

Brief Guide to Legal Research and Dissertation Works for Master Degree Programs at National Law University, Jodhpur

Dissertation work integral part of the Distance Education Master Degree Programs at National Law University, Jodhpur. The main object of the dissertation work is in order to facilitate a Master's degree student to examine an issue of contemporary relevance with in depth study and examine an issue of vital concern with interdisciplinary or analytical approach. The guidelines given here have four stages

In the first a student shall select a relevant topic. The second stage involves identification and collection of relevant data and literature pertaining to the topic chosen. The third stage involves choosing of the methodology to be adopted in writing the dissertation work and the final stage is about the shaping and completion of the dissertation work.

The dissertation work will be examined on three parameters – clarity i.e., presentation of the views and facts in a clear and simple manner; brevity i.e., using precise language and articulating without circumventing and confusing the readers; and creativity i.e., to use imaginative approaches within the norms and conventions established in academic and scholarly writing. Language and writing though argued as symbols it is also a fact that the creative use of symbols distinguishes mundane writing with that of powerful presentations

STAGE 1:-Identifying an area of interest or a topic :

A dissertation work in a Master Degree Program is carried out with time constraint for most candidates who are employed. Hence it is important in the first stage itself one identifies a topic which has some prior interest to expand the knowledge or could be useful in the career one is involved. This identification of one or more areas is a rough sketch or a clue to navigate through the vast field of the subject. The identification of one or more areas will help stabilize the candidate than a wild chase of various interesting topics but could not be handled due to paucity of materials or guidance or the time it may require.

STAGE II:- Identification of Literature/Data:

This stage is the starting point to enlarge one's interest in the topic chosen and to know what works have already been done. This exercise will also lead to the gaps in the area chosen. Even one comes across various writings on the chosen topic it may lead the candidate to interpret the subject or topic in a different angle which will add to the existing knowledge. The work put in identifying literature and data will decide the strength and depth of the project and will convey to the examiner of the efforts undertaken by the researcher.

This stage involves the following:

Bibliography – in print format : This could be done by browsing or acquainting the Index published by the commercial publications like the Index to Indian Periodical literature

and Asian Bibliographies available in most of the organized libraries . this could also be done by browsing the various law quarterlies available in the law section of libraries

Bibliography – Electronic format : Apart from the printed form of Bibliographies in the web one can use the google search by using precise search string. The net can also lead to index services like the journals online or other sites which are pry sites like Lexsite. CD-ROMs are also available in the market like which contains the cases of Supreme Court from 1950 and has powerful search tools. JURIX is another CDROM that contains various branches of business law cases. Supreme CourtCases with full text, Law office 2000 etc.

STAGE III – Methodology of project Writing:

There are different formats used for writing a project but there has to be a method with established requirements which should be an integral part of the project writing.

1. **COVER OAGE:** It must contain the title of the project, Course name, details of the student of the National Law University, Jodhpur Distance Program:

Illustration: WTO AND FUTURE OF INDIAN PATENT REGIME

Dissertation Work

Master Degree in Criminal Law, Criminology and Forensic Science

Submitted by

Name of the Candidate

ID No.xxxxxxxxxx

Year of Study

Distance Education Program

National Law University, Jodhpur

I, June 2002

2. **CONTENTS PAGE:** The Contents of the project assignment must be detailed incorporating various supporting and sources and documents.

TABLE OF CONTENTS

Abbreviations	1
I. Introduction	
II. International Trade and Origin of WTO	2
III. WTO and Third World Perspective	12
IV. Issues in WTO – an IPR perspective	
V. a. IPR regime a comparative outlook	28
VI. b. Globalization of IPR	32
Role of WIPO	

Issues of Health and Medicine in Third World	57
IV. c. IPR and Biodiversity	73
Balancing World Trade and National Interest	91
Strategies for future IPR negotiation in WTO	123
V. Evolving a consensus on IPR Public Policy	134
References	135

3. **TABLE OF CASES:** One should provide the complete details of the cases quoted and the sources from print or electronic format.

4. **TABLE OF STATUTES:** The candidate should provide the complete details of the statutes quoted whether it be Indian cases or foreign cases.

5. BODY OF THE REPORT:

A. **Abbreviations-** This will give an index of abbreviations used – Journals, Organizations, Reports etc.

B. **Introduction-** This section will deal with briefly the background of the topic, the issues involved and will unfold the author's core idea or the research problem of taking up the assignment.

