

PART-I

LEGAL RESEARCH METHODOLOGY

1. Research methods

- Socio-legal research – Interdisciplinary methods / Transdisciplinary methods. Policy making principles, Integrative interdisciplinary insights. The social setting for advanced legal research in India. The problem of Intellectual equipment, Research Facilities. The role of ICSSR in the emergence of socio-legal research, Objectives and strategies of the sponsored research programme. The mapping of the legal systems. Mapping of formal legal systems: the court system, mapping of informal legal system, effectiveness of legal direction and control as an aspect of planned social change, Anomic, alienation, legitimacy; violence and social change through the law by direct action.
- Doctrinal and non-doctrinal; (Induction and deduction Doctrinal Research and Social values; Sociology of law, certain heresies, use of induction and deduction in research in social sciences.
- Relevance of empirical research in Law, Legal method- statutory sources, interpretation of statutes, Precedents, Legal reasoning.

2. Legal research techniques

- Scientific method, Fact-Hypothesis and Theory
- Tools of Socio-legal research – Observation, Interview, Questionnaire, Survey, Sampling, Case study method, Research analysis, impact analysis, Original and secondary sources, Research design.
- Application of Logic in Legal Research, Doctrinal Research: Explicative, Identificatory, Projective, Collective Research and comparative Research : Law reform and Legal Research: Analytical, Historical, Comparative, Statistical Critical methods, Report writing.

3. Identification of problem of research:

- What is a research problem? Survey of available, literature and bibliographical research. Legislative materials including subordinate legislation, notification and policy statements; Decisional materials including foreign decisions.
 - Methods of discovering the 'rule of the case' tracing the history of important cases and consuming that these have not been over-ruled discovering judicial conflict in the area pertaining to the research problem and the sessions (thereof).
 - Juristic writing – a survey of juristic literature relevant to select problems in India and foreign periodicals; Compilation of list of reports or special studies conducted relevant to the problem.
4. Preparation of the research design :
- Formulation of the Research problem, Devising tools and techniques for collection of data: methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, use of observation studies, use of questionnaires / interview. Use of case studies, sampling procedures – design of sample, types of sampling to be adopted, use of scaling techniques.
 - Jurimetrics, Computerized research – a study of legal research programmes such as lexis and west law coding.
 - Classification and tabulation of data – use of cards for data collection, rules for tabulation, Explanation of tabulated data, analysis of data.
5. Research and legal citation /referencing
- Blue book, Oxford model, OUP model, Indian law Institute model, Distinction from social sciences and Humanities research citation.
 - Referencing models – end note and foot note importance and significance internet and web citations.
 - Significance of reference, select reference, bibliography, citation.

- Writing abstracts, identifying, key words, enlisting legal abbreviations, design of table of cases.

PART-II

(B) CONSTITUTIONAL LAW AND PRACTICE

1. Constitutional Law, Interpretation and Amendments
 - Constitutionalism, Historical Perspective, Salient features of Indian constitution – Fundamental law, The doctrine of Judicial Review, Judicial Review in India, Norms of Constitutional Interpretation, Principles of Harmonious Interpretation, Prospective Overruling, Constitutionality of a state, Effect of unconstitutionality, Supreme Court not bound by its own Decisions, Informal and Formal methods, Formal constitutional amendments, Amendability of the Indian constitution – Constitutional Amendments.
2. The Central Government
 - The constitution of Parliament- Parliamentary membership, qualification and disqualification, Office of profit, functions of parliament, Control of Public finance, Supremacy of Indian Parliament, Delegated legislation, President, Prime Minister, Collective Responsibility, Interaction between the Executive and Parliament, Judicial functions, Legislative functions, Executive functions, Composition of the Court, Jurisdiction and powers, Court of Records, Appeal by Special leave, The doctrine of State Docisis, Independence of the Supreme Court.
3. The State government:
 - Parliaments power to recognize the State, State Legislature – Composition of the Houses, The constitution of state legislature, the functions of state legislature, legislation, financial procedure, deliberation and discussions, Legislative privileges, The state executive: Governor, Council of Ministers- Governor's Discretionary powers,

Functions and Powers of the Executive, Judicial, Legislative and executive powers; state judiciary; Composition of High Court, Jurisdiction and powers, Writ jurisdiction, Independence of High Courts, The sub-ordinate judiciary, Legislative power regarding the judiciary, Tribunals; Union Territory and Tribal areas.

