

SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
WITH EFFECT FROM 2017-18

CORE SUBJECTS/COURSES

SEMESTER II
CORE SUBJECTS

| | |
|----------------|---------------------------------------|
| Group B | Criminal Law |
| Group C | Business Law |
| Group E | Environment & Legal Order |
| Group G | Constitution & Legal Order |
| Group J | Human Rights Law |

| | | |
|------------------------------------------|---------------------------------------------------------------------|--------------|
| SEMESTER : II (w.e.f. July, 2017) | | |
| Course Code : PL02CLBL21 | Course Title: Indian Constitution Law: the New Challenges–II | |
| Course Credit : | Course Type : Core compulsory Optional Paper | |
| Examination Marking Scheme | | |
| Internal(Marks) | External(Marks) | Total(Marks) |
| 30 | 70 | 100 |

| UNIT | DESCRIPTION IN DETAIL | |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 1 | Emerging regime of new rights and remedies Rights of life and personal liberty Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence under the constitution Right to education Commercialization of education and its impact. Brain drain by foreign education market. | |
| 2 | Right of minorities to establish and administer educational institutions and state control. Inter relation of Art-14,19 and 21 old and present view Inter relation of Art-32 and 226 Constitutional safeguards and minorities in India | |
| 3 | Secularism Secularism and religious fanaticism Right against exploitation Right to freedom of religion Uniform civil code and new challenge | |

| | | |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| | | |
| 4 | Separation of powers: stresses and strain Judicial activism and judicial restraint. PIL: implementation. Judicial independence. Appointment, transfer and removal of judges. Accountability: executive and judiciary. Tribunals | |
| 5 | Basic Structure , Amendment & Constitution The constitution and environmental justice Amendment of constitution Basic structure theory of constitution Emergency provisions under the constitution | |

Reference books:

1. Marc Galanter (ed.)- Law and Society in Modern India (1997) Oxford,
2. Robert Lingat-The Classical Law of India (1998), Oxford
3. U. Baxi -The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.) -Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi - A Journal about Women and Society.
6. Duncan Derret -The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai -Constitutional Law of India (1996), Tripathi.
8. D.D. Basu -Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi

SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
FACULTY: LAW LL.M. (CBCS)

| | | |
|------------------------------------------|--------------------------------------|--------------|
| SEMESTER : II (w.e.f. July, 2017) | | |
| Course Code : PL02CLBL22 | Course Title: Jurisprudence | |
| Course Credit : | Course Type : Core compulsory | |
| Examination Marking Scheme | | |
| Internal(Marks) | External(Marks) | Total(Marks) |
| 30 | 70 | 100 |

| UNIT | DESCRIPTION IN DETAIL | CREDIT |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1 | Definition or Meaning , Nature & Scope of Jurisprudence School of Jurisprudence | |
| 2 | Concept of Law Kinds of Law Sources of Law – Custom, Legislation & Precedent State & Sovereignty Administration of Justice | |
| 3 | Legal Concepts Concepts of Rights& Duties Nature of Law Concepts of Ownership | |
| 4 | Concepts of Possession Concepts of Titles Concepts of Liabilities Concepts of Personality | |
| 5. | Concepts of Law of Obligation Concepts of Property Theories of Negligence Wrongful Acts | |

REFERENCE BOOKS:

1. Bodenheimer - Jurisprudence - The Philosophy and Method of Law (1996) Universal, Delhi.
2. Fetzgerald (ed) - Salmond on Jurisprudence (1999) Tripathi, Bombay
3. W. Frieridmarin- Legal Theory (1999) Universal, Delhi
4. V.D. Mahajan - Jurisprudence and Legal Theory(1996 Re-print), Eastern, Lucknow
5. M.D.A. Freeman (ed) -Lloyd's Introduction t Jurisprudence (1994), Sweet & Maxwell
6. Paton G.W.- Jurisprudence (1972) Oxford, ELBS
7. H.L.A. Hart - The Concepts of Law (1970) Oxford ELBS
8. Roscoe Pond -Introduction to the Philosophy of Law (1998 Re-Print) Universal,

Delhi

9. Dias -Jurisprudence (1994 First Indian re-Print), Adithya Books, New Delhi
10. Dhyani SN. - Jurisprudence: A Study of Indian Legal Theory (1985)
Metropolitan, New Delhi.