C. **Research Methodology:** A special section on METHODOLOGY is part of the research writing to provide the same details under a special sub-heading in the INTRODUCTION itself. METHODOLOGY should at least contain the following:

C.1. General Method of analysis (e.g., empirical, descriptive, analytical etc.,) Sources of data (e.g., interviews, secondary materials etc.,)

C.2. Scope and limits of the analysis

C.3. Sub-themes & section

D. Acknowledgments of source of information/idea by Footnote/Endnote.

It could be quotations- in such it should be done by quotations to reproduce the verbatim information "....."

Citations of similar ideas or information by other authors

Website address and links where the information has been sourced

E. Conclusion.

6. Bibliography- Classified as primary and secondary and each section in alphabetical order

II ILLUSTRATIONS OF MOST COMMON CITATION FORMS

BOOK BY ONE AUTHOR

Author Title of the book citing Page No. Place of Publication, Publisher, Year of Publication

P. Narayanan, Patent Law 85 (Eastern Law House: Calcutta, 1985).

BOOK BY MORE THAN ONE AUTHOR

(i) N.K. Choudhary and J. C. Aggarwal, Dunkel Proposals. Vol.

II: Implications for India and the third world. 130-135 (Delhi: Shipra Publications, 1994. and others

(ii) vandana Shivs et al., the enclosure and recovery of the commons: Biodiversity, indigenous knowledge and intellectual rights (New Delhi: RFFST and Ecolo, 1997).

EDITORS AND TRANSLATORS OF BOOK

When a classic work is edited, and it is published by a different publisher than the original publisher.

Place of Author Title of the Book Editor Publication, year of Original Publication, Publisher Year of Publication

Jonathan Swift, Gulliver's Travels (Paul Turner ed., Oxford: OUP, 1986) (1735).

(II) When a classic work is edited, and it is published as a different edition.

Jonathan Swift, Gulliver's Travels (Paul Turner ed., 10th ed. Oxford: OUP)

(III) When edited a book with a collection of articles

Indian Patents system and Paris Convention: Legal Perspective (P.S. Sangal et al. eds., Allahabad: Wadhwa & Co. 1987).

(IV) When there is a different editor and a translator Editor Translator, Edition No.

Walter Benjamin, Illuminations (Hannah Arendt ed. & Harry Zohn trans., London: Penguin, 1969) (1955).

Bibliography -in print format: This could be done by browsing or acquainting the Indexes published by the commercial publications like the Index to India Periodical literature and Asian Bibliographies available in most of the organized libraries. This could also be done by browsing various law quarterlys available in the law section of libraries.

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Role of WIPO	41

ENCYCLOPAEDIAS

Name of the Authors, Volume No.

Frederick Pollock & Frederic W. Maitland, 2 The History of the English Law (London: Sweet & Maxwell, 1895).

“Law”, 22 Encyclopaedia of Britannica (15th ed., New York: Encyclopedia Britannica Corp., 1991).

Section No. Article Name Volume No. Name of the Encyclopaedia

Year of Publication

“Constitutional Law”, 16 (101) Corpus Juris Secundum (1984).

PERIODICAL MATERIALS

(i) Journals with Consecutive Page Citation Page Nos.

P.K. Vasudeva, Patenting biotech products: Complex issues. Vol. 35 No. 42, Economic and Political Weekly. p. 3726-3728 (2000)

Issue

Author Name of the Article

Name of the Journal, Beginning Page of the article, Volume No. Citing Page No.

(ii) Journals with non-consecutive Pagination

Srinivasan R, “E- commerce and taxation”, p. 1-8 Taxman (May-June 2001).

BOOK REVIEW

(i) Robin West, “Relativism, Objectivity and Law”, 99 (3) Yale Law Journal 1473 (1990) (reviewing Barbara H. Smith, Contingencies of Value (Oxford: OUP) 1988).

(ii) Robin West, “Relativism, Objectivity and Law”, 3, 99(3) Yale Law Journal 1473 (1990) (Book review).

NEWS MAGAZINES AND PAPERS

Parful Bidwai, “Seeking a Parading Shift”, Frontline, April 24, 1998, at 17.

Padma Seth, “Women Still Waiting”, The Times of India, July 27, 1998 at 10.

B. Krishna, "Gandhi: Triumphs and Failures", The Hindu, July 26, 1996 (Magazine), at IV.

FORTHCOMING PUBLICATIONS

Rebecca West, "Consent and Democracy", 107 (2) Yale Law Journal (forthcoming 1991).

Upendra Baxi, "From Human Rights to Right to be Human", in Human Rights and Wrongs (Bhiku Parekh & Upendra Baxi eds., forthcoming 1991).

