

RESEARCH ELIGIBILITY
TEST FOR ADMISSION IN
M. Phil & Ph.D.

SUBJECT: LAW

DEPARTMENT OF LAW
UNIVERSITY OF GOUR BANGA
MALDA
2021

PART- 1

RESEARCH METHEDODOLOGY

(There shall be 25 MCQ questions of 2 marks each)

The questions would be from the following areas;

- Evolution And Statement of Research Problem
- Hypothesis And Research Questions
- Objective And Contribution
- Method And Methodology
- Stages of Research
- Scope And Limitation
- Literature Review And Literature Survey
- Chapterization And Headings
- Bibliography And Citation

PART- 2

(There shall be 25 MCQ questions of 2 marks each)

The questions would be from the following area of studies:

- Constitutional Law
- Human Rights
- Legal Theory
- Legal Concept
- Administrative Law
- Environmental Law
- Criminal Law

Note: Refer the detail syllabus of LL.M, University of Gour Bnaga, Malda.

CONSTITUTIONAL LAW

1. FRAMING OF INDIA'S CONSTITUTION
2. FUNDAMENTAL RIGHTS : GENERAL CONSIDERATIONS
3. RIGHT TO EQUALITY
4. FREEDOM OF SPEECH AND EXPRESSION
5. RIGHT TO LIFE AND PERSONAL LIBERTIES
6. RIGHT TO FREEDOM OF RELIGION
7. CULTURAL AND EDUCATIONAL RIGHTS
8. RIGHT TO CONSTITUTIONAL REMEDIES
9. RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY.
10. FORMATION OF GOVERNMENT AND THE POWER OF PRESIDENT AND THE GOVERNOR.
11. PRIVILEGES AND IMMUNITIES OF LEGISLATURE
12. THE POWER OF JUDICIAL REVIEW AND JUDICIAL ACTIVISM
13. THE APPOINTMENT AND TRANSFER OF JUDGES OF THE SUPREME COURTS AND THE HIGH COURTS: POWER OF PRESIDENT AND DIRECTION OF JUDICIARY
14. AMENDMENT OF CONSTITUTION AND EMERGENCE OF BASIC FEATURE DOCTRINE

HUMAN RIGHTS LAW

1. Nature, Concept, Development, Classification
2. International Instruments and its implementation in India
 - Universal Declaration of human Rights, 1948
 - Covenant on Civil and Political Rights, 1996 and Part-III of the Constitution of India
 - Covenant on Economic, Social and Cultural Rights, 1966 and Part-IV of the Constitution of India
3. Human Rights and Vulnerable Groups
 - Rights of the Child
 - Rights of the Women
 - Rights of the Workers
 - Rights of the Disables
 - Rights of Refugees & forced Migrants
4. Human Rights and Criminal Justice
 - Rights of the prisoners
 - Rights of the victims of custodial violence

- Speedy Trials
 - Legal Aid
5. Code of Conduct for Law Enforcement Officials
 - Enforcement of Human Rights in India
 - Enforcement mechanism
 6. Role of Supreme Court and High Courts
 7. Protection of Human Rights Act, 1993.

LEGAL THEORY

1. **LAW AND JURISPRUDENCE**- A study in inter-relationship
2. **NATURAL LAW**: History, Characteristics, Classical Natural Law, Natural law during the medieval period, Decline and Revival of Natural Law
FINNIS
FULLER
3. **POSITIVISM**: Reasons for emergence of Positive thoughts.
BENTHAM
AUSTIN
H.L.A. HART
HART-FULLER DEBATE
4. **PURE THEORY OF LAW**-
HANS KELSEN,
5. **SOCIOLOGICAL SCHOOL**-
R. VON JHERING,
E. DURKHEIM,
ROSCOE POUND
6. **HISTORICAL SCHOOL**-
FREDERICK KARL VON SAVIGNY,
HENRY SUMNER MAINE
7. **REALIST SCHOOL**-
American Realism-
HOLMES,
JEROME FRANK
Scandinavian Realism-
AXEL HAGERSTROM,
ROSS
8. **MARXIST SCHOOL OF THOUGHT**

LEGAL CONCEPTS

- 1. RIGHTS AND DUTIES**
- 2. INTEREST**
- 3. LIABILITY**
- 4. LAW AND MORALS**
- 5. PERSONALITY**
- 6. PROPERTY**
- 7. OWNERSHIP**
- 8. POSSESSION**
- 9. CONCEPT AND THEORY OF JUSTICE:**
- 10. JOHN RAWLS,**
- 11. RONALD DWORKIN**

