

LL.M. (2 Years) Program

BUSINESS LAW

(Program Code: 5-2-01)

(W.E.F. 2022-2023)



Dr. B.R. Ambedkar College of Law

ANDHRA UNIVERSITY

Visakhapatnam - 530 003

LL.M: 2 YEARS DEGREE PROGRAM

Program Objectives :

A Master of Laws (LLM) is a postgraduate course designed to enhance academic legal knowledge, allowing student to focus on specific areas of interest. With the Master of Law one can enjoy maximum flexibility in choice of modules and dissertation topic. The course has been purposely designed to be an innovative, adaptable program for law graduates to customize their studies to suit their preferred areas of interest. The LL.M. (Research) Degree is running under Semester system following Choice Based Credit System. The Department is implementing revised curriculum of UGC- CDC.

Program Outcomes:

- Analytical learning of the legal and judicial system in India.
- Application of Legal knowledge so acquired to solve the socio-legal problems of the society with emphasis on vulnerable sections of the society.
- Identification of contemporary research areas relevant to the society and undertake such research for the benefit of the society.
- Acquisition of learn to write Doctrinal writing, to learn to conduct empirical study and to learn to analyse the court cases in particular area, legal writing, management of time and court etiquette to argue in a logical manner.

ANDHRA UNIVERSITY

REGULATIONS AND SYLLABUS RELATING TO LL.M. DEGREE COURSE

(TWO YEAR) SEMESTER PATTERN

(Effective from the Academic Year 2022-2023)

- **Admission:** Candidates admitted into 2 year LL.M. course should have;
 - i Passed the Bachelor of Law Degree examination of this University or an examination of any other university recognized as equivalent thereto.
 - ii Qualified in the LL.M. Entrance Test conducted in the year for

which the candidate seeks admission.

- **For the award of LL.M. Degree:** A candidate shall be required to have i) received instruction and training for the prescribed course of study as full-time student for two academic years, and ii) qualified all the examinations prescribed for the award of the two Year LL.M. Degree.
- **Duration:** LL.M. Course has to be pursued in four semesters stretching over two academic years. Each academic year comprises of two Semesters. Each semester will be of the duration of 16 weeks.
- **Medium of Instruction** will be in English language
- **Attendance:** In order to be eligible to take the examination in any subject, candidate is required to 75% of attendance in each subject which includes lectures, tutorials and practical training.

If a student for any exceptional reason fails to attend 75% of the classes held in any subject, he/she may be condoned for the shortage of attendance if the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University.

- **Course Structure & Content:** LL.M Course is subject to UGC norms prescribed from time to time.

LL.M Course is to be pursued in a selected branch of specialization offered by the University.

The course consists of 4 compulsory theory papers, one practical examination and dissertation common to all LL.M students and 6 papers of specialization opted by the candidate..

In the first semester, the candidate has to offer two compulsory theory papers (Compulsory Papers 1&2) and two Papers from the branch of specialization.(Branch Papers.1&2).

In the second semester, the candidate has to offer two compulsory theory papers (Compulsory Papers 3&4) and two Papers from the branch of specialization.(Branch papers 3&4).

In the third semester the candidate has to offer two papers exclusively from the selected branch of specialization (Branch papers 5 & 6) and practical examination

comprising of doctrinal work, non doctrinal work, clinical work and class room teaching. In the fourth semester he/ she has to complete the dissertation in partial fulfillment of the LL.M degree.

SEMESTER	COMPULSORY CORE PAPER	SPECIALIZATION/ BRANCH PAPERS	TOTAL PAPERS	MARKS	CREDITS
First	2	2	6 X 4	400	24
Second	2	2	6 X 4	400	24
Third	1 (Practical)	2	6 X 3	350	20
	MOOCS	1	1		
Fourth	Practical (Dissertation) Viva			150	14
	MOOCS	1	1		
				1300	82

Compulsory Papers:

1. Law and Social Transformation in India
2. Indian Constitutional Law: The New Challenges
3. Judicial Process
4. Legal Education and Research Methodology
5. Dissertation

• ***Practical Paper with the following components:***

Doctrinal Research:

Each student would be assigned in advance a topic and asked to write a doctrinal research paper.

Non-Doctrinal Research:

The student would be asked to go out of the class room and library to make an empirical study of a problem which has social, economic moral or political dimension. Field data can be collected through any model of data collection.

Clinical Work:

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, attending

Lok Adalat, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. *Law Teaching*

A topic would be assigned to the student in advance. He is required to handle a class for 25 to 30 minutes, where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

Proposed change - ***MOOCS – Two MOOCS have to be undergone. One in IIIrd Semester & another in IVth Semester. Each MOOC carries 2 Credits (Max. 50 Marks) for each Semester..***

Dissertation:

Dissertation of a minimum length of 120 pages has to be carried by the candidate in the area of his/her area of specialization in fourth semester. Dissertation shall be evaluated internally and externally through viva-voce.

- ***Credits:***

All papers carry six credits and the dissertation in fourth semester along with VIVA & MOOCs carries **14 credits. Total credits are 82.**

- ***Question Paper Pattern:***

For semester end written examinations in theory, the question paper carrying 80 marks consists of 8 essay questions (Eighth question consists of four short notes out of which the candidate may choose any two to answer). The candidate may choose to write any four questions out of eight questions. Each question carries 20 marks.

- ***Marks:***

Every paper carries 100 marks.

Except for the practical papers, 80 marks are allotted to written examination and 20 marks are allotted to internal assessment, which split as follows;

Class and seminar participation	10 marks
Home assignment	10 marks

- ***Practical Examination:***

The practical examination consists of 100 Marks shall be held at the end of the third semester on Research Methodology, Law Teaching and Clinical Work. The marks are allotted as follows.

Doctrinal research paper	-	25 Marks
		5
Non-doctrinal research	-	25 Marks
Law teaching	-	25 Marks

Clinical work - 25 Marks

• **Examination:**

- Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.
- The semester end examination shall be based on the question paper set by an external paper setter.
- A candidate will be declared to have passed in the concerned paper if the candidate secures a minimum of 40% marks. However, for practical papers, a minimum of 50% is essential. The **practical papers** of LL.M course are, paper 3 (compulsory practical paper) in the Third semester and the dissertation in the Fourth Semester.
- For qualifying in the whole examination for obtaining the LL.M degree, the candidate has to secure a minimum overall aggregate of 50%. The calculation of the aggregate percentage required for qualifying in the examination would be done only at the end of the completion of the course.
- Grafting/Grace is permitted. Grafting allows a candidate an opportunity to utilize the excess marks he earned in a paper for filling up the shortage of marks in the paper in which the candidate failed. Eg, A candidate who secured only 35 Marks, would fail having fallen short by 5 Marks of the required minimum pass mark which is 40 Marks. However, If such candidate happened to secure 45 marks in another paper, the extra five marks which is in excess of what is required for a pass could be notionally added to fill the deficit of 5 marks of the paper in which the candidate actually failed and thereby declare the candidate to have been passed in such paper.

