

**SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR
COURSE STUDY**

GROUP C :BUSINESS GROUP

SEM I	Core Subject: 1. Indian Constitution Law: the New Challenges -I 2. Law and Social Transformation in India	Elective Subjects: Business Group: Group C 3. Law Of Industrial And Intellectual Property-I 4. Banking Law-I 5. Corporate Finance-I
SEM II	1. Indian Constitution Law: the New Challenges-II 2. Jurisprudence	Elective Subjects: Business Group: Group C 3. Law Of Industrial And Intellectual Property-II 4. Banking Law-II 5. Corporate Finance-II
SEM III	1. Judicial Process 2. Legal Education and Research Methodology	Elective Subjects: Business Group: Group C ✓ 3. Law of Export Import Regulation ✓ 4. Legal Regulation of Economic Enterprise Paper ✓ 5. Insurance Law
SEM IV	1. Dissertation & Viva Voce 2. Class Room Teaching 3. Doctrinal Research 4. Non Doctrinal Research 5. Clinical Research Report	

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SARDAR PATEL UNIVERSITY
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WITH EFFECT FROM 2018-19

CORE SUBJECTS/COURSES

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

SARDAR PATEL UNIVERSITY
VALLABH VIDYANAGAR

FACULTY : LAWLL.M. (CBCS)

FACULTY : LAW/LL.M. (CBCS)		
SEMESTER : III (w.e.f. July, 2018)		
Course Code :	Course Title: Judicial Process	
Course Credit :	Course Type : Core compulsory	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	1. Nature of judicial process 1.1. Judicial process as an instrument of social ordering 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. 1.3. The tools and techniques of judicial creativity and precedent. 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.	
2	2. Special Dimensions of Judicial Process in Constitutional Adjudications. 2.1. Notions of judicial review 2.2. 'Role' in constitutional adjudication - various theories of judicial role. 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication. 2.4. Varieties of judicial and juristic activism 2.5. Problems of accountability and judicial law-making.	
3	3. Judicial Process in India 3.1. Indian debate on the role of judges and on the notion of judicial review 3.2. The "independence" of judiciary and the "political" nature of judicial process 3.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. 3.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges 3.5. Institutional liability of courts and judicial activism - scope and limits.	

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4	4. The Concepts of Justice 4.1. The concept of justice or Dharma in Indian thought 4.2. Dharma as the foundation of legal ordering in Indian thought. 4.3. The concept and various theories of justice in the western thought. 4.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.
5	5. Relation between Law and Justice 5.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class 5.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law. 5.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering. 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Reference books		
1	The Province and Function of Law, Henry J. Abraham ,	Julius Store,
2	The Nature of Judicial Process (1995) Universal, New Delhi	Cardozo.
3	The Judicial Process (1998),	Oxford.
4	Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth	J.Stone
5	Legal Theory (1960), Stevens, London Bodenheimer,	W Friedmann.
6	Jurisprudence - the Philosophy and Method of the Law (1997), Universal. Delhi	Bodenheimer
7	The Indian Supreme Court and Politics (1980), Eastern, Lucknow	U Baxi
8	The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.	Rajeev Dhavan.




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VALLABH VIDYANAGAR

FACULTY : LAWLL.M. (CBCS)

SEMESTER : I (w.e.f. July, 2018)

Course Code :	Course Title: LEGAL EDUCATION AND RESEARCH
Course Credit :	METHODOLOGY
	Course Type : Core compulsory

Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	1.1. Objectives of Legal Education 1.2. Lecture Method of Teaching – Merits and demerits 1.3. The Problems Method	
2	2.1. Discussion Method and its suitability at post-graduate level teaching 2.2. The Seminar Method of Teaching 2.3. Examination System and Problems in Evaluation – External and Internal assessment	
3	3.1. Student participation in law school programmes-Organization of seminars, publication of journal and assessment of teachers. 3.2. Clinical, Legal Education – legal aid, legal literacy, legal survey and law reform 3.3 Research Methods 3.3.1 Socio-legal research 3.3.2 Doctrinal and non-doctrinal 3.3.3 Relevance of empirical research 3.3.4 Induction and deduction	
4	4. Identification of Problem of Research 4.1 What is a Research Problem? 4.2 Survey of available literature and bibliographical research 4.3 Legislative materials including subordinate legislation, notification and policy statements 4.4 Decisional materials including foreign decisions; methods of discovering the rule of the case” tracing the history of important cases and ensuing that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reason thereof. 4.5 Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals 4.6 Compilation of list of reports or special studies conducted relevant to the Problem.	
5	5. Preparation of the Research Design 5.1 Formulation of the research problem 5.2 Devising tools and techniques for collection of data: Methodology 5.2.1 Methods for the connection of statutory and case materials and juristic	

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Literature. 5.2.2 Use of historical and comparative research materials 5.2.3 Use of observation studies. 5.2.4 Use of questionnaires / interview. 5.2.5 Use of case studies 5.2.6 Sampling procedures – design of sample, types of sampling to be adopted 5.2.7 Use of scaling techniques 5.2.8 Jurimetrics 5.3 Computerized Research – A study of legal research programmes such as Lexis and West law coding 5.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data 5.5 Analysis of data	
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Reference books		
1	Nigel Dunne and Richard Crimes, Clinical Legal Education : Active Learning in Your Law School (1998), Blackstone Press Limited, London.	High Brayal,
2	Legal Education in India (1973), Tripathi, Bombay	S.K. Agrawal
3	H. Bitner and Bysiewicz, Effective Legal Research (1978)	M.O. Price,
4	Methods in Social Research, McGraw-Hill Book Company, London	William J. Grade and Paul K. Hatt,
5	The Art of Asking Questions (1965)	Payne
6	Legal Research in Nutshell (1996), West Publishing Co,	Morris L. Cohan
7	Legal Research and Methodology	ILLI Publication

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Business Law

ELECTIVE SUBJECTS

(SEMESTER III)

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FACULTY : LAW LL.M. (CBCS)

SEMESTER : III (w.e.f. July, 2018)		
Course Code :	Course Title: Law of Export Import Regulation	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT
1	Introduction 1.1. State control over import and export of goods - from rigidity to liberalisation. 1.2. Impact of regulation on economy. 1.3 The Basic Needs of Export and Import Trade 1.3.1. Goods 1.3.2. Services 1.3.3. Transportationies 1.4 International Regime 1.4.1. WTO agreement 1.4.2. WTO and tariff restrictions 1.4.3. WTO and non-tariff restrictions 1.4.4. Investment and transfer of technology 1.4.5. Quota restriction and anti-dumping 1.4.6. Permissible regulations 1.4.7. Quarantine regulation 1.4.8. Dumping of discarded technology and goods in international market 1.4.9. Reduction of subsidies and counter measures.	
2	General Law on Control of Imports and Exports 2.1. General scheme 2.2. Legislative control 2.2.1. Power of control : Central government and RBI 2.2.2. Foreign Trade Development and Regulation Act 1992 2.2.3. Restrictions under customs law 2.2.3.1. Prohibition and penalties 2.3. Export-Import formulation : guiding features 2.3.1. Control under FEMA 2.3.2. Foreign exchange and currency 2.3.2.1. Import of goods 2.3.2.2. Export promotion councils 2.3.2.3. Export oriented units and export processing zones	

