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**MAHARASHTRA NATIONAL LAW UNIVERSITY,
AURANGABAD**

Ph.D. Degree Programme
Regulations 2020

MAHARASHTRA NATIONAL LAW UNIVERSITY, AURANGABAD

Kanchanwadi Campus, Besides Sainik School, Nath Valley School Road, Paithan Road,
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TABLE OF CONTENTS

SI No	PARTICULARS	PAGE NO
I	TITLE	
II	CONSTITUTION OF DOCTORAL RESEARCH COUNCIL (DRC)	
III	FUNCTIONS OF DRC	
IV	ELIGIBILITY FOR ADMISSION INTO PhD PROGRAMME	
V	PROCEDURE FOR ADMISSION	
VI	SYLLABUS FOR ADMISSION TEST	
VII	CATEGORIES OF ENROLLMENT	
VIII	ALLOTMENT OF SUPERVISORS	
IX	CONTINUATION OF RETIRED FACULTY MEMBERS AS SUPERVISORS	
X	CHANGE OF SUPERVISOR	
XI	COURSE WORK & Pre-Ph.D. EXAMINATION	
XII	MONITORING THE RESEARCH PROGRESS	
XIII	CHANGE OF RESEARCH AREA	
XIV	TERMINATION OF CANDIDATE	
XV	PRE-SUBMISSION PRESENTATION	
XVI	PUBLICATION OF RESEARCH PAPERS	
XVII	SUBMISSION OF THESIS	
XVIII	PANEL OF EXAMINER	
XIX	ADJUDICATION OF THESIS	
XX	VIVA-VOCE EXAMINATION	
XXI	AWARD OF DEGREE	
XXII	DEPOSITORY	
XXIII	FACILITATE THE PURSUIT OF EXCELLENCE	
XXIV	FEE STRUCTURE	

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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 develop in 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 2020 are designed to regulate admission process, course work, allotment of supervisors, evaluation of thesis, award of degree and other related matters of Doctor of Philosophy (Ph.D.) by adopting the minimum standards prescribed by UGC and its regulations 2009 as amended from time to time.

I. TITLE:

These regulations shall be called as Maharashtra National Law University, Aurangabad governing the Ph.D. Degree Programme – 2020 and shall come into force from the date of the assent of the Academic Council and applicable to degrees awarded by the University.

II. CONSTITUTION OF DOCTORAL RESEARCH COUNCIL (DRC):

The Vice-Chancellor shall constitute a Doctoral Research Council (DRC) consisting of all Professors of the University and two Associate Professors to supervise Doctoral Degree Programme for a period of three years. In case of non-availability of required number of Professors and Associate Professors, the Vice-Chancellor of the University may nominate experts from other Universities of National reputation from the list of experts approved by the Academic Council. 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 in Law.

III. FUNCTIONS OF DRC:

- (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 carry out such other duties as the University may entrust the DRC from time to time in connection with the Ph.D. Programme.

IV. ELIGIBILITY FOR ADMISSION INTO Ph.D. PROGRAMME: To be admitted to the candidature for a Ph.D. Degree Programme an applicant shall have:

- (i) Obtained a Master's Degree (Regular Mode) in Law from any recognized University securing not less than 55% marks or its equivalent. (or)
- (ii) Obtained a Master's Degree (Regular Mode) in any discipline from a recognized University with not less than 55% marks or its equivalent. *Provided* that candidates with qualifications in *social sciences, humanities* and *sciences* may be admitted to the programme if the research they wish to pursue interfaces with the discipline of law with a special focus on public policy or law. (or)
- (iii) Passed the Company Secretary Examination conducted by the Institute of Company Secretaries of India and awarded the Associate Membership of the Institute (ACS) shall be eligible for admission to the programme if the research they wish to pursue interfaces with the discipline of law with a special focus on public policy or law. (or)

- (iv) Passed the final examination of the Institute of Chartered Accountants of India, New Delhi shall be eligible for admission to the programme if the research they wish to pursue interfaces with the discipline of law with a special focus on public policy or law.(or)
- (v) Candidates who have passed the final examination of Institute of Cost Accountants of India.

