

**MAHARASHTRA NATIONAL LAW UNIVERSITY**

**AURANGABAD**



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**MNLU-A Ph.D. in Law Regulations, 2022**

## **MNLU-A Ph.D. in Law Regulations, 2022**

*Maharashtra National Law University, Aurangabad, an institute of excellence in the field of legal education and research is established by the Maharashtra National Law University Act, 2014 (Act No. VI of 2014) and committed to developing the students and research scholars, a sense of responsibility, to serve the nation in the field of legal education by developing skills of advocacy, legal services, and law reforms. The Ph. D. Degree Programme Regulations 2022 are designed to regulate the admission process, course work, allotment of supervisors, evaluation of the thesis, award of the degree, and other related matters of Doctor of Philosophy (Ph.D.) by adopting the minimum standards prescribed by UGC and its regulations 2022.*

### **1. TITLE:**

- (1) These Regulations may be called as MNLU Ph.D. (Law) Regulations, 2022.
- (2) These Regulations shall come into force from the date of the assent of the Academic Council and applicable to the Ph. D. Programme in the Law from the academic year 2022-23.

### **2. CONSTITUTION OF DOCTORAL RESEARCH COMMITTEE (DRC):**

- (1) The Vice-Chancellor shall constitute a Doctoral Research Committee(DRC) which is a research advisory body consisting of:-
  - i. All Professors of the University; and
  - ii. Two Associate Professors,

*Provided that, if the required number of Professors and/or Associate Professors are not available, the Vice-Chancellor may nominate experts from other Universities / Institutes of National reputation from the list of experts approved by the Academic Council.*

- (2) The committee shall supervise Doctoral Degree Programme.

- (3) The Vice-Chancellor shall appoint a Professor as the Dean of DRC, from the faculty, with high academic profile and contributed distinctions to Teaching and Research.

**3. FUNCTIONS OF DRC:**

- (1) The Committee shall undertake following responsibilities :

- (a) To finalize the list of the eligible candidates and allocate the candidates to the Research Supervisors as per availability of seats.
- (b) To permit the change of Research Supervisors.
- (c) To recognize the Research Supervisors and Co- Research Supervisors.
- (d) To permit change in the title of the thesis as recommended by the Research Supervisors.
- (e) To conduct the pre-registration colloquium.
- (f) To consider the half-yearly progress report of registered candidates forwarded by the Research Supervisors.
- (g) To conduct the pre-submission colloquium and accord permission for the submission of the Ph.D. thesis.
- (h) To evaluate the progress of the research work periodically at least once in six months to suggest the research scholar to take corrective measures in the quality of the Research Work.
- (i) To recommend to the Vice-Chancellor for the cancellation of the registration of the Research Scholar in case he/she fails to implement the corrective measures suggested.
- (j) To carry out such other duties as the University may entrust the DRC from time to time in connection with the Ph.D. Programme.

**4. ELIGIBILITY FOR ADMISSION INTO Ph.D. PROGRAMME:**

- (1) The applicant shall be eligible to enroll for the Ph.D. Programme, if any of the following conditions are fulfilled:

- (a) A 1-year/2-semester or 2-year/4-semester master's degree programme in Law after a 3-year/6-semester bachelor's degree programme in Law or a 5-year/10-semester bachelor's degree programme in Law or qualifications declared equivalent to the master's degree by the corresponding statutory regulatory body, with at least 55% marks in aggregate or its equivalent grade in a point scale wherever grading system is followed.

Or;

equivalent qualification from a foreign educational institution accredited by an assessment and accreditation agency which is approved, recognized or authorized by an authority, established or incorporated under a law in its home country or any other statutory authority in that country to assess, accredit or assure quality and standards of the educational institution.

*Provided that* the requirement of 55% marks or its equivalent at Master's Degree (Regular Mode) is relaxed to 50% marks or its equivalent in case of candidate belonging to SC / ST / OBC (non- creamy layer) , Economically Weaker Section (EWS)and Specially Abled Persons (SAP).