Note: Grafting can be availed only when the candidate will be able to pass in the whole examination due to grafting. Grafting to the extent of one mark per hundred marks of each semester can be added to a maximum of two papers only.

- **0.5** or more will be rounded up to the higher value of 1 only for the purpose of obtaining pass mark or class elevation, third class to second class or second class to first class. Eg 4.96 will be treated as 5.0. Similarly, 5.45 becomes 5.5

Scheme of Grading

S.No	Range of Marks	Grade	Grade Point	
1	>90 < 100	O	10	Outstanding
2	>80 < 90	A+	9	Excellent
3	>70 < 80	A	8	Very Good
4	>60 < 70	B+	7	Good
5	>55 < 60	B ⁶	6	Above Average
6	>50 < 55	C	5	Average
7	>40 < 50	P	4	Pass
8	< 40	F	0	Fail
9			0	Ab (Absent)

Classification of successful candidates is based on CGPA as follows:

➤ Distinction	---	CGPA 7.0 or more
➤ I Class	---	CGPA 6.0 or more but less than 7.0
➤ II Class	---	CGPA 5.0 or more but less than 6.0
➤ Pass	----	CGPA 4.0 or more but less than 5.0

Note: Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester, at first appearance are eligible to be placed in O grade.

Awards:

No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

Explanation:

Credits, Grade Letter, Grade Points, Credit Points

Credit means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week.

Grade Letter is an index to indicate the performance of a student in a particular course(Paper).

It is the transformation of actual marks secured by a student in a course/paper. It is indicated by a Grade letter O, A, B, C, D, E. There is a **range of marks** for each Grade Letter.

Grade Point is Weightage allotted to each grade letter depending on the marks awarded in a course/paper

CGPA: CGPA means Cumulative Grade Point Average. It will be calculated from 2nd semester onwards.

SGPA means Semester Grade Point Average. This is calculated for each semester of the programme

CGPA x 10 will be the overall percentage of the marks obtained by the candidate

Revaluation

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The candidate has to apply for revaluation on or before 15 days from the date of publication of the results.

Betterment

A candidate can avail the betterment chances during the validity of all the courses.

General Rules

The candidate who secures less than prescribed SGPA/CGPA may be permitted to appear for the examination within the duration of the course or before the expiry of transitory regulations.

Failed candidates will be permitted to appear for the University examinations after the expiry of transitory regulations as per the existing regulations, scheme and syllabi which are enforce.

Ranks will be given only to the candidates, who have passed all the subjects/papers at a time. However, Distinction will be given to the candidates, who secure 70% and above, those who have passed all the subjects / papers at a time.

LL.M Course Pattern

FIRST SEMESTER

Sl. No	Course Code	Paper No	Title of the Paper	Title of the Branch	Hours per week			Max Marks		Credits
					I	T	F	E	I	
1	TH-103101	Compulsory Paper - 01	Law and Social Transformation in India	Common paper	4	2	-	70	30	6
2	TH-103102	Compulsory Paper -02	Indian Constitutional Law: the New Challenges	Common paper	4	2	-	70	30	6
3	TH-103107	Paper I	Legal Regulation of Economic Enterprises	Business Law	4	2	-	70	30	6
4	TH-103108	Paper II	Corporate finance	Business Law	4	2	-	70	30	6
										24

SECOND SEMESTER

Sl. No	Course Code	Paper No	Title of the Paper	Title of the Branch	Hours per week			Max Marks		Credits
					I	T	F	E	I	
1	TH-103201	Compulsory Paper-03	Judicial Process	Common paper	4	2	-	70	30	6
2	TH-103202	Compulsory Paper-04	Legal Education and Research Methodology	Common paper	4	2	-	70	30	6
3	TH-103207	Paper III	Law of Industrial and Intellectual Property	Business Law	4	2	-	70	30	6
4	TH-103208	Paper IV	Law of Export-Import Regulations	Business Law	4	2	-	70	30	6
										24

THIRD SEMESTER

Sl. No	Course Code	Paper No	Title of the Paper	Title of the Branch	Hours per week			Max Marks		Credits
					L	T	P	E	I	
1	TH-103303	Paper V	Banking Law	Business Law	4	2	-	70	30	6
2	TH-103304	Paper VI	Insurance Law	Business Law	4	2	-	70	30	6
3	PR-3001	Compulsory Practical Paper	Doctrinal Work, Law Teaching Non Doctrinal Work, Clinical work,				12			6
	MOOCS									2
										20

FOURTH SEMESTER:

Sl. No	Paper Code	Title of the Paper	Max. marks		Credits
			E	I	
1	DI-2002	Dissertation	50	50	12
	VV-2002	Viva			
		MOOCS			2
		TOTAL			14
GRAND TOTAL					82

PROGRAM CODE: 5-2-03

PROGRAM NAME : BUSINESS LAW

Program Objectives:

Dr. B.R.Ambedkar college of Law, Andhra university, Visakhapatnam offers Two Year full time LL.M Business Law Program which aims at imparting quality Legal Research education leading to excellence and innovation in Business Laws. Business Laws assumes an added importance in the corporate legislative milieu, as it deals with structure, management, administration, and conduct of affairs of Companies. A thorough study of various aspects of regulations of Economic Enterprises is necessary for becoming an outstanding professional.

Program Outcomes:

1. To provide a thorough study of various provisions of the Companies Act relating to raising of fund and its proper allotment under the law in a corporate.
2. To improve research aptitude in view of providing platform by undertaking research projects.
3. To explore & apply the legal knowledge of their specialization in context i.e. the emerging trends in the Indian banking system with the help of Major laws like PMLA, SARFAESI, FEMA
4. To provide an introduction to capital market and create a foundation of basic understanding of capital market and to answer what, how and why about capital market and designed to introduce students to different types of security markets to educate the students on regulations that govern the security market.
5. To create an awareness and understanding of the ethical, social, political, and economic context in which the basic concepts, values, principles, and rules of the Legal System are competing. Through live projects students will be able to interpret and analyse the legal and social problems and find solutions to those problems.
6. To acquire knowledge on the sharing of technology and know how, patents, copyrights and trademarks now licensed for use around the globe freely, the interrelatedness of financial markets, the worldwide flow of capital.

