

# **Ph.D. Coursework Syllabus**

**(Academic Year 2022-23)**



## **Faculty of Juridical Sciences**

**JIS University  
81, Nilgunj Road, Agarpara  
Kolkata 700109  
West Bengal  
India**

## Syllabus for Ph.D. Coursework

Sl. No.	Course code	Course	Credit points	Full marks	Course type#	Total credits	Total marks
<b>UNIVERSITY PAPER (COMMON)</b>						14	350
1	RPD1001	RESEARCH METHODOLOGY	4	100	C		
2	RPD1002	RESEARCH AND PUBLICATION ETHICS	2	50	C		
<b>FACULTY PAPER (COMMON)</b>							
3	RLA1003	RESEARCH METHOD AND LEGAL WRITING	4	100	C		
<b>FACULTY PAPER (SPECIFIC)</b>							
4	RLA1004	LAW AND SOCIAL TRANSFORMATION	4	100	C		
5	RLA1005	COMPETITION LAW	4	100	M		
6	RLA1006	FAMILY LAW	4	100	M		
7	RLA1007	LABOR LAW	4	100	M		
8	RLA1008	OFFENCES AGAINST CHILD & JUVENILE OFFENCE					
9	RLA1009	FORENSIC SCIENCE	4	100	M		

**# C = COMMON COURSE; M = MAJOR COURSE**

## **COURSE NAME: RESEARCH METHODOLOGY**

**COURSE CODE: RPD1001**

**CREDIT POINTS: 4**

- I. Research-Definition, Objectives of Research, What Makes People do Research? Qualities of a good Researcher, Limitations of Research, Views of Researchers, Scientific method of Research, Importance of Research, Illustrations of Research.
- II. Process of Research. Research Methods, Research Methods versus Research Methodology. Fundamental or Basic Research and Examples, Applied Research and Examples, Differences between Basic Research and Applied research. Difference between Approach and Validity, Reliability versus Unbiased and objective, Research structured enquiry, Research Design.
- III. Normal, Revolutionary, Quantitative, and Qualitative Research Methods. Learning from Qualitative and Quantitative Research. Data Collection, Generation of Data using Qualitative Methods: (Individual Interviews, Focus groups, Observations, Self-Study, Action Research), Sources of Quantitative Data, Analyzing Quantitative Data, Pros and Cons of Qualitative research, Comparing Quantitative and Qualitative Research, Example and Distinction, Important Difference, Qualitative research, Descriptive Versus Analytical, Conceptual Versus Empirical, Decision-oriented versus Conclusion-oriented,
- IV. Process of literature Survey, Advantages and Pitfalls. The Internet as a Medium for Research, Availability of Scientific Research Information, Problems Encounter, Features of Conducting Research through Internet, New Challenges to Researchers, Potential Advantages of Online Questionnaire, Potential Difficulties, Preservation of References, Assessing the Current Status.
- V. Ethics in Research, Computer Ethics, Some areas of Research Ethics, Essential information required for authority, Author Responsibilities, What is not acceptable? What are Plagiarism and Self-Plagiarism, Other Types of Ethical Violations, How Journals Detect and Handle Problem Papers? Example, Reasons for possible Plagiarism, appropriate authorship.
- VI. Seminar, Oral Report, Quotation, Points to be Remembered in Preparing an Oral Report, Write-up of the oral presentation, Art of writing and layout of Research Paper or Article or Ph. D. Thesis. Main Text, End Matters, Content of work.

### **References:**

1. Ander May, R., Meyer, V., Van Rys, J., Kemper, D., & Sebranek, P. (2016). The College Writer: A Guide to Thinking, Writing, and Researching, MIT Press.
2. Gustavii, B. (2014). How to Write and Illustrate a Scientific Paper. New York, NY: Cambridge.
3. Kothari, C.K. (2015). Research Methodology – Methods and Techniques. New Age International, New Delhi.

4. Krishnswamy, K.N., Shivkumar, Appalyer, & Mathiranjana M. (2013). Management Research Methodology: Integration of Principles, Methods, and Techniques. Pearson Education, New Delhi.
5. G. Vijayalakshmi and C. Sivapragasam (2008). Research Methods: Tips and Techniques. MJP Publishers, Chennai.