- (2) Candidates who have completed the M.Phil. programme in Law with at least 55% marks in aggregate or its equivalent grade in a point scale wherever grading system is followed or equivalent qualification from a foreign educational institution accredited by an assessment and accreditation agency which is approved, recognized or authorized by an authority, established or incorporated under a law in its home country or any other statutory authority in that country to assess, accredit or assure quality and standards of educational institutions, shall be eligible for admission to the Ph.D. programme.

##### **5. PROCEDURE FOR ADMISSION:**

- (1)The University shall conduct Entrance Test to admit the Ph.D. candidates.
- (2)The candidates who have qualified UGC -NET / JRF, SLET / M.Phil/ GATE shall be exempted from appearing for the entrance test.

- (3) All the candidates who have cleared the admission test as well as those who were exempted from appearing for it are required to submit a *preliminary proposal of at least 3000 words* indicating the tentative title of the topic, hypothesis, the statement of problem, research outlines, set of research questions, proposed research methodology and survey of literature.
- (4) Short-listed candidates who have cleared the admission test as well as those who were exempted from appearing for it are required to attend an oral presentation before the Expert's committee constituted by Vice-Chancellor to interview the candidates and finalize the admissions
- (5) The university may decide the number of eligible candidates to be called for oral presentation based on number of Ph. D. seats available.
- (6) All research proposals including the preliminary proposals shall be screened through the anti-plagiarism software. If the percentage of *plagiarism* for any proposal exceeds 15% or more of the total work, or 10% or more of total work from a single source then the candidates shall not be called for the oral presentation.
- (7) All the eligible candidates who have cleared the oral presentation shall be provisionally admitted for Ph.D. and are required to pay the course fee and attend a coursework programme conducted by the University.
- (8) After successful completion of the coursework programme, the candidates shall submit their final research proposal to DRC.
- (9) The final research proposals shall be evaluated by all members of the DRC. Based on the evaluation of DRC the research proposals shall be shortlisted to proceed with the research work in the University. However, the DRC may direct the candidate for re-submission of the proposal in accordance with the modifications suggested within 15 days from the date of communication of DRC.
- (10) The scholar shall submit the final title of the thesis, not later than six months after admission, for approval through the Supervisor/ Supervisors to the DRC. The final title approved by the DRC shall not be substantially altered except with the permission of the DRC.

(11) Once a candidate clears the admission test, successfully gives the Interview, completes coursework programme and makes final Presentation before the DRC, he / she shall be allowed to get admission into Ph.D. Degree Programme and period of his / her registration for Ph.D. shall be counted thereafter.

(12) Admission of International students in Ph.D. programme.-Each supervisor can guide up to two international research scholars on a supernumerary basis over and above the permitted number of Ph.D. scholars as specified in above clause.

(13) The University may decide their own selection procedure for Ph.D. admission of international students keeping in view the guidelines/norms in this regard issued by statutory/regulatory bodies concerned from time to time.

#### **6. SYLLABUS FOR ENTRANCE TEST:**

(1) All candidates shall appear for an Entrance Test consisting of two parts i.e. Part – ONE & TWO.

*a.* Part - I shall be on "Research Methodology" and it shall consist of 50 multiple choice questions carrying 1 mark each, on legal research methods, on data interpretation and data sufficiency, language comprehension and test of reasoning.

*b.* Part - II shall be on broad fields of normative sciences that is "Cognate and Core Law Subjects" of the P.G standards: Jurisprudence, Constitutional Law, International Law, Human Rights Law, Contract Law, Personal Laws, Criminal Law, Environmental Law, Corporate Law, Alternative Dispute Resolutions and Intellectual Property Rights. It shall consist of 50 multiple choice questions carrying 1 mark each.

(2) The duration of the Examination shall be two hours to three hours depending on mode of examination.

(3) The qualifying marks of the admission test shall be of 55% for the General Category and 50% for the other categories, i.e., SC / ST / OBC and Specially Abled Persons, Economically Weaker Section (EWS), and other categories of candidates as per the decision of the DRC from time to time.