Program Specific Outcomes:

1. The students would have ability of Analytical learning of the legal and judicial system in India related to business transactions.
2. Application of Legal knowledge so acquired to solve the socio-legal problems of the society with emphasis on vulnerable sections of the society.
3. Identification of contemporary research areas as relevant to the society and undertake such research for the benefit of the society.
4. Acquisition of advocacy skills, legal writing, management of time and court etiquette to argue in a logical manner.
5. The students would be in a position to Uphold the ethical and professional values in the practice of business world.
6. The students are in a position to create an awareness and understanding of the ethical, social, political, and business in which the basic concepts, values, principles, and rules of the Legal System.

FIRST SEMESTER

COURSE CODE : TH-103101

COURSE NAME : LAW AND SOCIAL TRANSFORMATION IN INDIA

Course Objectives:

This course is to be designed to offer (a) awareness of India approaches to social and economical problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

Syllabus

1. Law and social change

- Law as an instrument of social change.
- 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.

Learning outcome :

To provide a comprehensive knowledge of Law as an instrument of social change with special reference to Indian Constitution.

2. Religion and the law

- Religion as a divisive factor. Secularism as a solution to the problem.
- Reforms of the law on secular lines: Problems.
- Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law

Learning outcome :

To acquaint the students with religion as a divisive factor in society and how to bring reforms in religion by enacting laws on secular lines.

3 Language and the law

- Language as a divisive factor: formation of linguistic states. Constitutional guarantees to linguistic minorities.
- Language policy and the Constitution: Official language; multi-language system Non-discrimination on the ground of language

Learning outcome :

Make the students to understand the factors that led to linguistic states and constitutional guarantees to linguistic minorities.

4 Community and the law

- Caste as a divisive factor
- Non-discrimination on the grounds of caste. Acceptance of caste as a factor to undo past injustices.
- Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions, Statutory provisions.

Learning outcome :

To create awareness among the students the evils of caste in Indian society and constitutional guarantees provided to SC, ST and BCs.

5 Regionalism and the law

- Regionalism as a divisive factor. Concept of India as one unit.
- Right of movement, residence and business; impermissibility of state or regional barriers.
- Equality in matters of employment: the slogan “Sons of the soil” and its practice. Admission to educational institutions: preference to residents of a state.

Learning outcome :

To acquaint the students the concept of regionalism and role of Indian Constitution.

6 Women and the law

- Crimes against women.
- Gender Justice and its various forms. Women’s Commission.
- Empowerment of women: Constitutional and other legal provisions.

Learning outcome :

To make the students to have a knowledge of the crimes against women and the role of International and national agencies in the Protection and Empowerment of Women.

7 Children and the law

- Child labour
- Sexual exploitation
- Adoption and related problems. Children and education

Learning outcome :

To make the students to understand the exploitation of children in society and the role of law in protection of their Rights.

8 Modernisation and the law

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.

Modernisation of social institutions through law

Reform of family law

Agrarian reform – Industrialisation of agriculture

Industrial reform: Free enterprise v. State regulation – Industrialisation

Environmental protection.

Reform of court processes

Criminal law: Plea bargaining; compounding and payment of compensation to victims

Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats

Prison reforms

Democratic decentralization and local self-government

Learning outcome :

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To analyse the modern approaches to law and alternative methods of conflict resolution.

9 Alternative approaches to law

The jurisprudence of Sarvodaya---Gandhiji, Vinoba Bhave; Jayaprakash Narayan---

Surrender of dacoits; concept of grama nyayalayas

Socialist thought on law and justice: An enquiry through constitutional debates on the right to property
Indian Marxist critique of law and justice
Naxalite movement: cause and cure

Learning outcome :

To make the students to understand the jurisprudence of Gandhiji, Vinoba Bhave and the role of Gram Nayayalayas and a critical analysis of naxal movement in India and steps taken by the Government to control naxal movement.

Course Outcomes :

After completion of this course, the student will be able

- a) To know how law has changed the society and how there is an improvement in the social status of women and children because of certain specific legislations in favour of children and women.
- b) To analyse the role of language in interpretation of laws and its importance in statutes.
- c) To elucidate the concepts of regionalism and religion as divisive factors in society and how law effectively control this divisiveness.
- d) To analyse the challenges that witnesses in the society in recent times in the areas of social ,political and economic relations and how far the existing law meet these challenges.
- e) To understand the alternative social approaches given by Mahatma Gandhi and Vinoba Bhave and its impact on the present societal relations.

Select Bibliography

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Manushi, A Journal about Women and Society.
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J.B.Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.
M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

COURSE CODE : TH-103102

COURSE NAME : INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Course Objectives:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus

Federalism

Creation of new states

Allocation and share of resources – distribution of grants in aid. The inter-state disputes on resources

Rehabilitation of internally displaced persons.

Centre's responsibility and internal disturbance within States. Directions of the Centre to the State under Article 356 and 365.

Federal Comity: Relationship of trust and faith between Centre and State. Special status of certain States. Tribal Areas, Scheduled Areas

Learning outcome :

By proper study of this unit, the student will be able to remember about the **Federalism**, Allocation and share of resources, the inter-state disputes on resources Centre's responsibility and internal disturbance within States and Special status of certain States etc., that are already studied in his LL.B. Course. By study of this unit, the student will be able to exhibit memory of the previously learned material by recalling factual term, basic concepts and answers. He will be able to analytically study and exhibit new thoughts also.

2. "State": Need for widening the definition in the wake of liberalization.

Learning outcome :

By proper study of this unit, the student will be able to demonstrate understanding of facts and ideas by Interpreting giving descriptions and stating main ideas of the need for widening the definition in the wake of liberalization. By analytical study of this chapter, the student will be able to know that whether the private undertaking will be coming into the purview of the State.