4. The Federal system:

- The Legislative Relations, Financial Relations, Administrative Relations, Emergency Provisions, Cooperative Federalism, Freedom of Trade and Commerce, Official language.
- Succession to Obligations- Escheat, Things of value in Territorial waters, The Government contracts; suits by or against the government, liability of Torts, Statutory Limitations of state liability, Barring courts jurisdiction in disputes arising out of certain treaties. Continuance of pre-constitutional laws.

5. Political and Civil Rights-I

- Citizenship, Election, Fundamental Rights, Concept, Justiciability, State, Law, Unconstitutionality and Eclipse, Doctrine of severability;
- Right to equality, Reservations- Equality of opportunity;
- Right to Freedom, Reasonable Restrictions Art. 19 (2) to 19(6): Grounds of Restriction, Right to information.
- Protection against Ex post facto Law- Guarantee against Double Jeopardy, Privileges against self incrimination;
- Right to Freedom of the Person, Protection of Life and Personal liberty, the new approach to personal liberty, law and procedure, impact of Maneka on Criminal Justice, Death sentence, damages
- Right to Education, Right to work
- Protection against arrest, Preventive detention judicial review, of PD law;

6. Political and Civil Rights-2

- Right against exploitation; Freedom to profess or practice religion, cultural and educational rights, protection of interests of minorities, Regulation of Minority Educational Institutions
- The right to property : Article 19 (1) (f) and 19 (5); Article 31- Compulsory acquisition or Requisitioning, Public purpose- law enacted by a state – Interpretation of Article 31 and Article 14 and 19 (1) (f) saving of laws and validation of certain laws
- Right to constitutional Remedies- Res judicata, Quasi judicial bodies- Laches, Public Interest Litigations; Military law and Fundamental Rights, Marital law, Emergency and Fundamental rights.
- The Directive Principles of state policy and basic duties: The nature, the justiciability, the principles and the fundamental duties.

~~Part III~~

(B) JURISPRUDENCE AND LEGAL THEORY

1. Legal theory nature and scope of jurisprudence

- Nature of jurisprudence; Relevance of jurisprudence, Acquiring social knowledge, Normative character of Law, ought and Is, Form for structure) and Consent, Philosophy of Law, Jurisprudence.
- Meaning of Law of Definition – naming Thing, 'Essentialism' Analysis of words or fact- Are definitions necessary ? Ideological factors, Criterion of Validity, Law and Regularity, Law and Morals, Morals as part of Law and Value judgements.
- Nature of Law: What is natural law? The attraction of Natural Law, Greek origins, Jus Gentium, Medieval Period, Renaissance, Reformation and Counter reformation, Grotius and International Law, Natural Law and Social contract, Kant and Human Freedom, The Eighteenth century, Nineteenth Century, Fuller and the Morality of Law,

Hart on Natural Law, Finnis and the Restatement of Natural Law, Rawls and the theory of justice.