ADMINISTRATIVE LAW

- 1. SEPARATION OF POWER AND RULE OF LAW**
 - U.K
 - USA
 - INDIA
- 2. DELEGATED LEGISLATION AND ITS ADMINISTRATIVE AND JUDICIAL CONTROL**
 - Concept
 - Growth and Need
 - Restraints
- 3. JUDICIAL CONTROL OF DELEGATED LEGISLATION**
- 4. LEGISLATIVE CONTROL OF DELEGATED LEGISLATION**
- 5. ADMINISTRATIVE CONTROL OF DELEGATED LEGISLATION**
- 6. SUB-DELEGATION**
- 7. ADMINISTRATIVE ADJUDICATION**
- 8. PRINCIPLES OF NATURAL JUSTICE**
 - Audi Alteram Partem
 - Bias
 - Reasoned Decision
 - Procedure Established by Law
- 9. ADMINISTRATIVE DISCRETION**
- 10. STATUTORY AND JUDICIAL REMEDIES**
 - Injunction
 - Limitation
 - Declaratory Action

- Specific Relief

11. ESTOPPEL AND WAIVER

12. CONSTITUTIONAL PRINCIPLE OF ADMINISTRATIVE LIABILITY

- In Contract
- In Torts

12. JUDICIAL REVIEW AND PUBLIC REMEDIES

ENVIRONMENTAL LAW

I. ENVIRONMENTAL POLICY AND CONSTITUTIONAL PROVISIONS

II. INTERNATIONAL INSTRUMENTS ON ENVIRONMENT

III. DOCTRINES IN ENVIRONMENTAL LAW:

1. Polluter Pay Principle
2. Precautionary Principle
3. Public Trust Doctrine
4. Sustainable Development.
5. Doctrine of Eminent Domain

IV. ENVIRONMENTAL CONCERNS:

- Conservation of forest:
 - Forest Act, 1927
 - Forest Conservation Act 1980
 - Wild Life Protection Act 1972.
 - Forest Dwellers Act,
 - Prevention & Control of Trading in Forest Produce
- Conservation of Water
 - Maintenance of standard and quality
 - Ground Water
 - Surface Water
 - Rain Water Harvesting
- Waste Disposal
 - Organic Waste
 - Inorganic Waste
 - Biomedical Waste
- Conservation of land
 - Soil Erosion
 - Siltation & Riverbed Elevation
 - Landslides & Desertification
 - Alluvium & Diluvium
- Noise Pollution Rules

V. PUBLIC LIABILITY INSURANCE ACT

VI. PROTECTION OF BIODIVERSITY

VII. GLOBAL WARMING AND RESOURCE MANAGEMENT AND THE INDIAN LEGAL FRAMEWORK

VIII. The Green Tribunal Act, 2010

CRIMINAL LAW

I

A) Crime

- a) Concept, Nature, Definition and Characteristics of Crime.
- b) Development of Criminal Law and Criminal Justice System during British period and post independent period.
- c) Theories of Crime
- d) Sociology of Crimes.

B) Criminology

- a) Definition of Criminology - Social, Psychological and Legal approaches
- b) Nature and scope of Criminology

C) Principles of Criminal Jurisprudence

- a) Adversarial (Accusatorial) and Inquisitorial System
- b) Recommendations of Malimath Committee Report- Shift from Co-ordination in Criminal Justice system, from 'justice model' to crime control model'.
- c) How the burden of proof shifts as per the nature of crime?

II

Crime trends and Crime Prevention Social Change, Deviance and Disorganization

- a) Who is a criminal?
- b) Crimes against person
- c) Crimes against property
- d) Crime, Social Control and Crime Prevention
- e) Community and Crime Prevention
- f) Crimes under Special Law and its jurisdictional aspect (Dowry Prohibition Act, Prevention of Atrocities Act, Electricity Act, 2003).

III

Criminal Liability: Precepts and Principles

- a) Evolution of civil and criminal Liability from common liability for 'Wrongs'
- b) Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission.
- c) Mens-rea - (intention) recklessness, malice, negligence, inchoate offences.
- d) Mens-rea under the IPC
- e) Exemptions from criminal liability
- f) Strict Liability.
- g) Principles of Group or Joint Liability:
- h) Vicarious and Corporate Liability

IV

Victimology

- a) The concept of victimology
- b) Rights of Victims. Protection to Victims under Criminal Law
- c) Victim- offender Relationship
- d) Victim Perception

e) Withdrawal of Prosecution Role of Victim Compensation under various Laws:

i. Section 357. CRPC

ii. Motor Vehicles Act

iii. Sexual harassment and assaults.

iv. Medical negligence

v. State liability to pay compensation for police Atrocities

f) Compensation and Restitution to the victim- Justice to Victims, (Principle of compensatory jurisprudence)

V

Procedural Mechanism in the Criminal Justice System (viz. Police, Prosecutor and Judicial system)

a) Role of police in modern societies

b) Police Reforms and role played by Supreme Court

c) Meaning, purpose and need of independent prosecution system

d) Relationship of Police and Prosecution e) Effective Judicial Control on Criminal Justice system

VI

THEORIES OF PUNISHMENT: Retributive, Utilitarian, Deterrent and Reformative