Provided further 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) and Specially Abled Persons (SAP).

V. PROCEDURE FOR ADMISSION:

- (a) All the candidates shall appear for **Admission Test** conducted by the University except those candidates who have qualified UGC NET / JRF, SLET / M.Phil.
- (b) All the candidates who have cleared the admission test as well as those who were exempted from appearing for it are required to attend an interview before the **Doctoral Research Council (DRC)**.
- (c) 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 1000 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. The short listed candidates shall be called for interview by DRC.
- (d) 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 interview***.

- (e) All the eligible candidates who have cleared the interview shall be provisionally admitted for Ph.D. and are required to pay the course fee and attend a course work programme conducted by the University.
- (f) After successful completion of the course work programme, the candidates shall submit their final research proposal to DRC.
- (g) 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.
- (h) Not later than six months after admission, the scholar shall submit the final title of the thesis 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.
- (j) Once a candidate clears the admission test, successfully gives the Interview, completes course work 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.

VI. SYLLABUS FOR ADMISSION TEST:

- a) All candidates shall appear for an Admission Test consisting of two parts i.e. Part – ONE & TWO.
- b) 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.
- c) 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.

- d) The Examination shall be of two hours duration. 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 and Specially Abled Persons.
- e) Two sets of question papers for Part - I & Part – II shall be prepared by an independent Board of Examiners consisting of two experts, who are appointed by the Vice-Chancellor from the panel of examiners approved by the Academic Council of the University.
- f) The Chairperson of the BOS shall be the Chairman of the paper setting board and choose randomly one of the sets received from the Board of Examiners.
- g) After evaluation of the scripts of Part - I and Part -II, the Chairperson of BOS 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:
www.mnlua.ac.in

VII. CATEGORIES OF ENROLLMENT:

(a) Full-time Enrolment:

- (i) Enrolment for the Ph.D. Degree Programme shall ordinarily be full-time. The candidate shall put in a minimum of two-years residence of which at least 18 months shall be in the University.
- (ii) Three years shall be the maximum period in which a full time candidate shall complete the work and submit it for evaluation.

- (b) **Part-time Enrolment:** There shall be provision for part-time enrolment for the Ph.D. Degree Programme.

- (i) A part-time candidate shall put in a minimum of three years of part-time study in the University including time spent for research at any other place with the permission of the Supervisor.
Provided that the part-time candidate shall put in residence in the University for at least a total period of six months spread over the three year period.
- (ii) Five years shall be the maximum period in which the part-time candidate shall complete the research work and submit it for evaluation.
- (iii) Conversion either from part-time to full-time or from full-time to part-time may be permitted only with the approval of the DRC..
- (iv) In cases of both part-time and full-time enrolment the Supervisor of the candidate shall ensure monitoring of the research work done by the scholars outside the University campus by insisting on production of adequate proof of work done.

(c) Expiry / Lapse of Enrolment

Enrolment for the Ph.D. Degree Programme shall be deemed to have lapsed after three years from the date of enrolment in the case of full-time scholars and five years in the case of part-time scholars.

(d) Extension of Time

- (i) The DRC, on the application by the concerned scholar along with the report of the Supervisor, may give extension of time for a period of six months at a time but for a maximum period of one year.
- (ii) Beyond one year, the Executive Council on the recommendation of the Academic Council may give extension for one more year, on the application of the Scholar along with the recommendation of the Supervisor and the DRC.

VIII. ALLOTMENT OF SUPERVISORS

Research Supervisor:

- a. Any faculty member of the institute who satisfies the following requirements is eligible to be appointed as a Research Supervisor.
 - (i) He / She should have a Doctoral degree (PhD) in the discipline of Law.
 - (ii) After Ph.D., he/she should have research publications to his / her credit, of which at least two books/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.
- b. When a faculty member is to be appointed as a supervisor for the first time, he/she should make an application to be recognized as a supervisor enclosing his detailed curriculum vitae to be considered by the BOS.
- c. Faculty who are resigning will be forfeiting their claim as a Research Supervisor unless otherwise recommended by DRC under special circumstances.
- d. A Research Supervisor shall guide only a maximum of six Ph.D./Integrated Ph.D. Scholars as Supervisor at any time. Additional scholars, if any under extraordinary circumstances, shall be decided on the merit of the cases, with prior approval of the Vice-Chancellor.