## **COURSE NAME: RESEARCH AND PUBLICATION ETHICS**

**COURSE CODE: RPD1002**

**CREDIT POINTS: 2**

- I. PHILOSOPHY AND ETHICS**
  1. Introduction to philosophy: definition, nature and scope, concept, branches
  2. Ethics: definition, moral philosophy, nature of moral judgements and reactions
  
- II. SCIENTIFIC CONDUCT**
  1. Ethics with respect to science and research
  2. Intellectual honesty and research integrity
  3. Scientific misconducts: Falsification, Fabrication, and Plagiarism (FFP)
  4. Redundant publications: duplicate and overlapping publications, salami slicing
  5. Selective reporting and misrepresentation of data
  
- III. PUBLICATION ETHICS**
  1. Publication ethics: definition, introduction and importance
  2. Best practices / standards setting initiatives and guidelines: COPE, WAME, etc.
  3. Conflicts of interest
  4. Publication misconduct: definition, concept, problems that lead to unethical behavior and vice versa, types
  5. Violation of publication ethics, authorship and contributorship
  6. Identification of publication misconduct, complaints and appeals
  7. Predatory publishers and journals
  
- IV. OPEN ACCESS PUBLISHING**
  1. Open access publications and initiatives
  2. SHERPA/RoMEO online resource to check publisher copyright & self-archiving policies
  3. Software tool to identify predatory publications developed by SPPU
  
- V. Journal finder / journal suggestion tools viz. JANE, Elsevier Journal Finder, Springer Journal Suggester, etc.**
  
- VI. PUBLICATION MISCONDUCT**
  1. Subject specific ethical issues, FFP, authorship
  2. Conflicts of interest
  3. Complaints and appeals: examples and fraud from India and abroad
  4. Use of plagiarism software like Turnitin, Urkund and other opensource software tools
  
- VII. DATABASES AND RESEARCH METRICS**
  1. Indexing databases
  2. Citation databases: Web of Science, Scopus, etc.
  
- VIII. Impact Factor of journal as per Journal Citation Report, SNIP, SJR, IPP, Cite Score Metrics: h-index, g index, il 0 index, altimetric**

**References:**

1. Bird, A. (2006). *Philosophy of Science*. Routledge.
2. MacIntyre, Alasdair (1967). *A Short History of Ethics*. London.
3. P. Chaddah (2018). *Ethics in Competitive Research: Do not get scooped; do not get plagiarized*.
4. National Academy of Sciences, National Academy of Engineering, and Institute of Medicine (2009). *On Being a Scientist: A Guide to Responsible Conduct in Research (Third Edition)*. National Academies Press.
5. Resnik, D. B. (2011). *What is Ethics in Research & Why is it Important*. National Institute of Environmental Health Sciences.
6. Beall, J. (2012). *Predatory Publishers Are Corrupting Open Access*. *Nature*, 489(7415), 179–179.
7. Indian National Science Academy (INSA) (2019). *Ethics in Science Education, Research and Governance*.

## **COURSE NAME: RESEARCH METHOD AND LEGAL WRITING**

**COURSE CODE: RLA1003**

**CREDIT POINTS: 4**

### **I. INTRODUCTION**

- a) The science of legal research and methodology
- b) Interrelation between speculation, fact and theory, building some fallacies of legal methodology with reference to socio legal research
- c) Inter-disciplinary research and legal research models
- d) Arm chair research vis-a-vis empirical research
- e) Legal research-common law and civil law legal systems

### **II. RESEARCH DESIGN**

- a) Workable Hypothesis-formulation and evaluation
- b) Major steps in research design

### **III. RESEARCH TOOLS AND DATA PROCESSING**

- a) Tools of Doctrinaire Research
- b) Research Questions
- c) Review of legal literature
- d) Proving and disproving of Hypothesis
- e) In case of empirical work analysis and interpretation of data
- f) Online Legal Research – Use of Electronic Databases

### **IV. LEGAL WRITING**

- a) Report/Article writing & legal research
- b) Use of definitions, maxims, concepts, principles, doctrines in legal research
- c) Plagiarism & its consequences.
- d) Citation methodology
- e) Book review and case comments

### **References:**

1. Rattan Singh, Legal Research Methodology, Lexis Nexis, 2<sup>nd</sup> Edition, 2016.
2. Manoj Kumar Sinha, Deepa Kharb, Legal Research Methodology, Lexis Nexis, 1<sup>st</sup> Edition, 2017.
3. William Goode and Paul Hatt- Methods in Social Research, American Journal of Sociology, Volume 59, Number 6, 1954.

