: Its Laws, Practice,  
Nmehielle                                 and Institutions (2001)
13. Dinah Shelton           :      Regional Protection of Human Rights (2013)