3. Right to equality: privatization and its impact on affirmative action.

Learning outcome :

By proper study of these units, the student will be able to understand and solve the problems with regard to the Right to equality, privatization and its impact on affirmative action, empowerment of women. By proper study of this unit, the student can be able to solve the problems to new situations by applying acquired knowledge and skills of the students are to be improved as their analyzing capacity will be enhanced. The students will also be able to apply his mind towards the laws which are enacted for empowerment of women and up to how much the women were secured by study of the case laws relating to it.

4. Empowerment of women.

Learning outcome :

By proper study of these units, the student will be able to examine by identifying motives or causes for the strikes, Hartal, Bundh, Freedom of press and challenges of new scientific development and whether the wrongful information is given by press and media attracting the defamation, freedom of speech and right to broadcast and telecast can be liable to be prosecuted on the wrongful information. The students also be able to give guidelines how to solve the problems on this issue.

5. Freedom of press and challenges of new scientific development Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh.

Learning outcome :

By proper study of this unit, the student will be able to gather the information, validity of ideas regarding emerging regime of new rights and remedies, study of Directive Principles and Fundamental Duties into Fundamental Rights, Compensation jurisprudence, Right to education under Art 21A of the Constitution, Commercialization of education and its impact though the Educational trust of the educational institution is established on non- profit basis and Brain drain by foreign education market. By proper study of this unit, the skills of the students are to be improved as their analyzing capacity will be grown up.

6. Emerging regime of new rights and remedies
Reading Directive Principles and Fundamental Duties into Fundamental Rights
Compensation juris
Right to education
Commercialization of education and its impact.
Brain drain by foreign education market.

Learning outcome :

By proper study of this unit, the student will be able to compile information together in a different way by comparing with minority rights with Secularism in a new pattern. The students also be able to give guidelines how to solve the problems of this issue.

7. Right of minorities to establish and administer educational institutions and state control.

Learning outcome :

By proper study of this unit, the student will be able to compile information relating to the **Separation of powers: Stresses and strain**, Judicial activism and judicial restraint, PIL: implementation, Appointment, transfer and removal of judges. The students will also be able to judge that whether collegiums for appointment of judges of High Courts and also the Supreme Court will be leading to bias, whether Kripark Vs. Union of India case up to how much will be applicable in case of collegiums. The students also be able to give guidelines how to solve the problems for this issue.

8. Secularism and religious fanaticism. 17

Learning outcome :

By proper study of this unit, the student will be able to compile information relating to the Nexus of

politics with criminals and the business, whether delay in trials on political offenders are justifiable and Economic offenders are left free is reasonable, why their passports are not ceased, Election commission, Electoral Reforms, why the candidates with criminal records are given eligibility for contesting in elections, what is the inner relationship between the election commission and politicians etc., will be deeply thought by the students. The students also be able to give guidelines how to solve the problems for this issue.

9. 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

10. Democratic Process

Nexus of politics with criminals and the business.

Election

Election commission: status.

Electoral Reforms

Coalition government, 'stability, durability, corrupt practice'

Grass root democracy.

Course outcome:

After studying this paper, the student can

- The students will get an idea about the supreme document of India
- Every citizen of India must aware the constitution because each and every enactment found its base in the constitution
- Students will have the command on the rights that are given under the constitution
- Students can understand why the center and state relations are important in a country like India
- Students can be able to know the forms of governments and the features of our Constitution.

Select Bibliography

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research paper and lastly contemporary emerging ethos impacting on constitutional values.

COURSE CODE : TH-103107

COURSE NAME : LEGAL REGULATION OF ECONOMIC ENTERPRISES

Course Objectives:

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalisation starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities. This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments. It will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. The Rationale of Government Regulation

Constitutional perspectives

The new economic policy - Industrial policy resolutions, declarations and statements
The place of public, small scale, co-operative, corporate, private and joint sectors -in the changing context

Regulation of economic activities
Disclosure of information

Fairness in competition

Emphasis on consumerism

2. Development and Regulation of Industries

Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the different policies of economic and industrial policies.
2. Analyze the provisions of Act of Competition Act 2002.
3. Acquaint with the Development and Regulation of Industries.

3. Take-over of Management and Control of Industrial Units

4. Sick Undertakings: Nationalisation or Winding Up?

Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the concept of management and control of industrial units.
2. Acquaint with the procedure for winding up of the companies.
3. Analyze the undertaking procedure of sick industries

5. Licensing Policy and Legal Process - Growing Trends of Liberalisation

6. Deregulation of essential commodities: developmental sign or a social mishap?

7. Financial Services: Changing Techniques of Regulation

8. Critical Issues Regarding the Capital Issues

Equity and debt finance

Global depositories

De-materialised securities

Learning Outcomes:

On completion of this unit students should be able to:

1. Interpret the growing trends of liberalization.
2. Analyze the critical issues regarding the capital issues.

Acquaint with the equity and debt finance.

9. Problems of Control and Accountability: Regulation of Hazardous Activity

Mass disaster and environmental degradation : legal liability and legal remedies

Public Liability Insurance : adequacy

Issues in zoning and location of industrial units

10. Special Aspects of Legal Regulation of Select Public Enterprises

(Universities may select some such representative public enterprises for transport, mining and energy).

Telecom Regulatory Authority

Insurance Regulatory Authority

Broadcasting Regulatory Authority

Learning Outcomes:

On completion of this unit students should be able to:

1. Analyze the problems regarding Control and Accountability.
2. Identify the different forms of regulatory authorities like Telecom, Insurance & broadcasting.
3. Understand the roles of TRAI, IRDA AND BRAI.

11. Legal Regulation of Multi-Nationals

Collaboration agreements for technology transfer

Development and regulation of foreign investments

Investment in India : FDI's and NRIs

Investment abroad

Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the concept of investment in India i.e., FDI's & NRI's.
2. Identify legal regulations of electronic commercial transactions.
3. Analyze the problems of internet contract.

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COURSE CODE : TH-103108

COURSE NAME : CORPORATE FINANCE

Course Objectives:

Industrialisation has played, and has to play, a very vital role in the economic development of India. In the post independent era, industrial development is regarded, and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring, utilising and managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives the broad objectives of this course may be formulated as follows:

- (i) To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values
- (ii) To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance
- (iii) To acquaint the students with the organisation, functions, lending, and recovery procedures, conditions of lending and accountability of international, national and state financing institutions and also of commercial banks; and
- (iv) To acquaint the students with the process of the flow and outflow of corporate finance.