2. Bentham, Austin, Classical positivism, Pure Theory and Modern Trends.
 - Sovereignty and its origin, Bentham and Utilitarians, Austin-Imperative Law.
 - Pure Theory of Law, Normativism, The pure science of Law, Norms and the Basic Norm, Hierarchy of Norms and the Law-making process, Sanction, Kelsen and Austin: Norms and Command, Sanctions, Legal Dynamics and Basic norm.
 - Modern Trends in Analytical and Normative Jurisprudence: Hart's concept of Law, Rawls and Distributive Justice, Nozick and the minimal state. The Economic Analysis of Law and Rights, The Nature of Right, Hohfeld's Analysis of Rights.
3. Sociological Jurisprudence, the Sociology of Law, American Realism and The Scandinavian Realists:
 - Comte and Sociology, Laissez Faire and Herbert Spencer, Jhering (1818-1892), Max Weber (1861-1920), Emile Durkheim (1818-1917), Eugen Ehrlich (1862-1922). Roscoe Pound (1870-1964)- Social Engineering, Value – A consensus model society; Sociological Jurisprudence Pound – Llewellyn and MacDougal. Talcott Parsons, Susskinder; From Sociological Jurisprudence towards a sociology of Law; Unger and the development of Modern Law, Critical Empiricism, Autopoiesis and Law.
 - American Realism: The Revolt against Formalism, Justice Holmes, The Realist Movement in Law, Fact-skeptics and rule skeptics, Llewellyn on Institutions and the Law Jobs. The Common Law Tradition; Scientific and Normative Laws, Realism.

- The Scandinavian Realists: Aral Hagerstrohm (1868-1939), Law as Fact, Ross's Theory of Law, 'Valid Law', The verifiability principle, Origin of Law, 'Reductionalism' and the Legal concepts, Features of Law, Law and Morals, Legal Ideology – the method of Justice v. social welfare.
- 4. Historical and Anthropological Jurisprudence. Marxist Theories of Law and State:
 - The Romantic Reaction, Harder and Hegel, The German Historical School, F.K. von Savigny : (1776-1862), The Volkgeist – Problems, Legislation and Juristenrecht, Size Henry Matee (1822-1888), Law and Anthropology, Dispute processes.
 - Marxist: Dialection, Hegel and Mars, Political Philosophy, Materialist conception, Base and Superstructure, the question of Class, Marx and ideology, the state and the law, Marx and Justice – Morality and Human Rights.
 - The 'Withering Away' of the state, Koel Renner, Antonio Gramsel, Frankfurt school, Pashnkanis.
- 5. The critical Legal studies Movement, Feminist Jurisprudence and Post-Modernism Jurisprudence.
 - Critical Legal Studies: Liberalism and contradictions, Rules and Reasoning, Critical Legal Studies and Legal practice, Legal theory and social theory.
 - Feminist Jurisprudence: Origins, The Enquiries of Feminist Jurisprudence, Equality and Difference, Feminists legal methods.
 - Post-modernism Jurisprudence: Postmodernism and Modernism, the Death of the subject, the subject and the legal system, A political agenda, Post modern Law and Post modern state, Semiotics and Legal theory.

6. Judicial process and Theories of Adjudication :

- The Nature of Legal sources, The Institution of Adjudication, Stare Deisis, Judges and Discretion, Dworkin and 'hard cases' Dworkin and Discretion, Dworkin and Interpretation.
- Law as Integrity One Right Answer? Integrity and Legitimacy, Right Answers and Wrong Answers, Judge-made law, Judicial reasoning, Statutory Construction, Statutory Construction and Democracy.
- Equivalence Theories, Dependency theories, Judicial process as an Instrument of social ordering, Legal Research growth of Law, The Tools and techniques of Judicial creativity and precedent, Notions of Judicial review, Varieties of Judicial and juristic activism.



(C) LEGAL EDUCATION SYSTEM IN INDIA

1. Legal Education.

- Objectives of legal education, Lecture method of Teaching – Merits and demerits, the problem method, discussion, method and its availability at post-graduate level teaching, The seminar method of teaching.
- Examination system and problems in evaluation- external and internal assessment, status of legal education in Orissa. The Orissa Examination Act, Student participation in law school programmes – Organisation of seminars, publication of journal and assessment of teachers.
- Clinical legal education – Legal aid, legal literacy, legal survey and law reform.

Handwritten signature and date: 28/11/17