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
FACULTY: LAW LL.M. (CBCS)**

| | | |
|------------------------------------------|---------------------------------------------------------------------|--------------|
| SEMESTER : II (w.e.f. July, 2017) | | |
| Course Code : PL02ELBL21 | Course Title: Law Of Industrial And Intellectual Property-II | |
| Course Credit : | Course Type : Optional Paper 1 | |
| Examination Marking Scheme | | |
| Internal(Marks) | External(Marks) | Total(Marks) |
| 30 | 70 | 100 |

| UNIT | DESCRIPTION IN DETAIL | CREDIT |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1 | Patent Search, Examination and Records: <ul style="list-style-type: none"> • International and global patent information retrieval systems (European Patent Treaty). • Patent Co-operation Treaty(PCT) | |
| 2 | Differences in resources for patent examination between developed and developing societies <ul style="list-style-type: none"> • The Indian situation | |
| 3 | Special Problems of Proof of Infringement: <ul style="list-style-type: none"> • Status of intellectual property in transit - TRIPS obligation - Indian position. • The evidentiary problems in action of passing off. • The proof of non-anticipation, novelty of inventions protected by patent law. • Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent • Need and Scope of Law Reforms. | |
| 4 | Intellectual Property <ul style="list-style-type: none"> • Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996). • Legal status of hazardous research protected by the regime of intellectual property law | |
| 5 | Human Right <ul style="list-style-type: none"> • Human right of the impoverished masses intellectual property protection of new products for healthcare and food security • Traditional knowledge - protection- biodiversity convention- right of indigenous people. | |

REFERENCES:

- 1 Iver P. Cooper -Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
- 2 Terence P. Stewart (ed.) - The GATT Uruguay Round: A Negotiating History (1986-1994) the End
- 3 Special attention should be given to literature of the U.N. System, WIPO and the UNESCO Game (Part - 1)(1999), Kluwer
- 4 David Bainbridge - Software Copyright Law (1999), Butterworths
Sookman, Computer Law (1998), Carswell
- 5 Carlos M. Correa(ed.) - Intellectual Property and International Trade (1998), Kluwer
- 6 Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
- 7 Christopher Wadlow - The Law Of Passing-Off (1998), Sweet and Maxwell

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
FACULTY : LAWLL.M. (CBCS)**

| | | |
|------------------------------------------|---------------------------------------|--------------|
| SEMESTER : II (w.e.f. July, 2017) | | |
| Course Code : PL02ELBL22 | Course Title: Banking Law-II | |
| Course Credit : | Course Type : Optional Paper 2 | |
| Examination Marking Scheme | | |
| Internal(Marks) | External(Marks) | Total(Marks) |
| 30 | 70 | 100 |

| UNIT | DESCRIPTION IN DETAIL | CREDIT |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1 | Deposit Insurance <ul style="list-style-type: none"> • The Deposit Insurance Corporation Act 1961: objects and reasons • Establishment of Capital of DIC • Registration of banking companies insured banks, liability of DIC to depositors • Relations between insured banks, DIC and Reserve Bank of India | |
| 2 | The Central Bank <ul style="list-style-type: none"> • Evolution of Central Bank • Characteristics and functions • Economic and social objectives • The Central Bank and the State - as bankers' bank • The Reserve Bank of India as the Central Bank Organisational structure | |
| 3 | Functions of the RBI <ul style="list-style-type: none"> • Regulation of monetary mechanism of the economy • Credit control • Exchange control • Monopoly of currency issue • Bank rate policy formulation | |
| 4 | Control of RBI over non-banking companies <ul style="list-style-type: none"> • Financial companies • Non-financial companies | |
| 5 | Contract between banker and customer: their rights and duties | |