Syllabus

1. Introduction

Meaning, importance and scope of corporation finance
Capital needs - capitalization - working capital - securities-borrowings-deposits debentures
Objectives of corporation finance - profit maximisation and wealth maximisation
Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List I - Union List; entry 24 of List II - State List.

Learning Outcome:

The student will be able to understand the importance and constitutional perspectives of corporate finance, meaning and perception of capitalization.

2. Equity Finance

Share capital
Prospectus - information disclosure
Issue and allotment
Shares without monetary consideration
Non-opting equity shares

Learning Outcome:

This chapter makes the student to understand about prospectus and what information should be disclosed through prospectus, issues and allotment of different kinds of shares like shares without monetary consideration and non-opting equity shares.

3. Debt Finance

3.1. Debenture'

3.1.2. Nature, issue and class

3.1.3. Deposits and acceptance

3.1.4. Creation of charges

3.1 .4.5. Fixed and floating charges

Mortgages

Convertible debentures

Learning Outcome:

The student get more exposure on debt finance i.e., issues of debentures, convertible debentures, deposits and acceptances, fixed and floating charges etc.

4. Conservation of Corporate Finance

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

Learning Outcome:

The student will be well versed with conservation of corporate finance like control on payment of dividends, payment of commissions and brokerage, inter-corporate loans and investments, payback of shares and other corporate spending.

5. Protection of creditors

Need for creditor protection

Preference in payment

Rights in making company decisions affecting creditor interests

Creditor self-protection

Incorporation of favourable terms in lending contracts

Right to nominate directors

Control over corporate spending

Learning Outcome:

This chapter makes the student understand how to protect the creditors, the need to protect them, preference in payment, and control over corporate spending.

6. Protection of Investors

- Individual share holder right
- Corporate' membership right
- Derivative actions
- Qualified membership right
- Conversion, consolidation and re-organization of shares
- Transfer and Transmission of securities
- Dematerialization of securities

Learning Outcome:

Here the student will be able to know the rights available for protecting investors like shareholder right, corporate membership right, qualified member's right. And he will learn process of transfer and transmission of securities and dematerialization of securities.

7. Corporate Fund Raising:

- 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: investment (IMF and World Bank)

Learning Outcome:

Here the student better understands the meaning of corporate funding rising, and different depositories in fund raising like IDR(Indian Depository Receipts),ADR(American depository receipts),GDR(Global Depository Receipts) and public finance institutions like IDBI,ICICI,IFC, and SFC, and Foreign investments like IMF, World bank.

8. Administrative Regulation on Corporate Finance

- Inspection of accounts
- SEBI

Learning Outcome:

This chapter makes the student well aware of administration regulations of corporate finance.

Course outcome:

1. The student understands the constitutional provisions regarding corporate finance in the union list and state lists.
2. The student will have knowledge of shares, share capital, prospectus and what information should be included when issuing prospectus of a company.
3. The student will be able to understand about debt finance²³
4. After going through this unit the student will understand about conservations of corporate finance.
5. The Chapters 5 & 6 make the student to understand how important it is to protect the interest of the creditors as well as investors.

6. Here the student learn about corporate fund raising.

SECOND SEMESTER

COURSE CODE : TH-103201

COURSE NAME : JUDICIAL PROCESS

Course Objectives

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus

1. Nature of judicial process

Judicial process as an instrument of social ordering
Judicial process and creativity in law – common law model – Legal Reasoning and growth of law – change and stability.
The tools and techniques of judicial creativity and precedent.
Legal development and creativity through legal reasoning under statutory and codified systems.

Learning outcome :

The student will understand how judicial process works as social ordering, and how it brings change and stability in Law,

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

Notions of judicial review
'Role' in constitutional adjudication – various theories of judicial role.
Tools and techniques in policy-making and creativity in constitutional adjudication.
Varieties of judicial and juristic activism
Problems of accountability and judicial law-making.

Learning outcome :

This unit makes the student to understand the special dimensions of judicial process, its role in constitutional adjudication, using judicial tools and techniques in policy making.

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3. Judicial Process in India

Indian debate on the role of judges and on the notion of judicial review.
The “independence” of judiciary and the “political” nature of judicial process

Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity.
Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
Institutional liability of courts and judicial activism – scope and limits.

Learning outcome :

Here the student understands judicial process in India, independence of judiciary, creativity of the Supreme Court, and the meaning of judicial activism.

4. The Concepts of Justice

The concept of Justice or Dharma in Indian thought
Dharma as the foundation of legal ordering in Indian thought.
The concept and various theories of justice in the western thought.
Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Learning outcome :

This unit makes the student understand the concept of Dharma, how Law has been derived from Dharma, and various theories of justice in the western thought.

5. Relation between Law and Justice

Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
Dependency theories – For its realization justice depends on law, but justice is not the same as law.
The independence of justice – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Learning outcome :

Here the student will be able to understand the relation between Law and Justice, different theories of justice and the selected cases of Supreme Court where judicial process is seen influenced by theories of justice.

Course outcome:

1. The student understands the role of judicial dimensions, legal reasoning and growth of Law.
2. The student understands problems of accountability and judicial Law making.
3. The student will be able to make difference between independence of judiciary and political nature of judicial process.
4. The student will understand the concept of Dharma, Dharma as the foundation of legal ordering in India, and the relation between Law and Justice.

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W. Friedmann, *Legal Theory* (1960), Stevens, London.
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Rajeev Dhavan, *The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi, Bombay.
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COURSE CODE : TH-103202

COURSE NAME : LEGAL EDUCATION AND RESEARCH METHODOLOGY

Course Objectives:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus

1. Objectives of Legal Education

Learning outcome :

Studies doctrinal and non- doctrinal socio legal research.

2. Lecture Method of Teaching – Merits and demerits

Learning outcome :

Know the relevance of empirical research.

3. The Problem Method

Learning outcome :

- Preparing the hypothesis.

4. Discussion method and its suitability at postgraduate legal teaching

Learning outcome :

Understand the inductive method and deductive method of the study

5. The Seminar Method of teaching

Learning outcome :

- Studies the research problem.

6. Examination system and problems in evaluation – external and internal assessment.

Learning outcome :

- Importance of survey on available literature and bibliographic research.

7. Student participation in law school programmes – Organisation of Seminars, publication of journal and assessment of teachers.

Learning outcome :

- Studying the decisional materials including foreign decisions in the area pertaining research problem.

8. Clinical legal education – legal aid, legal literacy, legal survey and law reform
Learning outcome :

- Study the juristic writings relevant to research in India along with foreign periodicals.