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3	Control of Exports 3.1. Quality control 3.2. Regulation on goods 3.3. Conservation of foreign exchange 3.3.1. Foreign exchange management 3.3.2. Currency transfer 3.3.3. Investment in foreign countries	
4	Exim Policy : Changing Dimensions 4.1. Investment policy : NRIs, FII's (foreign institutional investors), FDIs 4.2. Joint venture 4.3. Promotion of foreign trade 4.4. Agricultural products 4.5. Textile and cloths 4.6. Jewellery 4.7. Service sector 4.8 Law Relating to Customs 4.8.1. Prohibition on importation and exportation of goods 4.8.2 Control of smuggling activities in export-import trade 4.8.3 Levy of, and exemption from, customs duties 4.8.4. Clearance of imported goods and export goods 4.8.5. Conveyance and warehousing of goods	
5	Regulation on Investment 5.1. Borrowing and lending of money and foreign currency 5.2. Securities abroad - issue of 5.3. Immovable property - purchase abroad 5.4. Establishment of business outside 5.5. Issue of derivatives and foreign securities - GDR(global depositories receipts), ADR (American depository receipts) and Uro 5.6. Investment in Indian banks 5.7. Repatriation and surrender of foreign securities 5.8Technology transfer 5.8.1. Restrictive terms in technology transfer agreements 5.8.2. Automatic approval schemes	

REFERENCE BOOKS

1.	Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
2.	Government of India Import and Export Policy (1997 -2002)
3.	The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi.
4.	Industrial Policy Statements 1973,1977,1980
5.	Foreign Trade Development and Regulation Act 1992 and Rules.
6.	Foreign Exchange Management Act 1999
7.	Marine Products Export Development Authority Act 1972
8.	Customs Manual (Latest edition)
9.	Final Treaty of GATT, 1994.

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FACULTY : LAW LL.M. (CBCS)

SEMESTER :III (w.e.f. July, 2018)		
Course Code :	Course Title: Legal Regulation of Economic Enterprise Paper	
Course Credit :	Course Type : Optional Paper	
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100
UNIT	DESCRIPTION IN DETAIL	CREDIT
1	The Rationale of Government Regulation 1.1. Constitutional perspectives 1.2. The new economic policy - Industrial policy resolutions, declarations and statements 1.3. The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context 1.4. Regulation of economic activities 1.4.1. Disclosure of information 1.4.2. Fairness in competition 1.4.3. Emphasis on consumerism	
2	Development and Regulation of Industries Take-over of Management and Control of Industrial Units Sick Undertakings: Nationalisation or Winding Up?	
3	Licensing Policy and Legal Process - Growing Trends of Liberalisation Deregulation of essential commodities: developmental sign or a social mishap? Financial Services : Changing Techniques of Regulation	
4	Critical Issues Regarding the Capital Issues 4.1. Equity and debt finance 4.2. Global depositories 4.3. De-materialised securities Problems of Control and Accountability: Regulation of Hazardous Activity 4.3.1. Mass disaster and environmental degradation : legal liability and legal remedies 4.3.2. Public Liability Insurance : adequacy 4.3.3. Issues in zoning and location of industrial units	

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5	<p>Special Aspects of Legal Regulation of Select Public Enterprises (Universities may select some such representative public enterprises for transport, mining and energy).</p> <p>5.1. Telecom Regulatory Authority</p> <p>5.2. Insurance Regulatory Authority</p> <p>5.3. Broadcasting Regulatory Authority</p> <p>Legal Regulation of Multi-Nationals</p> <p>5.1. Collaboration agreements for technology transfer</p> <p>5.2. Development and regulation of foreign investments</p> <p>5.2.1. Investment in India : FDIs and NRIs</p> <p>5.2.2. Investment abroad</p>	
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REFERENCE BOOKS:

1.	S.Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.
2.	Industrial Policy Resolutions of 1948,1956, 1991
3.	Industrial Licensing Policy 1970,1975
4.	Industrial Policy Statements 1973,1977,1980
5.	Reports of Committees on Public Undertakings of Parliament.
6.	Industries (Development and Regulation) Act, 1951
7.	U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe
8.	The Bhopal Case, (1986) U. Baxi & T. Paul (eds.), Mass Disasters and Multinational Liability (1986)
9.	U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
11	Indian Law Institute, Law of international Trade Transactions, (1973