UNPUBLISHED MATERIALS

(i) Manuscripts

Rebecca J. Simmons, Philosophy and Narrative Form (Oct. 15, 1990) (unpublished manuscript, on file with the Columbia Law Review).

(ii) Dissertations and These

Rebecca J. Simmons, Philosophy Narrative Form (1990)

(unpublished Ph. D. dissertation, Cambridge University).

CITING A CROSS-REFERENCE

Walter Benjamin, Illuminations (Hannah Arendt ed. & Harry Zones trans., London: penguin, 1969), as cited in Bhiku Parekh, "Misconceived. Discourse on Political Obligation", 35(4) Political Studies (1993), at 15.

UNITED NATIONS MATERIALS

(i) Resolutions UN organ which passed the Resolution No.

Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and the benefit of Mankind, G.A. Res. 3384, U.N. GAOR 30th Session, 10 November 1975, Supp. No. 34 (A/10034) at 86, U.N. Doc. A/2890 (1975)

(ii) Declarations of International Conferences

The Vienna Programme of Action, U.N. Doc. A/CONF. 157/23,12 July 1993.

(iii) Studies published by UN

The Balance which should be Established between Scientific and Technological Progress and the Intellectual, Spiritual, Cultural and Moral Advancement of Humanity, U.N. Doc. E/CN.4/1199 and Add. 1 (1976)

ELECTRONIC PUBLICATIONS

CD-ROMs

“Law”, Encyclopaedia of Britannica (CD-ROM) (New York: Britannica Corp., 1991).

FILMS AND BROADCASTS

“L A. Law: Justice Swerved” (NBC television broadcast, Mar. 29, 1990).

INTERNET

Third World Network, Biosafety, Patents and Biopiracy, <http://www.twinside.org.sg/south/twn/title/braz-cn.htm> (June 15, 1999).

Articles

Gonnan Marth, “Environmental Hazards: Marine Pollution”, <http://www.cac.pus.edu/jbe/twocont.html>(June 21, 1999).

SHORT – CUTS

1. D.J. Harris et. , Law of the European Convention on Human Rights (London: Butterworths, 1995).
2. H.L.A. Hart, The Concept of Law 10 (Oxford: OUP, 1969). “Seeking a Paradigm Shift”, Frontline, April 24,
3. Praful Bidwai, 1998 at 17.,
4. Id.
5. Ibid at 15.
6. Supra note 2, at 25-26.
7. Fredrick Pollock & Frederic W. Maitland, 2 The History of the English Law 109 (London Sweet & Maxwell, 1895).
8. Ibid 1 at 25.
9. Supra note 3, at 12.

Illustration 2 (Using short-cuts to cite multiple references)

1. D.J. Harris et al., Law of the European Convention on human Rights (London Butterworths, 1995); H.L.A. Hart, The Concept of Law 10 (Oxford: OUP, 1969); Praful Bidwai, "Seeking a Paradigm Shift", Forntline, April 24,1998, at 17; Frederick Pollock & Frederic W. Maitland, 2 The History of the English Law 109 (London: Sweet & Maxwell, 1895).
6. Harris, Supra note 1 at 55-60; Pollock & Maitland, ibid at 110.
- 7.

MODES OF CITING STANDARD REPORTERS

NOTE: The modes of citation enumerated below are as recommended by the particular reporter in question. Ordinarily, the mode provided by the reporter itself is the best way of citing it. In case of any conflict between the mode mentioned here and the mode provided by the particular reporter, the latter will have preference.

Sl. No. Name of the Journal Mode of Citations

1. Accident Claims Journal 1999 ACJ_()1
2. All England Law Reporters (1999)2 All ER
3. All India Report AIR 1976_()2
4. Company Cases (1999)97 Com.Cas._()
5. Consumer Claims Journal 1998 CCJ_()
6. Criminal Law Journal 1995 Cri. L.J
7. Consumer Protection Judgments II (1992) CPJ_()
8. Current Tamilnadu cases 1999 (II) CTC_
9. Current Tax Reporter (1999) 154 ICTR ()
10. Divorce and Matrimonial Cases I (1999) DMC_
11. Income Tax Reports (1997) 2251. T.R._()
12. Industrial Property Law Reporter IPLR 1999 ARIL_

1 The Page number where the cited case begins will replace the symbol ‘_’ Inside the bracket, ‘()’ , the abbreviation of the forum which decided the particular case is to be entered. For example, (SC) for Supreme Court, (Mad.) For the High Court of Madras etc.

