

**PUNYASHLOK AHILYADEVII HOLKAR SOLAPUR UNIVERSITY,
SOLAPUR**



**RULES, REGULATIONS AND
SYLLABUS FOR TWO YEARS
POST GRADUATION LL.M COURSE
(FOUR SEMESTERS)**

**CHOICE BASED CREDIT SYSTEM (CBCS) WITH
CUMULATIVE GRADE POINT AVERAGE (CGPA)
FROM ACADEMIC YEAR 2020-2021 AND ONWARDS
w.e.f. JUNE 2020**

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- 1. Duration of the Programme of LL.M Post Graduate Degree Course:** - The duration of the programme is of two academic years which spread over four semesters with the University Examination at the end of each semester. Each Academic year shall be divided into Two Semesters. The academic session for odd semester (1st & 3rd) will commence as far as possible from 1st July, while for even semester (2nd & 4th) will commence from 1st January every year. The courses/papers and credits assigned to the each course shall be as given in the LL.M. Post Graduate Course Structure
- 2. Medium of instruction:** The medium of instruction and Examination shall be in English.
- 3. Eligibility for admission:-**
 - A) LL.M. 1st Year** – For admission to the LL.M.I, the candidate must have passed, the LL.B. three years degree course after graduation, or five years LL.B. course after 12th standard or equivalent qualifications, of this university or any other recognised university. Admission will be in accordance with the merit in the qualifying examination. (LL.B. or B.A.LL.B)
 - B) LL.M. Course** shall be a full-time and of semester pattern. The LL.M. course cannot be done externally i.e. without keeping regular terms in Law College.
 - C) No two regular courses (i.e. LL.B. + Graduate /Post Graduate/Diploma Courses)** shall be done simultaneously.
 - D) Admissions** are completely governed by rules and regulations made by university made by time to time.
- 4. Attendance:-**
 - (i) Regular 100% attendance is expected to all students for LL.M. course and shall be monitored in the semester rigorously. Students shall be informed at the end of every month if they are falling short of attendance requirement.
 - (ii) A Maximum of 25% absence for the attendance may be permitted only on valid grounds such as illness, or other emergency reason which is beyond control of a student and shall be approved by the concerned affiliated college.
- 5. Rules of Promotion/ ATKT: - LL.M Course.**
 - 1. To promote a student in to 2nd, 4th Semester:** A student is being eligible for promotion to the 2nd, 4th Semester must have successfully kept the terms for the 1st, 3rd Semester respectively, irrespective of the result of these Semester examination.
 - 2. To promote a student in to 3rd Semester:** A student is being eligible for admission to the 3rd Semester must have either passed in the 1st and 2nd Semester or must have got exemption in at least five Papers of the 1st and 2nd Semesters.

6. Interpretation Clause: Unless the context otherwise require, the following words shall have the meaning as assigned to them in this clause.

a) Choice Based Credit System (CBCS):

Choice Based Credit System provides choice for students to select from the prescribed courses (core, elective or minor or soft skilled courses)

b) Credit: Credit means the unit by which the course work is measured. It is measured in terms of weekly class hours assigned to a Course. In this Direction one Credit means one hour of teaching work or two hours of practical work per week for 15 weeks in a semester.

c) Credit Point (CP): It is the value obtained by multiplying the Grade Point by the Credit i.e. No. of Credits assigned for the course x Grade Points secured for that course.

d) Cumulative Grade Point Average (CGPA): CGPA means the value obtained by dividing total number of credit points in all the semesters by the total number of credits in all the semesters.

d) Grade Letter: Grade Letter means 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 into a letter grade i.e. O, A, B, C, D, E and F. There shall be a range of marks for each Grade

e) Grade Point: Grade Point means weightage allotted to each grade letter.

f) Programme: It means the Two Year Post Graduate Programme of study and examination spread over four semesters, the successful completion of which would lead to the award of Master of Laws (LL.M) degree

g) Semester Grade Point Average (SGPA): It means the value obtained by dividing the total credit points earned by a student in all the courses of a given semester by the total number of credits assigned to that semester.

h) Course: It is equivalent to a paper/subject in a programme. It is a complete unit of learning which will be taught and evaluated within a Semester. All courses need not carry the same weight. A course may be designed to comprise lecturing/tutorial/laboratory work/field work/outreachactivities/projectwork/vocationaltraining/viva/seminars/termpapers/assignments/presentations/self-study etc. or a combination of some of these.

The UGC guidelines on CBCS system prescribe three kinds of courses: Core, Elective and foundation in a programme.

Core Course:

This is the course/subject which is to be compulsorily studied by a student as a core requirement to complete the programme. It shall be related to the discipline of study.

Elective Course:

Elective course is a course which can be chosen from a pool of prescribed papers. An elective courses may be “*Generic Elective*” focusing on those courses which add generic proficiency to the students. An elective may be “*Discipline Centric*” or may be chosen from an unrelated discipline. It may be called as “*Open Elective*”.

Foundation Course:

The Foundation Courses may be of two kinds, *Compulsory Foundation* and *Elective Foundation*. “*Compulsory Foundation*” courses are the courses based upon the content that leads to Knowledge enhancement. They are mandatory for all disciplines. “*Elective Foundation*” courses are value based, and are aimed at man- making education.