(4) The Vice Chancellor of the University shall be the Chairman of the paper setting board and shall nominate at least one paper setter, from the panel of examiners approved by the Academic Council of the University, to prepare question paper for admission test.

(5) After evaluation of the scripts of Part - I and Part -II, the Dean, DRC shall prepare the merit list of qualified candidates and submit the same to the Vice-Chancellor. After approval from the Vice-Chancellor the results shall be displayed on the Notice Board of the University and uploaded the same on the official website of University.

**7. DURATION OF THE PROGRAM:**

(1) Ph.D. Programme shall be for a minimum duration of three (3) years, including course work, and a maximum duration of six (6) years from the date of admission to the Ph.D. programme.

(2) A maximum of an additional two (2) years can be given through a process of re-registration; provided, however, that the total period for completion of a Ph.D. programme should not exceed eight (8) years from the date of admission in the Ph.D. programme.

*Provided further that,* female Ph.D. scholars and Persons with Disabilities (having more than 40% disability) may be allowed an additional relaxation of two (2) years; however, the total period for completion of a Ph.D. programme in such cases should not exceed ten (10) years from the date of admission in the Ph.D. programme.

(3) Female Ph.D. Scholars may be provided Maternity Leave/Child Care Leave for up to 240 days in the entire duration of the Ph.D. programme.

**8. PH.D. THROUGH PART-TIME MODE:**

(1) Ph.D. programmes through part-time mode shall be permitted, provided all the conditions stipulated in these Regulations are fulfilled.

- (2) The Candidate shall submit a “No Objection Certificate” from the appropriate authority in the organization where the candidate is employed, clearly stating that:
- i. The candidate is permitted to pursue studies on a part-time basis.
  - ii. His/her official duties permit him/her to devote sufficient time for research.
  - iii. If required, he/she will be relieved from the duty to complete the course work.
- (3) Conversion of category of Ph. D. Scholar from part-time mode to full-time mode and vice-versa may be permitted with the approval of Vice Chancellor of the University on recommendation of DRC on the basis of exigency.

## **9. ALLOTMENT OF SUPERVISORS**

- (1) Research Supervisor: Any permanent faculty member working as Professor/Associate Professor of the University with a Ph. D., and at least five research publications in peer-reviewed or refereed journals and permanent faculty members working as Assistant Professors in University with a Ph.D., and at least three research publications in peer-reviewed or refereed journals may be recognized as a Research Supervisor in the university. Such recognized research supervisors cannot supervise research scholars in other institutions, where they can only act as co-supervisors.
- (2) In case of interdisciplinary/multidisciplinary research work, if required, a Co-Supervisor from outside the Department/University may be appointed.
- (3) Co-Supervisors from within the same department or other departments of the same institution or other institutions may be permitted with the approval of the Vice-Chancellor.
- (4) Adjunct Faculty members shall not act as Research Supervisors and can only act as co-supervisors.



- (5) An eligible Professor/Associate Professor/Assistant Professor can guide up to eight (8) / six (6) / four (4) Ph.D. scholars, respectively, at any given time.
- (6) In case of relocation of a female Ph.D. scholar due to marriage or otherwise, the research, data shall be allowed to be transferred to the University to which the scholar intends to relocate, provided all the other conditions in these Regulations are followed, and the research work does not pertain to a project sanctioned to the parent Institution/Supervisor by any funding agency. Such scholar shall, however, give due credit to the parent institution and the supervisor for the part of research already undertaken.
- (7) Faculty members with less than three years of service before superannuation shall not be allowed to take new research scholars under their supervision. However, such faculty members can continue to supervise Ph.D. scholars who are already registered until superannuation and as a co-supervisor after superannuation, but not after attaining the age of 70 years.
- (8) For the purpose to supervise the Ph.D. candidates, the word 'Permanent Faculty' shall be construed as any faculty, Professor / Associate Professor/ Assistant Professor who is appointed for not less than three years, against the sanctioned post/ vacancy with a duly constituted selection committee and permitted to draw salary as per the pay scale of U.G.C.