REFERENCES

1. M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
- 2 R. Goode, Commercial Law, (1995) Penguin, London.
- 4 Ross Cranston, Principles of Banking Law (1997) Oxford.
- 5 L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
- 6 M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes
- 7 K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi.
- 8 M. Dassel, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London
- 9 V. Conti and Hamoui (eds.), Financial Markets' Liberalization and the Role of Banks', Cambridge University Press, Cambridge, (1993).

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
FACULTY: LAW LL.M. (CBCS)**

| | | |
|-----------------------------------------|-------------------------------------------------|--------------|
| SEMESTER : I (w.e.f. July, 2017) | | |
| Course Code : PL02ELBL23 | Course Title: Corporate Finance Paper-II | |
| Course Credit : | Course Type : Optional Paper 3 | |
| Examination Marking Scheme | | |
| Internal(Marks) | External(Marks) | Total(Marks) |
| 30 | 70 | 100 |

| UNIT | DESCRIPTION IN DETAIL | CREDIT |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| 1 | Conservation of Corporate Finance <ul style="list-style-type: none"> • Regulation by disclosure • Control on payment of dividends • Managerial remuneration • Payment of commissions and brokerage • Inter-corporate loans and investments • Pay-back of shares • Other corporate spending | |
| 2 | Protection of creditors <ul style="list-style-type: none"> • Need for creditor protection • Preference in payment • Rights in making company decisions affecting creditor interests Creditor self-protection <ul style="list-style-type: none"> • Incorporation of favourable terms in lending contracts • Right to nominate directors • Control over corporate spending | |
| 3 | Protection of Investors <ul style="list-style-type: none"> • Individual share holder right • Corporate membership right • Derivative actions • Qualified membership right • Conversion, consolidation and re-organisation of shares • Transfer and transmission of securities • Dematerialisation of securities | |
| 4 | Corporate Fund Raising <ul style="list-style-type: none"> • Depositories - IDR(Indian depository receipts), ADR(American depository receipts),GDR(Global depository receipts) • Public financing institutions - IDBI, ICICI, IFC and SFC • Mutual fund and other collective investment schemes • Institutional investments - LIC, UTI and banks • FDI and NRI investment - Foreign institutional investments (IMF and World bank | |
| 5 | Administrative Regulation on Corporate Finance <ul style="list-style-type: none"> • Inspection of accounts • SEBI | |

| | | |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------|--|
| | <ul style="list-style-type: none"> • Central government control • Control by registrar of companies • RBI control | |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------|--|

REFERENCES:

1. Alastair Hundson - The Law on Financial Derivatives (1998), Sweet & Maxwell
2. Eil'sFerran- Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham - Fair shares: the Future of Shareholder Power and Responsibility (1999),
4. Oxford.
5. Ramaiya A - Guide to the Companies Act (1998), Vol. I, II and III.
6. H.A.J. Ford and A.P. Austen- Fords' principle of Corporations Law (1999) Butterworths.
7. J.H. Farrar and B.M. Hanniyan- Farrar's company Law (1998) Butterworths
8. Austen R.P. -The Law of Public Company Finance (1986) LBC
9. R.M. Goode - Legal Problems of Credit and Security (1988) Sweet and Maxwell
10. Altman and Subrahmanyam - Recent Advnces in Corporate Finance (1985) LBC
11. Gilbert Harold -Corporation Finance (1956)
12. Henry E. Hoagland - Corporation Finance (1947)
13. Maryin M. Kristein- Corporate Finance (1975)
14. R.C. Osborn -Corporation Finance (1959)
15. S.C. Kuchhal - Corporation finance : Principles and Problems (6th ed. 1966)
16. V.G. Kulkami - Corporate Finance (1961)