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FACULTY : LAW LL.M. (CBCS)

SEMESTER : III (w.e.f. July, 2018)		
Course Code :		Course Title: Insurance Law
Course Credit :		Course Type : Optional Paper
Examination Marking Scheme		
Internal(Marks)	External(Marks)	Total(Marks)
30	70	100
UNIT	DESCRIPTION IN DETAIL	CREDIT
1	1.Introduction 1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity 1.2. Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance 1.3. Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III 1.4.General Principles of Law of Insurance 1.4.1. Definition, nature and history 1.4.2. The risk - commencement, attachment and duration 1.4.3. Assignment and alteration 1.4.4. Settlement of claim and subrogation 1.4.5. Effect of war upon policies	
2	2. Indian Insurance Law: General 2.1. History and development 2.2. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000 2.3. Mutual insurance companies and cooperative life insurance societies 2.4. Double Insurance and re-insurance Life Insurance 2.4.1. Nature and scope 2.4.2. Event insured against life insurance contract 2.4.3. Circumstances affecting the risk 2.4.4 Amounts recoverable under life policy 2.4.5. Persons entitled to payment 2.4.6. Settlement of claim and payment of money	
3	3 Marine Insurance 3.1. Nature and Scope 3.2. Classification of marine policies 3.2.1. The Marine Insurance Act, 1963 3.2.2. Marine insurance 3.2.3. Insurable interest, insurable value 3.2.4. Marine insurance policy - condition. - express warranties construction of terms of policy 3.2.5. Voyage-deviation	

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	3.2.6. Perils of the sea 3.2.7. Assignment of policy 3.2.8. Partial laws of ship and of freight, salvage, general average, particular charges 3.2.9. Return of premium	
4	Insurance Against Accidents 4.1. The Fatal Accidents Act, 1855 4.1.1. Objects and reasons 4.1.2. Assessment of compensation 4.1.3. Contributory negligence, 4.1.4 Apportionment of compensation and liability 4.2. The Personal Injuries (Compensation Insurance) Act 1963 4.2.1. Compensation payable under the Act 4.2.2. Compensation insurance scheme under the Act-Compulsory insurance 4.3 Property Insurance 4.3.1. Fire insurance 4.3.2. The Emergency Risks (Factories) Insurance 4.3.3. The Emergency Risks (Goods) Insurance 4.3.4. Policies covering risk of explosion 4.3.5. Policies covering accidental loss, damage to property 4.3.6. Policies covering risk of storm and tempest 4.3.7. Glass-plate policies 4.3.8. Burglary and theft policies 4.3.9. Live stock policies 4.3.10. Goods in transit insurance 4.3.11. Agricultural insurance	
5	Insurance Against Third Party Risks 5.1 The Motor Vehicles Act, 1988 5.1.1 Nature and scope 5.1.2 Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance 5.1.3 Claims tribunal: constitution, functions, application for compensation, procedure, powers and award 5.2 Liability Insurance 5.2.1 Nature and kinds of such insurance 5.2.2 Public liability insurance 5.2.3 Professional negligence insurance Miscellaneous Insurance Schemes: New Dimensions 5.3 Group life insurance 5.4 Mediclaim, sickness insurance	

REFERENCE BOOKS:

1.	John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong.
2.	Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
3.	Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.)
4.	Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
5.	JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell

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6.	Birds, Modern Insurance Law (1997) Sweet & Maxwell
7.	Colinvaux's Law of Insurance (1997), Sweet & Maxwell
8.	O'Mary on Marine Insurance (1993), Sweet & Maxwell.
9.	International Labour Office, Administration Practice of social Insurance (1985)
10.	E.R. Hardy Ivamy, General Principles of insurance Law (1979)
11.	Edwin W. Patterson, Cases and Materials on Law of insurance (1955)
12.	M. N. Sreenivasan Law and the Life Insurance Contract (1914)

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