#### **10. CONTINUATION OF RETIRED FACULTY MEMBERS AS SUPERVISORS:**

- (1) Faculty who are retiring will be continued as supervisors if they complete up to the stage of synopsis meeting.
- (2) Faculty who are resigning will make appropriate arrangements for their students to identify a new supervisor.
- (3) The new supervisor will be a faculty member of the institution who satisfies the following requirements is eligible to be appointed as a Research Guide.
- a. He / She should have a Doctoral degree (PhD) in the discipline of Law.

b. After Ph.D., he/she should have research publications to his / her credit, of which at least three papers as the corresponding author, must be in refereed journals on research work that is not directly based on his / her Ph.D. thesis or included/incorporated therein.

(4) For attending the synopsis meeting and the oral examination, the retired faculty member will be paid TA and DA as per the norms of the University. However, there will be a guide in charge of taking care of administrative, and to some extent, the research responsibilities, of the scholar.

#### **11. CHANGE OF SUPERVISOR**

(1) The research scholar may submit the request to the DRC for 'Change of Supervisor' on any one of the reasons like – On supervisor's Resignation, accepts foreign assignment for long period or death or any other genuine reason.

(2) The DRC may examine the reason stated by the Research Scholar and a suitable alternative arrangement may be made to continue further research

#### **12. COURSE WORK/ Pre-Ph.D. EXAMINATION**

(1) The Credit requirement for the Ph.D. coursework is a minimum of 12 credits, including a "Research and Publication Ethics" course as notified by UGC vide D.O. No. F.1- 1/2018(Journal/CARE) in 2019 and a research methodology course.

(2) The scholars should undertake course work for a minimum period of one semester on Research Methodology including computer applications and special focus on broad field of research and review of scholarly work. The course work shall be completed within six months from the date of registration.

(3) All Ph.D. scholars, irrespective of discipline, shall be required to train in teaching /education /pedagogy/writing related to their chosen Ph.D. subject during their doctoral period. Ph.D. scholars may also be assigned 4-6 hours per week of teaching/research assistantship for conducting tutorial or laboratory work and evaluations.

(4) At the end of the semester the University shall conduct examination consisting of Paper – I: Research Methodology and Publication Ethics and Paper – II: The broad field of research. The detailed syllabus of both the papers shall be supplied to the scholars by the University.

(5) The coursework shall be treated as a prerequisite for Ph. D. preparation. A minimum of four credits shall be assigned to one or more courses on Research Methodology which could cover areas such as quantitative methods, qualitative methods, computer applications, research publications and ethics, and review of published research in the relevant field, fieldwork, etc.

The scholars shall secure at least 55% of marks in each paper. Scholars failing to secure 55% of marks in the courses mentioned above may be provided an opportunity to re-appear one or more time(s) within three months of the publication of results; and the scholar shall be allowed to continue further research work only after completing the course work as mentioned above.

### **13. MONITORING THE RESEARCH PROGRESS**

(1) Upon satisfactory completion of course work and obtaining the marks/grades prescribed in above clause, the Ph. D. scholar shall be required to undertake research work and produce a draft thesis.

(2) After the confirmation of the registration, every candidate shall submit half-yearly progress report regularly till the submission of the thesis through the Research Supervisor to the Dean, DRC and who shall place it before the Committee for its review. The half-yearly Progress Report should cover, among others, the aspects such as the review of literature, new data collected/obtained, techniques developed, progress in research, discussion of the work done including any findings, etc.

(3) Besides, the candidate shall make a presentation once in a year before the DRC about the progress made by him/her during the last one year and also the work plan for the next one year.

(4) If a candidate fails to submit two consecutive half-yearly progress reports in time and/or if the progress of the candidate is not satisfactory for two terms, the DRC shall recommend to the University for Cancellation of his/ her registration in consultation with the concerned Research Supervisor. However, in all such cases, the candidate must be heard.