9. Research Methods

Social Legal Research
Doctrinal and non-doctrinal
Relevance of empirical research
induction and deduction

Identification of Problem of research

What is a research problem?
Survey of available literature and bibliographical research.
Legislative materials including subordinate legislation, notification and policy statements.

Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

Juristic Writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.

Compilation of list of reports or special studies conducted relevant to the problem.

10. Preparation of the Research Design

Formulation of the Research problem
Devising tools and techniques for collection of data: Methodology
Methods for the collection of statutory and case materials and juristic literature
Use of historical and comparative research materials
Use of observation studies
Use of questionnaires/interview
Use of case studies
Sampling procedures – design of sample, types of sampling to be adopted.
Use of scaling techniques
Jurimetrics
Computerized Research – A study of legal research programmes such as Lexis and West law coding
Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
Analysis of data

Learning outcome :

Understand the list of reports or special studies relevant to the research problem.

Course out comes:

After studying this paper, the student can

- Get to know the doctrinal and non-doctrinal socio legal research.
- Enlighten about the relevance of empirical research.
- Know the identification of hypothesis and problem of research.
- Know the importance of juristic writings in India as well as foreign periodicals.

- Understand the preparation of research design.
- Know the formulation of research problem.
- Understand how to apply the methods and techniques to the study.
- Get to know how to use case studies, questionnaires, interview, and observation methods.
- Understand the computerized research by the study of lexis and west law coding.
- Preparation of classification and tabulation of data through various sources.

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COURSE CODE : TH-103207

COURSE NAME : LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Course Objectives:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasised in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement, and human right dimensions of the regime of intellectual property law will also be addressed. The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

1. IPR and International Perspectives

2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)

Learning Outcome:

By proper study of these units, the student will be able to remember about the IPR and international perspectives. By study of these units, the student will be able to exhibit memory of the previously learned material by recalling facts terms, basic concepts and answers.

3. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property

United Nations approaches (UNCTAD, UNCITRAL)

EEC approaches

Position in U.S.

The Indian situation.

Learning Outcome:

By proper study of this unit, the student will be able to demonstrate understanding of **The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property**

The students learners are also able to closely scrutinize and understand deeply about the said concept

4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.

5. Biotechnology Patents:

Nature and types of biotechnology patents

Patent over new forms of life : TRIPS obligations

Plant patenting

Sui generis protection for plant varieties

Multinational ownership

Regulation of environment and health hazards in biotechnology patents

Indian policy and position.

30

Learning Outcome:

By proper study of these units, the student will be able to understand **Special Problems of the Status of Computer Software in Copyright and Patent Law**, TRIPS obligations and also solve the problems with regard to the patent rights. By proper study of this unit, the skills of the

students are to be improved as their analyzing capacity will be improved.

6. Patent Search, Examination and Records:

International and global patent information retrieval systems (European Patent Treaty).

Patent Co-operation Treaty (PCT)

Differences in resources for patent examination between developed and developing societies

The Indian situation

Learning Outcome:

By proper study of this unit, the student will be able to examine and break information into parts by identifying **Patent Search, Examination and Records** and also the burning topic of patent rights. The students also be able to give guidelines how to solve the problems of these issues.

7. Special Problems of Proof of Infringement:

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.

Learning Outcome:

By proper study of this unit, the student will be able to present and defend opinions by making judgments by him about **Special Problems of Proof of Infringement**.

8. Intellectual Property and Human Right

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.

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.

Learning Outcome:

By proper study of this unit, the student will be able to analytically study the **Intellectual Property and Human Rights and in what there is a relation between these two**. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet etc., and apply his mind analytically about the issues.

Select bibliography

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

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W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

COURSE CODE : TH-103208

COURSE NAME : LAW OF EXPORT IMPORT REGULATIONS

Course Objectives:

After independence India has embarked upon all round efforts to modernise her economy through developmental ventures. Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. The process of modernisation necessitated the adoption of newer technologies for industry and agriculture. These technologies had to be borrowed from other developed countries. This, in turn, needed foreign exchange which could be earned by the increased exports of goods and raw materials from India. The need for accelerating the export trade of India's developing economy can hardly be over emphasised. Export earnings enable a developing country to finance its massive requirements of growth, to maintain its essential imports and thereby stimulate the process of its economic developments. In the words of Prof. V.K. R.V. Rao: "In fact, expansion of exports may well be described as an integral part of the development process, neglect of which can only be at the peril of development itself". Increasing exports have been necessitated to meet the growing needs of defence. India is a country rich in natural resources. One of the approaches to combat its economic backwardness could be in large-scale production and in maximization of its exports. Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and Import control policy is also closely connected with country's balance of payment position. The detailed procedures for imports and exports are provided in the Hand Book. The Union Government used to declare its import and export policy for a three-year period. At present they declare the policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation Act 1992. This course is designed to acquaint the students about the parameters of legal controls on imports and exports. The following syllabus prepared with these objectives will comprise about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. Introduction

State control over import and export of goods - from rigidity to liberalisation.
Impact of regulation on economy.

2. The Basic Needs of Export and Import Trade

Goods
Services
Transportation

Learning Outcomes:

On completion of this unit students should be able to:

1. Analyze State Control over import and export of goods.
2. Understand the impact of regulation on economy
3. Acquaint the basic needs of Export and Import Trade.

3. International Regime

32

WTO agreement
WTO and tariff restrictions
WTO and non-tariff restrictions
Investment and transfer of technology

Quota restriction and anti-dumping
Permissible regulations
Quarantine regulation
Dumping of discarded technology and goods in international market
Reduction of subsidies and counter measures.

Learning Outcomes

On completion of this unit students should be able to:

1. Understand the WTO agreement.
2. Analyze the concept of investment and transfer of technology.
3. Identify the Reduction of subsidies and counter measures.

4. General Law on Control of Imports and Exports

General scheme
Legislative control
Power of control : Central government and RBI
Foreign Trade Development and Regulation Act 1992
Restrictions under customs law
Prohibition and penalties
Export-Import formulation : guiding features
Control under FEMA
Foreign exchange and currency
Import of goods

Export promotion councils

Export oriented units and export processing zones

5. Control of Exports

Quality control
Regulation on goods
Conservation of foreign exchange
Foreign exchange management
Currency transfer

Investment in foreign countries

Learning Outcomes:

On completion of this unit students should be able to:

1. Identify Foreign Trade Development and Regulation Act 1992.
2. Understand the concept of Control under FEMA.
3. Analyze the Currency transfer.