IX. CONTINUATION OF RETIRED FACULTY MEMBERS AS SUPERVISORS:

- a. Faculty who are retiring will be continued as supervisors if they complete up to the stage of synopsis meeting.
- b. Faculty who are resigning will make appropriate arrangements for their students to identify a new supervisor.

- c. 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.
 - i. He / She should have a Doctoral degree (PhD) in the discipline of Law.
- d. 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.
- e. 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.

X. CHANGE OF SUPERVISOR

Change of Supervisor will be considered only for genuine reasons like supervisor leaving MNLUA. If the research scholar is requesting for supervisor change due to change in the Research topic, he/she has to do the programme from the beginning, including coursework which will be decided by the DRC. Such request may be considered and processed by DRC.

XI. COURSE WORK & Pre-Ph.D. EXAMINATION

- a) 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.
- b) At the end of the semester the University shall conduct examination consisting of Paper – I: Legal Research Methodology and Paper – II: The broad field of research. The detailed syllabus of both the papers shall be supplied to the scholars by the University after approval from the BOS.
- c) The scholars shall secure at least 50% of marks in each paper. Scholars failing to secure 50% 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.

XII. MONITORING THE RESEARCH PROGRESS

- a) 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 of the 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.
- b) 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. Such report shall be forwarded to the University.
- c) 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.

XIII. CHANGE OF RESEARCH AREA:

The change in the topic or area of research may be allowed by the Doctoral Research Council (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.

XIV. TERMINATION OF CANDIDATE:

- (a) 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.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.

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

XV. PRE-SUBMISSION PRESENTATION

Prior to submission of the thesis the scholar shall submit a draft thesis to the Registrar 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.

XVI. PUBLICATION OF RESEARCH PAPER

A Ph.D. scholar shall publish two research papers in a refereed journal (BOS may notify the names of journals in which scholar would be required to publish their papers) before the submission of the thesis and produce evidence for the same in the form of acceptance letter or the reprint.

XVII. SUBMISSISON OF THESIS

- a) The thesis shall be in English and shall be the result of scholar's own work attaining a satisfactory standard of literary presentation.
- b) 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.
- c) 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.
- d) 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 15% or more of the total work, or 10% or more of total work from a single source then the candidate shall not be provided with this certificate.
- e) 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 Registrar. 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.

XVIII. PANEL OF EXAMINER

The Chairperson, Board of Studies with the consultation of the Research Supervisor shall submit a panel of five external examiners for adjudication of the thesis of the research scholar. After submission of the thesis by the research scholar, the Vice- Chancellor shall appoint two external examiners from the panel submitted by the Research Supervisor. The Vice-Chancellor may also add any name to the panel suggested by the Research Supervisor.

XIX. ADJUDICATION OF THESIS

Evaluation of Thesis

- a) 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.
- b) 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.
- c) The examiners shall report in writing to the University giving their assessment of the thesis and their recommendations as to whether the Degree shall or shall not be awarded to the scholar. If in the examiners' assessment 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.

XX. VIVA-VOCE EXAMINATION

Viva-Voce

- a) If all the three examiners unanimously recommend the award of the Degree, there shall be viva-voce examination of the scholar.
- b) The viva board consisting of the Dean DRC, Chairperson BoS, 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.

XXI. 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 (The Dean of DRC) 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 vivo-voice examination.
3. 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.

XXII. DEPOSITORY

Following the successful completion of the evaluation process and announcement of the award of Ph.D. degree, the University shall submit a soft copy of the Ph.D. thesis to the UGC within a period of thirty days, for posting the same in INFLIBNET, accessible to all Institution/Universities.

XXIII. 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.

XXIV. FEE STRUCTURE:

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