**14. CHANGE OF RESEARCH AREA:**

The change in the topic or area of research may be allowed by the Doctoral Research Committee (DRC) on the request of the scholar through his /her Supervisor. However, such change is only permissible once during the entire period of registration. The candidate shall pay the prescribed fee for the change of the topic as prescribed by appropriate authority.

**15. TERMINATION OF CANDIDATE:**

- (1) If in the opinion of the Doctoral Research Committee (DRC) a scholar's work is not satisfactory, the Committee shall ask the scholar to show cause as to why his / her candidature should not be terminated.
- (2) The concerned scholar shall respond to the said show-cause notice within reasonable time. The response of the concerned scholar to the show cause notice shall be considered by the DRC which may thereon recommend to the Vice- Chancellor that the scholar may be allowed to continue with his / her research or that his / her candidature be terminated.
- (3) After consideration of the recommendations of the Committee, the Vice-Chancellor may either permit the scholar to continue with his / her research or terminate the candidature or permit the candidate to re-enroll specifying conditions for such re- enrolment. The modalities of reenrollment shall be decided by the DRC after careful examination of the individual case or cases, subject to approval of the Vice-Chancellor.
- (4) If the scholar does not respond to the show cause notice, then on the recommendations of the DRC, the Vice-Chancellor shall terminate candidature of the concerned scholar and the Registrar shall officially inform the scholar of such termination.

(5) A scholar whose candidature is terminated under these Regulations may prefer an appeal to the Academic Council. Such an appeal should be submitted in writing within 60 days from the date of the receipt of the termination order.

(6) The Academic Council on proper examination of the case may either uphold the Doctoral Research Committee (DRC) decision or may reverse such decision or may take any other appropriate decision in this regard.

## **16. PRE-SUBMISSION PRESENTATION**

Prior to submission of the thesis the scholar shall submit a draft thesis to the DRC through the Supervisor and make a pre-submission presentation which is open to all the faculty and research scholars for comments and the same may suitably be incorporated into the draft thesis on the advice of the Supervisor.

## **17. SUBMISSION OF THESIS**

(1) The thesis shall be in English and shall be the result of scholar's own work attaining a satisfactory standard of literary presentation.

(2) Before a scholar submits his / her thesis, the Supervisor appointed for the purpose must be satisfied that the thesis conforms to the requirements of the Regulations and a certificate to this effect from the Supervisor shall accompany the thesis when it is submitted.

Provided that if the Supervisor does not provide a certificate to the scholar, the DRC shall determine whether the thesis shall be accepted for evaluation or not and take appropriate measures for submission / re- submission of the thesis accordingly.

(3) The scholar after taking due approval from the Supervisor shall submit his / her final research in the word format to the Examination Section for checking of plagiarism and shall obtain a certificate indicating that *'the research is within the permissible limit of plagiarism and hence, the thesis is fit for submission'*. However, if the plagiarism for any thesis exceeds 10% or more of the total work then the candidate shall not be provided with this certificate. Further the

candidate shall be advised to re-submit the thesis in accordance with the permissible limit of plagiarism.

- (4) The scholar shall be required to submit five copies of his / her thesis along with a soft copy on a CD/ USB Drive, embodying the results of the scholar's research work to the DRC. An abstract of 1000 words are to be submitted along with the thesis. The length and format of the thesis shall conform to the requirements as prescribed by the DRC.

## **18. EVALUATION OF THESIS AND QUALITY OF THESIS**

- (1) For the award of the Degree of Doctor of Philosophy, the thesis must form a distinct contribution to the knowledge in the subject and afford evidence of originality shown either by the discovery of new facts or by the exercise of independent critical analytical power.
- (2) The evaluation of the thesis shall be to assess the scholar's contribution arising out of research on the topic of the thesis not including any work which forms part of the scholar's work for the award of any other degree successfully completed at this University or elsewhere. The scholar shall clearly indicate in the thesis the nature and extent of the scholar's contribution.
- (3) The examiners shall report in writing to the University giving their assessment of the thesis in a prescribed format supplied by the University and their recommendations as to whether the Degree shall or shall not be awarded to the scholar. If in the examiner's assessment of the thesis does not qualify for the award of the Degree, the examiners shall indicate whether additional work should be undertaken by the scholar or whether the thesis should be rejected outright.