## **COURSE NAME: LAW AND SOCIAL TRANSFORMATION IN INDIA**

**COURSE CODE: RLA1004**

**CREDIT POINTS: 4**

**1. MODULE I: Law and Social Change:** Law as an instrument of social change. Law as the product of traditions and culture. Criticism and evaluation in the light of Colonization and the introduction of common law system and institutions in Indian and its Impact on further development of law and legal institution in India.

**Religion and the Law:** Religion as a divisive factor. Secularism as a solution to the problem. Reform of the law on secular lines: Problem. Freedom of religion and non-discrimination on the basis of religion. Religion, minorities and the law

**2. MODULE II: Language and the Law:** Language as a divisive factor. Constitutional guarantees to linguistic minorities. Language policy and the Constitution: Official language; multi language system, non-discrimination on the ground of language.

**3. MODULE III: Women and the Law:** Empowerment of women: Constitutional and other legal provisions. Women's commission. Gender injustice and its various forms.

**Children and the Law:** Children and education. Adoption and related problems. Sexual exploitation. Child labour.

**4. MODULE IV: Modernization and the Law:** Modernization as a value: constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law. Democratic decentralization and local self-government. Socialist thought on law and justice. An enquiry through constitutional debates on the right to property

### **References:**

1. Rattan Singh, *Legal Research Methodology*, Lexis Nexis, 2<sup>nd</sup> Edition, 2016.
2. Manoj Kumar Sinha, Deepa Kharb, *Legal Research Methodology*, Lexis Nexis, 1<sup>st</sup> Edition, 2017.
3. William Goode and Paul Hatt- *Methods in Social Research*, American Journal of Sociology, Volume 59, Number 6, 1954.



## **COURSE NAME: COMPETITION LAW**

**COURSE CODE: RLA1005**

**CREDIT POINTS: 4**

### **1. MODULE 1: INTRODUCTION**

- Anti-trust issues in India
- Background of MRTP Act, 1969
- Requirement of new competition regime in India.
- Enactment of the new Competition Act in India.

### **2. MODULE 2: ANTI-COMPETITIVE AGREEMENTS**

- Definitions
- What are anticompetitive agreements?
- Different types of anti-competitive agreements.
- Treatment of such agreements under MRTP Act and Competition Act.
- Relevant market.
- Relevant product and geographical market.
- Entry barriers
- Cartels.
- Punishments under the Competition Act, 2002, as amended by the Competition (Amendment) Act, 2007.

### **3. MODULE 3: ABUSE OF DOMINANT POSITION**

- Introduction
- Dominance
- Abuse of Dominance
- Predatory pricing
- Abuse of dominance in US and Europe
- Abuse of dominance under MRTP Act and Competition Act.

### **4. MODULE 4: COMBINATIONS**

- Definition: Combination.
- Introduction.
- Combination under the Companies Act, 1956.
- Need for control of Mergers and Acquisitions.
- Regulation of combinations under Competition Act, 2002.
- Control of anti-competitive combinations.
- Control of combinations in US and Europe.

### **5. MODULE 5: EXTRA-TERRITORIAL JURISDICTION**

- The effects doctrine.
- Lack of extra-territorial jurisdiction under MRTP Act.
- Extra-territorial jurisdiction under Competition Act, 2002.

### **6. MODULE 6: CORPORATE LENIENCY:**

- Definition of corporate leniency

- Corporate Leniency in India.
- Corporate Leniency in US.

## **7. MODULE 7: COMPETITION COMMISSION OF INDIA**

- Composition of CCI.
- Appointment of members of CCI and their removal.
- Independence of CCI.
- Powers of CCI
- Jurisdiction of CCI.
- Overlap of jurisdiction of CCI with sectoral regulators.