6. Exim Policy : Changing Dimensions

Investment policy : NRIs, FIIs (foreign institutional investors), FDIs
Joint venture
Promotion of foreign trade
Agricultural products

Textile and cloths

Jewellery

Service sector

Learning Outcomes:

On completion of this unit students should be able to: 33

1. Evaluate the Changing Dimensions of EXMI policy.
2. Understand the joint venture.
3. Acquaint with the Agricultural products and service sector.

7. Law Relating to Customs

Prohibition on importation and exportation of goods
Control of smuggling activities in export-import trade
Levy of, and exemption from, customs duties
Clearance of imported goods and export goods
Conveyance and warehousing of goods

8. Regulation on Investment

Borrowing and lending of money and foreign currency
Securities abroad - issue of
Immovable property - purchase abroad
Establishment of business outside
Issue of derivatives and foreign securities - GDR(global depositories receipts), ADR
(American depository receipts) and Uro
Investment in Indian banks
Repatriation and surrender of foreign securities

9. Technology transfer

Restrictive terms in technology transfer agreements
Automatic approval schemes

Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the law relating to customs.
2. Analyze various regulations on investment.
3. Acquaint with the restrictive conditions in technology transfer agreements.

Course Outcomes:

By the end of this course, students should:

- 1, Acquaint with the Basic needs of export and import trade.
2. Identify the international agreements of export and import trade.
3. Analyzes the general law on control of imports and exports.
4. Evaluate the Exim policy.
5. Understand the Regulations on investment.

The following syllabus prepared with the above perspective will be spread over a period of one semester.

Select bibliography

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THIRD SEMESTER

COURSE CODE : TH-103303

COURSE NAME : BANKING LAW

Course Objectives:

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalisation of banks.

The conventional banking system, found to be deficient for planned developmental purposes, paved the way for developmental banking. The fag end of the last millennium witnesses influx of foreign banking companies into India and a shift in the banking policy as part of the global phenomenon of liberalisation. The legal system is adopting itself into the new mores.

This course is designed to acquaint the students with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.

The course will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. Introduction

Nature and development of banking

History of banking in India and elsewhere -indigenous banking-evolution of banking in India - different kinds of banks and their functions.

Multi-functional banks - growth and legal issues.

2. Law Relating to Banking Companies in India

Regulation government and its agencies.

On management

On accounts and audit

Lending

Credit policy

Reconstruction and reorganisation

Suspension and winding up

Contract between banker and customer: their rights and duties

3. Social Control over Banking

- 3.1. Nationalization
- 3.2. . Evaluation: private ownership, nationalisation and disinvestment
 - Protection of depositors
 - Priority lending
 - Promotion of under privileged classes

4. Promotion of under privileged classes

Promotion of under privileged classes

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

Learning Outcomes:

On completion of this unit students should be able to:

- 1. Understand the nature and development of banking.
- 2. Identify the law relating to the banking companies in India.
- 3. Analyze the Social control over banking.

5. The Central Bank

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

Functions of the RBI

Regulation of monetary mechanism of the economy

Credit control

Exchange control

Monopoly of currency issue

Bank rate policy formulation Control of RBI over non-banking companies

Financial companies

Non-financial companies

Learning outcomes:

On completion of this unit students should be able to:

- 1. Analyze the functions and objectives of the Central Bank.
- 2. Understand the functions of the RBI
- 3. Identify the Control of RBI over non-banking companies.

6. Relationship of Banker and Customer

Legal character

Contract between banker and customer

Banker's lien

36

Protection of bankers

Customers

Nature and type of accounts

Special classes of customers - lunatics, minor, partnership, corporations, local authorities

Banking duty to customers
Consumer protection: banking as service

Learning Outcomes

On completion of this unit students should be able to:

1. Analyze the relationship between banker and customer.
2. Understand the banker's lien.
3. Acquaint with the Customer protection from the banking service.

7. Negotiable Instruments

Meaning and kinds
Transfer and negotiations
Holder and holder in due Course
Presentment and payment
Liabilities of parties

Learning outcomes

On completion of this unit students should be able to:

1. Know the meaning and kinds of negotiable instruments.
2. Understand the concept of holder and holder in due course.

Analyze the liabilities of the banker and customer.

8. Lending by Banks

Good lending principles
Lending to poor masses
Securities for advances
Kinds and their merits and demerits
Repayment of loans: rate of interest, protection against pen
Default and recovery
Debt recovery tribunal

9. Recent Trends of Banking System in India

New technology
Information technology
Automation and legal aspects
Automatic teller machine and use of internet
Smart card
Use of expert system
Credit cards

10. Reforms in Indian Banking Law

Recommendations of committees: a review

Learning Outcomes:

On completion of this unit students should be able to:

1. Analyze the lending procedure of banks.
2. Understand the procedures of digital transactions in banking.
3. Acquaint with the reforms in Indian banking law.

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Course outcomes:

By the end of this course, students should:

1. Understand the social control over banking, law relating to banking companies in India.
2. Identify central banks powers and functions.

3. Analyzes the Relationship of the banker and customer.
4. Acquaint with the Negotiable instruments.
5. Know the Reforms in the Indian banking system in India.

The following syllabus prepared with the above perspective will be spread over a period of one semester.

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COURSE CODE : TH-103304

COURSE NAME : INSURANCE LAW

Course Objectives:

As early as in 1601 one finds an excellent exposition of the insurance idea expressed in these words of an Act of British Parliament "the loss light-eth rather easily, upon many than heavily upon few". The insured person transfers from his own shoulders to the insurers, who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some of the losses, they insure against will in fact occur within any given period. They calculate, therefore, that they will be left with a profit. The insurer, on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, shipwreck, will not cause him to lose his investment. The insurance idea is an old-institution of transactional trade. The age old form of insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, live stock, crop, burglary and various other disasters. Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of "just" order in insurance and to develop the appreciative and evaluative faculties of the students. The following syllabus prepared with the above perspective will be spread over a period of one semester.

Syllabus

1. Introduction

Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity

Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance

Constitutional perspectives- the Entries 24,25,29,30,47 of List I Union List; 23, 24, of List III

Learning Outcome:

The student learns about insurance contract, various kinds of insurance, the relation between Law of contract, torts and insurance.