## **19. PANEL OF EXAMINERS AND VIVA-VOCE**

- (1) The Ph. D. thesis submitted by a research scholar shall be evaluated by his/her Research Supervisor and at least two external examiners, who are experts in the field and not in employment of the University.
- (2) Examiner(s) should be academicians with a good record of scholarly publications in the field. Out of the two external examiners, one must be from

out of the state. Wherever possible, one of the external examiners may preferably be chosen as a distinguished academician, not below the rank of Professor or equivalent, from outside India.

(3) The viva-voce of the Ph.D. scholar to defend the thesis shall be conducted if both the external examiners recommend acceptance of the thesis after incorporating any corrections suggested by them. If one of the external examiners recommends rejection, the University shall send the thesis to a third external examiner from the approved panel of examiners, and the viva-voce examination shall be held only if the third examiner recommends acceptance of the thesis. If the third examiner does not recommend acceptance of the thesis, the thesis shall be rejected, and the Ph.D. scholar shall be declared ineligible for the award of a Ph.D.

(4) The viva board consisting of the Dean, DRC, Research Supervisor, and two subject experts (one shall be the external examiner who evaluated the thesis of the candidate). The Research Supervisor shall coordinate the conduct of the Viva Examination.

(5) It is open to the University to conduct viva-voce examination by online mode. The viva-voce shall be open to be attended by Members of the DRC, all faculty members of the Department, other research scholars and other interested experts/researchers.

(6) The University shall complete the entire process of evaluating a Ph. D. thesis, including the declaration of the viva-voce result, within a period of six (6) months from the date of submission of the thesis.

## **20. AWARD OF DEGREE**

(1) After the candidate successfully completes the Viva-voce examination, the Chairperson of the Viva-voce board shall consolidate the recommendations for the award of Ph.D. Degree based on the following:

a) The reports of the examiners who adjudicated the thesis and

b) The evaluation of the candidate's performance at the viva-voce examination.

(2)The Chairperson of the viva-voce board shall submit the consolidated report to the Vice-Chancellor of the University, and candidate shall be awarded the Ph.D. Degree with the approval of the Vice-Chancellor. The list of successful candidates shall be placed before the Academic Council by the Vice- Chancellor in the next meeting after viva-voce examination.

(3)Prior to the actual award of the Ph. D. degree, the University shall issue a provisional certificate to the effect that the Ph. D. is being awarded in accordance with the provisions of this regulation.

(4)A candidate who expires before undergoing the Ph.D. Viva-Voce test and in whose case the evaluation reports from all the referees are favorable shall be awarded the Ph.D. degree posthumously.

## **21. DEPOSITORY**

Following the successful completion of the evaluation process and before the announcement of the award of the Ph.D. degree(s), the University shall submit an electronic copy of the Ph.D. thesis to INFLIBNET, for hosting the same so as to make it accessible to all the Higher Educational Institutions and research institutions.

## **22. FACILITATE THE PURSUIT OF EXCELLENCE:**

Notwithstanding anything contained in these Regulations, all matters related to the Ph.D. Programme shall be governed by the rules and procedures framed by the Academic Council that are in force at that point of time. Any doubt or dispute about the interpretation of these Regulations shall be referred to the Vice-Chancellor, whose decision, in his capacity as the Chairman of the Academic Council, shall be final.

The Vice-Chancellor may modify, amend and/ or delete any of the clauses given in these Regulations or add any clause(s) to these Regulations, to facilitate the pursuit of excellence in research, provided that any such modification,



amendment, deletion, and addition shall be reported to the Academic Council at its next meeting for approval.

**23. FEE STRUCTURE:**

The fee prescribed for Registration, admission, course, submission of thesis, resubmission of the thesis shall be supplied by the University separately.