## **MODULE 8: ENFORCEMENT**

- Mechanism of enforcement of competition law in India.
- Procedure of enforcement of competition law in India.

### **References:**

1. Vinod Dhall, *Competition Law today, concepts, issues, and the law in practice*, 1<sup>st</sup> Edition, Oxford University Press, India, 2007.
2. Ramappa T., *Competition law India, Policy Issues, and Developments*. 1<sup>st</sup> Edition, New Delhi, Oxford, 2006.
3. Peritz Rudolph J.R., *Competition Policy in America: History, Rhetoric, Law*. 1<sup>st</sup> Edition, New York: Oxford University Press, 2000.
4. Smith Martin, *Competition Law Enforcement & Procedure*, London: Butterworths, 2001.
5. Elhaage Einer, Geradin Damien, *Global Competition Law and Economics*, 1<sup>st</sup> Edition, USA. Hart Publishing, 2007.
6. Graham Cosmo, *Competition, Regulation and the New Economy*, 1<sup>st</sup> Edition, New York: Oxford and Portland Oregon, 2004.
7. Dr. Souvik Chatterji, *Competition Law in India and Cartels in India and USA*, 1<sup>st</sup> Edition, 2014, Allahabad Law Agency, Law Publishers India, ISBN -978 – 81 -909484 - 9 -4.

## **COURSE NAME: FAMILY LAW**

**COURSE CODE: RLA1005**

**CREDIT POINTS: 4**

1. Hindu law on marriage in India – marriage under Hindu Saptapadi ceremony.
2. Forms of marriage.
3. Divorce under Hindu law both contested divorce and mutual consent divorce. The fault grounds including insanity, cruelty, desertion, to mention a few. The religious sources from Shruti, Smriti, Vedas.
4. Hindu law on divorce in India – section 13 A, Divorce under contested manner, section 13B divorce by mutual consent.
5. Muslim law on marriage in India, laws created by Religious scriptures, like Shariat.
6. Muslim law on divorce in India
7. Family Courts in India and the procedure of redressal of grievances in the Family Courts
8. Custody of children, maintenance under Hindu Law, Muslim Law, Parsi Law, Christian law.

### **References:**

- 1) Mulla, Hindu Law, Lexis Nexis, 23<sup>rd</sup> Edition, 2018.
- 2) Paras Diwan, Family, Allahabad Law Agency, 2018.

## **COURSE NAME: LABOUR LAW**

**COURSE CODE: RLA1007**

**CREDIT POINTS: 4**

### **Module I: Trade Unions and Collective Bargaining**

- Trade Unionism in India
- Definition of Trade Union and Trade Dispute
- Registration of Trade Unions
  - ✓ Legal Status of Registered Trade Union
  - ✓ Mode of Registration
  - ✓ Powers and Duties of Registrar
  - ✓ Cancellation and Dissolution of Trade Union
  - ✓ Procedure for Change of Name
  - ✓ Amalgamation and Dissolution of Trade Union
- Disqualifications of Office-bearers, Right and Duties of Office-bearers and Members
- General and Political Funds of Trade Union
- Civil and Criminal Immunities of Registered Trade Unions
- Recognition of Trade Union
- Collective Bargaining

### **Module II: Resolution of Industrial Dispute**

- Industrial Dispute Act, 1948
  - ✓ Industrial Dispute and Individual Dispute
  - ✓ Arena of Interaction and Participants: Industry, Workman and Employer
  - ✓ Settlement of Industrial Dispute
    - Works Committee
    - Conciliation Machinery
    - Court of Enquiry
    - Voluntary Arbitration
    - Adjudication: Labour Court, Tribunal and National Tribunal
  - ✓ Powers of the Appropriate Government under the Industrial Disputes Act, 1947
  - ✓ Unfair Labour Practice