2. The first ‘_’ will be replaced by the abbreviated form of the forum which decided the case, for eg., SC for Supreme Court, Kant. for the High Court of Karnataka, P&H for the High Court of Punjab and Haryana, etc. the second ‘_’ will be substituted by the page number where the cited decision begins.

13. International Legal Material 38 I.L.M 1 (1999)_
14. Judgement Today JT 1999 (3) SC_
15. Labour and industrial Cases 1999 Lab I.C_()
16. Labour 1999-I-LLJ ‘_’
17. Labour Law Reporter 1999 LLR_
18. Madras Law Journal (1999) II MLJ_
19. Scale (1999) SCALE_
20. SEBI and Corporate Law (1999) 20 SCL_()
21. Supreme Court Cases (1999) 3 SCC_
22. SCC (Criminal) (1999) SCC (Cri.)_
23. Supreme Court Journal (1999) 1 S.C.J
24. Taxman (1993) 71 Taxman_()
25. The Law Reports of India (1999) 2 LRI_
26. Karnataka Services Law Journal 1992 KSLJ_
27. American Law Reports _ ALR _3
28. Bangladesh Legal Decisions 1981 BLD (AD)_
29. United State Supreme Court Reports, Lawyers Edition Led.2d _3

3 The first ‘_’ will be replaced by the volume number of the particular report and the second ‘_’ will be substituted by the page where the cited case begins.

Data:

1. Number of Hospitals; Machines available; Details of registration of each machine
2. Number of cases in which violation were take taken note of
3. Number of Cases registered by the police
4. Nature of Remedies or Sanctions provided by the Courts
5. Number of cases in which final decisions rendered by the Courts

Primary and Secondary Source:

1. Hospital Authorities,
2. Distributors of the Machines;
3. Political Stations;
4. District Government Medical Hospital;
5. Judicial Reports;
6. Official Gazettes;

Data Collection Methods:

1. Survey
2. Interviews
3. Administration of Questionnaires

Data Analysis and Method of arriving at Findings:

1. Deductive
2. Inductive

Research Findings, Conclusions and Suggestions:

Proposed Literature for Survey (Bibliography)

Proposed judicial decisions for analysis

Proposed Chapterization:

1. Introduction
2. Frame work of Law; Definitions; Analysis of Ingredients;
3. Judicial Decisions, Analysis and Research Findings
4. Conclusion and Suggestions
5. Bibliography of Books referred
6. List of Judicial Decisions

AREA: Abuse of Reproduction Technology and Legal Responses

Topic: Examination of the scope of law relating to Pre Conception and Pre Natal Diagnostic Techniques and evaluation of judicial interpretation

Objective:

1. To Examine the scope of “Pre Conception Pre Natal Diagnostic Technique”
2. To find the necessary obligations to be complied with by a hospital or a medical institution before making available the services of PC OND Technology
3. To analyze the scope of powers vested with the Authorities to supervise and monitor the usage of PC PND Technology
4. To examine the nature of violation by the Medical Institutions and verify the nature of orders passed by the monitoring bodies and the number of cases being reported with police
5. To evaluate the Judicial Interpretations as to the rights and obligations of various parties and examine the trends in the Judicial interpretation

Research Questions:

1. What is the definition of “Pre Conception and Pre Natal Diagnostic Technique”?
2. What are the short comings of the definition of “Pre Conception and Pre Natal Diagnostic Technique” under the Act?
3. What are the mandatory obligations mandatory of a hospital/a medical institution prior to and while making available the services of PC PND Technology?
4. Who are the authorities vested with powers to monitor and what are their powers?
5. When these powers may be may be exercised? What are the shortcomings?
6. What are the remedies available to an aggrieved of machinery seizure or license termination or hospital being down?
7. In how many cases machinery was seized, licenses were cancelled and hospitals were sought to be closed down?
8. What relief’s was granted to the aggrieved?
9. What sanctions were imposed on wrongdoers?
10. In how many cases, appellate courts upheld, reversed or modified the orders of the lower courts?

Hypothesis:

1. Definition of “Pre Conception and Pre Natal Diagnostic Technique” is outdated
2. Obligation on the hospital or a medical institution prior to the use of PCPNDT are too many/inadequate/vague or serve no purpose
3. Responses of State Governments to implement PCPNDT Law and establish or constitute the monitoring authorities is very progressive/ weak or inadequate
4. Powers vested with the Authorities to supervise and monitor the usage of PC PNDT are too many/very limited
5. Number of FIR’s registered for the violations under the Act are far too limited
6. Judicial responses to the affected parties are dismal/ too much of time taking