

**BRANCH-IV CORPORATE AND SECURITIES LAWS
SEMESTER-I**

**PAPER-I SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW
(Common Paper for All the Branches)**

UNIT-I: Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools- Salient features of Analytical, Historical, Philosophical and Sociological Schools.

UNIT-II: Meaning of Positivism-Analytical positivism of Bentham and Austin• Kelsen's Pure Theory of Law-Hart's Concept of Law-Dworkin's criticism- Hart-Fuller controversy- Hart-Devlin's debate-Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

UNIT-III: Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist- Contribution of Henry Maine; Economic theory of law-Views of Karl Marx and Friedrich Engels; Sociological theories of law• Contribution of Ihering-Contribution of Ehrlich-Duguit's theory of Social Solidarity- Roscoe Pound's Social Engineering and Classification of Interests- American and Scandinavian Realism-Critical Legal Studies Movement.

UNIT-IV

Theories of Natural Law-Meaning of Natural Law-History of Natural law – Greek origins-Medieval period-View of St.Thomas Aquinas-Period of Renaissance/Reformation-Grotius and International Law• Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories-Stammler and Natural Law with variable content-Fuller and the Morality of Law-Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

Suggested Readings:

1. G.W.Paton: A Text book of Jurisprudence, 4th Edition; Clarendon Press, Oxford, 1972.
2. R.W.M.Dias, Jurisprudence, 5th Edition; Aditya Books Private Ltd., New Delhi, 1994.
3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6th Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated General Publications Pvt.Ltd.Sydney.
6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.

7. S.N.Dhyani: Fundamentals of Jurisprudence: The Indian Approach, 2nd Edition, Central Law Agency, Allahabad, 1997.
8. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
9. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
10. Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

PAPER –II

LAW ON CORPORATE CONTRACTS

Unit –I: Meaning of Intellectual Property Rights - General framework of IPR Laws in India - Copyright Act, Trademarks Act and Designs Act etc. -Contracts relating to transfer of IPRs - Licensing, Assignment, Sale and Mortgage etc. - Application of general Principles of Contract to IPR contracts - Breach of IPR contracts and Remedies therefor.

Unit – II: Alternative Dispute Resolution - Meaning of ADR - Evolution of ADR Mechanism - Advantages of ADR - Arbitration, Conciliation and Mediation - Salient features of Arbitration and Conciliation Act -Appointment and Removal of Arbitrators and Conciliators - Passing of Award - Section 89 of CPC. 1908 and Sections 10 and 11 of Indian Contract Act vis-à-vis ADR.

Unit – III: International Commercial Arbitration - Meaning and Definition -Application of Indian Contract Act 1872 to International Commercial Contracts and Arbitration Agreements - General Principles of Private International Law relating to International Commercial Arbitration - UNCITRAL Model.

Unit – IV: E-Commerce - meaning and nature - Salient features of the Information Technology Act, 2000 - Impact of the IT Act 2000 on Law of Contracts, Law of Evidence, Law of Crimes - Application of Intellectual Property Laws to Cyber Contracts - Cyber Offences - Breach of Cyber Contracts - Remedies - Fora for Redressal of Cyber Disputes-Infrastructural contracts- *the International Federation of Consulting Engineers (FIDIC) approved contracts*

Suggested Readings:

- Anson's Law of Contracts - Clarendon Press, Oxford, UK.
- TS Venkatesh Iyer - Law of Contracts, S Gogia and Company, Hyd.
- Avtar Singh - Law of Contracts, Eastern Book Company, Lucknow.
- P.Narayanan, Intellectual Property Law. Ed, Eastern Law House, Kolkata,
- W.R.Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London.
- Hillary E. Pearson & Miller CG, Commercial Exploitation of Intellectual Property, Universal Book Traders, New Delhi.
- David Bainbridge, Intellectual Property, Pearson Education Limited, London.
- B.L.Wadhwa, Law Relating to Patents, Trademarks, Copyright, Designs & Geographical Indications, Universal Law Publishing Co. Ltd., New Delhi.
- Prof. Willem Hoyng & Frank Eijssvogels, Global Patent Litigation, Wolters Kluwer, Bedfordshire, U.K.

- Eric M. Dobrusin, Esq., Katherine E. White. Intellectual Property Litigation: Pretrial Practice, Wolters Kluwer, Bedfordshire, U.K.
- GB. Reddy, Intellectual Property Rights and the Law, Gogia Law Agency, Hyderabad.
- Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR system - Eastern Book Company - Lucknow.
- Venu Gopal K.K - Justice Bachawat's Law of Arbitration and Conciliation Including commercial, international and ADR
- P.C. Rao & William - Alternative dispute resolution, Universal Law Sheffield Publishing Ltd.
- GK. Kwatra - The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration). The Indian Council of Arbitration.

PAPER – III LAW AND SOCIAL TRANSFORMATION
(Common Paper for All the Branches)

Unit I: 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. Law as the product of Traditions and Culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

Unit II: 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory Commissions, statutory provisions.

Unit III: 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women’s Commission e. Empowerment of women; Constitutional and other legal provisions

Unit IV: Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea

bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: LokAdalats g. Democratic decentralization and Local Self-government.

BIBLIOGRAPHY:

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), Tripathy, 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)
8. D. D. Basu : Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta: Law and Menace of Child Labour (2000) AnmolKiranDestha Publications, Delhi.
10. SavitriGunasekhare : Children, Law and Justice (1997), Sage
11. Indian Law Institute : Law and Social Change : Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani : Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India
13. M.P. Jain : Outlines of Indian Legal History (1993), Tripathi, Bombay.
14. Agnes, Flavia : Law and Gender Inequality: The Politics of Women’s Rights in India (1999), Oxford.

PAPER-IV Legal Research Methodology (Common Paper for All the Branches)

Unit-I:

Meaning of Research-Types of Research-Scientific Method-Social Science Research-Scope and importance of Legal Research-Concepts-Variables Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

Unit-II:

Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

Unit-III:

Research tools and techniques for collection of data-Observation. Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

Unit-IV:

Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-