### **Module III: Instruments of Economic Coercion**

- **Concept of strike**
  - ✓ Gherao
  - ✓ Bandhand Lock-out
  - ✓ Types of Strike
  - ✓ Rights to Strike and Lock-out
  - ✓ General Prohibition of strikes and lock-outs
  - ✓ Prohibition of Strikes and Lock-outs in Public Utility Services
  - ✓ Illegal Strikes and Lock-outs
  - ✓ Justification of Strikes and Lock-outs
  - ✓ Penalties for Illegal strikes and Lock-outs

- ✓ Wages for Strikes and Lock-outs
- **Lay-off**
  - ✓ Retrenchment
  - ✓ Transfer and Closure: Definition of Lay-off and Retrenchment Compensation
  - ✓ Compensation to Workmen in Case of Transfer of Undertaking Closure
  - ✓ Closure: Prevention and Regulation
  - ✓ Conditions: Precedent for Retrenchment
  - ✓ Special Provisions Relating to Lay-off, Retrenchment and Closure in Certain Establishments
  - ✓ Procedure for Retrenchment and Re-employment of Retrenched Workmen and Penalty c. Disciplinary Action and Domestic Enquiry
- Management's Prerogative during the Pendency of Proceedings
- Notice of Change

**Bare Act:**

- The Trade Unions Act, 1926
- The Industrial Employment (Standing Orders) Act, 1946
- The Industrial Dispute Act, 1948

**References:**

1. Indian Law Institute, Cases and Materials on Labour Law and Labour Relations, 1963
2. PL Malik, Industrial Law, Eastern Book Company, 2013
3. Dr. Goswami, Labour and Industrial Law, Central Law Agency, 2011
4. Surya Narayan Misra, An Introduction to Labour and Industrial Law, Allahabad Law Agency, 1978
5. S.C. Srivastava, Industrial Relations and Labour Law, Vikas Publishing House, New Delhi, 6<sup>th</sup> Edn., 2012
6. Chaturvedi, Labour and Industrial Law, Central Law Agency, 2004
7. S.C. Srivastava, Commentaries on the Factories Act, 1948, Universal Law Publishing House, Delhi, 2002
8. H.L. Kumar, Workmen's Compensation Act, 192, Universal Law Publishing,

## **COURSE NAME: OFFENCES AGAINST CHILD & JUVENILE OFFENCE**

**COURSE CODE: RLA1006**

**CREDIT POINTS: 4**

### **Module 1-Introduction of child and child rights**

- Definition of child
- The present legal framework- The Guardian and Wards Act 1890, The Hindu Adoption and Maintenance Act 1956, The Probation of offenders Act 1958, The Protection of children from sexual offences Act 2012, The Juvenile Justice (Care and Protection of children) Act 2015
- Policies and Plans related to children.

### **Module 2- Child Rights, Policy and Legislative Framework for Child Protection**

- Needs, Welfare and Rights- Rights based Approach , Difference between Needs, Welfare and Rights based Approaches
- Human Rights and Children's Rights
- Constitutional Provisions, United Nations Convention of the Rights of the Child (UNCRC), Fundamental Rights and Principles

### **Module 3- Juvenile Justice System in India**

- Overview of Juvenile Justice System
- Children in Need of Care and Protection
- Child in Conflict with Law
- Statutory Institutions and Non-Institutional Services
- National and State Commissions for the Protection of Child Rights
- Indian Penal Code: Crime and Culpability

### **Module 4- Laws, Legislations and Linkages for Child Protection**

- Child Abuse, Neglect, Violence and Exploitation
- Vulnerable Children and their Issues
- Child Trafficking- Trafficking – for Sex, Adoption, and Labour, Specific Sections IPC related to Trafficking, Immoral Traffic Prevention Act, 1986 (ITPA)
- Protection of Children from Sexual Offences- Specific Sections IPC related to Trafficking, The Protection of Children from Sexual Offences Act, 2012
- Protection from Domestic Violence and Beggary- The Protection of Women from Domestic Violence Act, 2005, The Bombay Prevention of Begging Act, 1959, The West Bengal Vagrancy Act 1943