2. General Principles of Law of Insurance

Definition, nature and history

The risk - commencement, attachment and duration

Assignment and alteration

Settlement of claim and subrogation

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Effect of war upon policies

Learning Outcome:

The student will learn the general principals of Insurance, the risk, settlement of claim, and effect of war upon policies.

3. Indian Insurance Law: General

History and development
The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000
Mutual insurance companies and cooperative life insurance societies
Double Insurance and re-insurance

Learning Outcome:

The student learns here the historical perspective and developments of Law of Insurance in India.

4. Life Insurance

Nature and scope
Event insured against life insurance contract
Circumstances affecting the risk
Amounts recoverable under life policy
Persons entitled to payment
Settlement of claim and payment of money

Learning Outcome:

This chapter makes the student learn about Life insurance, settlement of claims under life insurance.

5. Marine Insurance

Nature and Scope
Classification of marine policies
The Marine Insurance Act, 1963 Marine insurance Insurable interest, insurable value
Marine insurance policy - condition. - express warranties construction of terms of policy
Voyage-deviation
Perils of the sea Assignment of policy
Partial laws of ship and of freight, salvage, general average, particular charges Return of premium

Learning Outcome:

UNIT 5: This unit enables the student to understand the concept of Marine Insurance, the Act of Marine Insurance 1963, insurable interest and insurable value.

6. Insurance Against Accidents

The Fatal Accidents Act, 1855
Objects and reasons
Assessment of compensation
Contributory negligence
Apportionment of compensation and liability
The Personal Injuries (Compensation Insurance) Act 1963⁴⁰
Compensation payable under the Act
Compensation insurance scheme under the Act-Compulsory insurance

Learning Outcome:

This unit gives the clear idea about the Fatal insurance accidents Act, 1855, assessment of compensations, the Personal Insurance Act, 1963.

7. Property Insurance

Fire insurance
The Emergency Risks (Factories) Insurance
The Emergency Risks (Goods) Insurance
Policies covering risk of explosion
Policies covering accidental loss, damage to property
Policies covering risk of storm and tempest
Glass-plate policies
Burglary and theft policies
Live stock policies
Goods in transit insurance
Agricultural insurance

Learning Outcome:

The student will understand about fire insurance, policies covering risk of explosion, glass plate policies and Agricultural insurance.

8. Insurance Against Third Party Risks

The Motor Vehicles Act, 1988
Nature and scope
Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance
Claims tribunal: constitution, functions, application for compensation, procedure, powers and award
Liability Insurance
Nature and kinds of such insurance
Public liability insurance
Professional negligence insurance

Learning Outcome:

This chapter makes the student learn about third party risks, like Motor vehicles Act 1988, nature and kinds of such insurance.

9. Miscellaneous Insurance Schemes: New Dimensions

Group life insurance
Mediclaime, sickness insurance

Learning Outcome:

9: The student in this chapter will learn about group insurance and sickness insurance.

Course outcome:

1. The students will have knowledge about insurance in general, historic perspective of Insurance, and Law of Insurance in India.

2. The student better understands about Life insurance, Marine Insurance, the conditions when claiming policies, rules and regulations of these policies.

3. The student will be able to understand about insurance against accidents, property and different policies under these insurances.

4. The student acquires knowledge about third party insurance, group insurance, and sickness insurance.

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COURSE CODE : PR-3001

COURSE NAME : COMPULSORY PRACTICAL

Doctrinal Work Course Objectives:

One of the main purposes of conducting doctrinal research is solving the legal problems of bringing laws. For example, if the government decides to bring umbrella legislation for all the crimes committed against women, it may initiate doctrinal research by some jurists and experts in the field.

It can be utilized for several other purposes as well like to help lawmakers develop meaningful and effective laws, develop fresh legal doctrines, aid courts in reaching effective and legally accurate judgments, help lawyers to interpret statutes and prepare their suits, help students in academia to set a base and many others.

Doctrinal Work Course Outcomes:

Doctrinal research has helped in developing a basic awareness of legal issues among the people. It has immensely helped judges and attorneys in legal suits to develop valid arguments and reach an effective judgment. The development of tort law is a prime example. Doctrinal research by focusing on “law as it is” has helped in percolating a greater awareness about legal issues among the masses. It has also helped in pointing out the loopholes in existing laws and statutes.

Non-Doctrinal Work Course Objectives:

- Non-doctrinal research, also known as socio-legal research, that employs methods taken from other disciplines to generate empirical data that answers research questions. (Salim Ibrahim Ali 2017)
- The purpose of non-doctrinal research is to check the utility of a law that has been brought or how it impacts the non-legal aspects of society. Also, non-legal factors affect the implementation of the law. Sometimes, a very comprehensive law is brought but sometimes the environment is such that its effectiveness is shielded by those circumstances.

Non-Doctrinal Work Course Outcomes:

- Non-doctrinal research focuses on law in action in its playing field i.e., the society. It could be of great help for analyzing the effects of laws on people and how to bring out legal reforms. It helps the law to catch up with this ever-changing society. Judicial activism is a great product of non-doctrinal research.
- Non-doctrinal research studies law in connection with society and various non-legal aspects that affect the law. It is socio-legal research.
- Non-doctrinal research has a wider scope and studies law in comprehensive terms.

Clinical Legal work, Course Objectives:

One of the main elements of Clinical Education. The reason for this is that, they are first trained as a trainee, then they step up and learn⁴³ legal skills and at the same time work as educators in the law field. Some of the important contributions can be listed as- First, the focus of this method is rather on students learning it rather than teachers teaching it,

- Hence ample amount of work is put into it by the students itself. Second, when it comes to

theoretical norms, they are usually tested and operated upon by the students and teachers and even here it reflecting the working of both teachers and students for the purpose of attaining a common goal.

Clinical Legal work, Course Outcomes:

- It is of great importance to find an active, effective, collaborative, comprehensive and sustained educational method for legal rights. Based on our research, legal clinics have an effectual role in creating these features for legal rights education as far as clinical human rights education can be introduced and recommended as a premier method to increase legal rights knowledge in the community.
- National law school model established post-independent Indian legal education has done a great job in the development of legal education in India with a strong commitment to improving existing legal infrastructure. Certainly, with this spirit, changes in syllabus and structure to cater to the new generation of lawyers.

FOURTH SEMESTER

PAPER CODE : DI - 2002
PAPER NAME : DISSERTATION

PAPER CODE : VV-2002
PAPER NAME : VIVA-VOCE