**References:**

1. Aparna Viswanathan, Cyber Law- Indian and International Perspectives, Lexis Nexis Butterworths Wadhwa-Nagpur
2. Barkha & U. Rama Mohan, Cyber Law and Crimes, Asia Law House- Hyderabad
3. Dr. M. Dasgupta, Cyber Crime in India- A Comparative Study, Eastern Law House
4. Dr. R.K. Chaubey, An Introduction to Cyber Crime and Cyber Law, Kamal Law House- India
5. Pawan Duggal, Mobile Law, Universal Law Publishing Co. New Delhi - India
6. Apar Gupta, Commentary on Information Technology Act, 2<sup>nd</sup> Ed. LexisNexis, Butterworths, Wadhwa, Nagpur

**COURSE NAME: CYBER CRIME CYBER FORENSIC**

**COURSE CODE: RLA1009**

**CREDIT POINTS: 4**

**Module 1: Meaning, ambit and types of cyber crimes**

- 1.1 Introduction to cyber crimes
- 1.2 Meaning, elements and ambit of Cyber Crimes
- 1.3 Computer crime and computer related offence
- 1.4 Types and classification of Cyber Crimes and the scope of the IT Act'2000

**Module 2: Expert and Expert Opinion:**

- 2.1 Expert Opinion in Electronic Evidence
  - 2.1.1. What is Expert Opinion
  - 2.1.2. Analysis of different statute on Expert Opinion.
  - 2.1.3. Importance of Expert opinion

**MODULE 3: Some Technical Issues Related with Cyber Crime**

- 3.1 Protocol
  - 3.1.1 What is Protocol? Use of Protocol
  - 3.1.2 C.S.M.A Protocol
  - 3.1.3 A.R.P. and R.A.R.P. Protocol
- 4.2. Cloud Computing
- 3.3. IEEE Architecture
- 3.4. MAC Address
  - 3.4.1. Assignment of MAC Address
  - 3.4.2. Importance of MAC Address
  - 3.4.3. Address Management
- 3.5. Digital Watermarking
- 3.6. Fingerprinting
- 3.7. Active and passive techniques of detecting image manipulation

**MODULE 4: Cyber Forensics, Networks and Mobiles**

- 4.1 Evolution, definition and scope of Cyber, Network, Incident Forensics
- 4.2 Tools for collection, Extraction, Examination and Organization of Evidence
- 4.3 Admissibility of Electronic Evidence under Indian Law and its implications
- 4.4 Challenges to Electronic Evidence and Evidentiary Weight
- 4.5 Legal considerations on Forensic Computing
- 4.6 Forensics and Mobiles (GSM and CDMA Technology)

**MODULE 5: Search, seizure, evidence and Security Guidelines in the virtual world**

- 5.1 Evidence in virtual world;
- 5.2 Investigation procedure;
- 5.3 Seizure process, rules and mistakes made by victims or the seizing officer;
- 5.4 Implementation of Information Security Programme, Information Classification and Management;
- 5.5 System integrity and Sensitive Systems Protection;
- 5.6 International Organization on Computer Evidence (IOCE) principles and guidelines;



## **MODULE 6: Information and Technology Act- The past and the present**

- 6.1 Introduction to the IT Act'2000 and the IT (Amendment) Act'2008 and comparison
- 6.2 Cyber Terrorism
- 6.3 Electronic signature
- 6.4 Data protection and privacy
- 6.5 Hacking, Phishing, Obscenity, Child Pornography and other new offences
- 6.6 Abetment, attempt and compounding of offences
- 6.7 Liability of Intermediaries

### **References:**

1. Aparna Viswanathan, *Cyber Law- Indian and International Perspectives*, Lexis Nexis Butterworths Wadhwa-Nagpur
2. Barkha & U. Rama Mohan, *Cyber Law and Crimes*, Asia Law House- Hyderabad
3. Dr. M. Dasgupta, *Cyber Crime in India- A Comparative Study*, Eastern Law House
4. Dr. R.K. Chaubey, *An Introduction to Cyber Crime and Cyber Law*, Kamal Law House- India
5. Pawan Duggal, *Mobile Law*, Universal Law Publishing Co. New Delhi - India
6. Apar Gupta, *Commentary on Information Technology Act*, 2<sup>nd</sup> Ed. LexisNexis, Butterworths, Wadhwa, Nagpur