7. Scheme of evaluation:-

The Students has to appear external evaluation (University Exam) for 80 Marks and Internal evaluation of 20 marks for each paper except **Legal Research Methodology & Clinical Legal Education II (Practical Paper) and Dissertation**. The internal evaluation is a process of continues assessment. The nature of internal evaluation is decided by the principal of the college and concerned subject teacher at the beginning of semester. The distribution of 20 marks (any two components) internal evaluation shall be as follows.

- | | | |
|---|---|-----------|
| a) Seminar & Presentation | - | 10 Marks. |
| b) Project Work (Doctrinal/Non Doctrinal) | - | 10 Marks |
| c) Participation & Assistance in Lok-Adalat | - | 10 Marks. |
| d) Writing Case Comment (Two Cases) | - | 10 Marks. |

Legal Research Methodology & Clinical Legal Education- II (Practical Paper)

100 marks are divided as follows:-

a) Research Methodology

Project Work

- | | | |
|-----------------------------|---|-----------------|
| (i) Doctrinal Research | - | 25 Marks |
| (ii) Non-Doctrinal Research | - | 25 Marks |

Student has to select a topic relating to law in consultation with subject teacher at the beginning of the semester. By using research methodology students has to submit report (Doctrinal and Non Doctrinal) at the end of the semester.

b) Viva-voce

Viva Voce will be conducted by Internal/External Examiners Relating to project Work/Teaching and Research Methodology - **20 Marks**

c) Law Teaching - 30 Marks

A topic is assigned to the student in advance and student has to deliver three lectures on the assigned topic for 40 minutes in the presence of a subject teacher.

Dissertation: - 200 Marks

Phase-I Synopsis Submission: At the beginning of the 3rd Semester students shall be expected to carry out intensive literature survey for a period of one month in the field of interest and to select topic for dissertation in consultation with assigned teacher. After one month. The student shall then submit report and deliver a seminar on the problem chosen by him/her to the panel of P.G. recognised faculty members.

Phase-II Term Work and Progress of the Research Work and Presentation: It is based on the efforts put by the student to carry out his / her work and submit a progress report and presentation of progress seminar before panel of P.G faculty members at the beginning of fourth semester

Phase III Final Evaluation: After completing the dissertation work to the satisfaction, the student shall submit three copies of dissertation in prescribed format along with soft copy to the college. Open defence or viva-of the student shall be arranged by the university in front of panel of examiners appointed by university authority.

Evaluation System on the basis of Credit based Award Pattern:

The academic performance of a student during a semester shall be graded on a Seven-point scale. The grade awarded to a student shall depend on his/her performance in external and internal examinations. The academic performance of a student during a semester and at the end of the programme, shall be evaluated on the basis of: **(i) Grade Point (GP) obtained in each subject (ii) Semester Grade Point Average (SGPA), (iii) Cumulative Grade Point Average (CGPA)** At the end of each semester examination, a student shall be awarded a Semester Grade Point Average (SGPA). A Cumulative Grade Point Average (CGPA) shall be awarded to each student at the end of Final Semester of the Programme. The details regarding method of calculating SGPA & CGPA is explained in Para 8.

8. Award of Grade Letter, Grade Points, Credit Points, SGPA, CGPA:

(a) Award of Grade Letter and Grade Points:

Each course/paper shall be valued in Seven Grades. The letter grades and their equivalent grade points are listed below.

Conversion of Marks into Grades

S. No.	Range of Marks	Grade	Grade Points	Description of performance
1	80 onwards	O	10	Excellent / Outstanding
2	70 - 79	A+	9	Very Good
3	60 - 69	A	8	Good
4	55 - 59	B+	7	Fair
5	50 - 54	B	6	Above Average
6	45 - 49	C+	5	Average
7	40 - 44	C	4	Below Average
8	< 40	F	0	Fail
9	-	XX	0	Detained
10	-	DR	-	Dropped Out

(b) Calculation of Credit Points :-

Credit Points for the course = (No. of Credits assigned for the course x Grade Point secured for that course.)

(c) Semester Grade Point Average (SGPA) :-

SGPA indicates the performance of a student in a given Semester. SGPA is based on the **total credit points earned by the student in all the courses** and **the total number of credit assigned to the courses/papers in a Semester.**

$$SGPA = \frac{\text{Total Credit Points Obtained in the Semester}}{\text{Total Number of Credits for the Semester}}$$

Provided that SGPA is computed only if the candidate passes in all the courses (gets a minimum 'E' Grade in all Courses).

(d) Cumulative Grade Point Average (CGPA): CGPA refers to the Cumulative Grade Point Average weighted across all the semesters.

$$CGPA = \frac{\text{Total Credit Points Obtained in all semesters}}{\text{Total Credits of All Semesters}}$$

The CGPA is calculated only when the candidate passes in all papers of all semesters. The final Grade Sheet shall show the Grade and Grade Points only.

9. Mode of University Examination Question Paper

1. **Maximum Marks – 80**
2. **Time – Three Hours**
3. **Students should answer any FIVE out of EIGHT questions**
4. **Out of EIGHT questions Q. NO. 1 is Compulsory (Multiple Choice Questions)**
5. **All questions carry equal marks (5 X 16 = 80)**

10. Standard of Passing:

- A) A candidate shall be declared 'Pass' in the examination of a Semester if he has secured at least aggregate of 50 marks in each paper in semester examination. And a minimum 10 marks in internal examination and 40 marks in external (University) examination in each of the subject in semester examination.
- B) The Student has to secure minimum of 5-grade points (Grade E) in examination prescribed for a Particular semester.
- C) A student who failed in University semester examination (Theory) and passed internal examination of paper (subject) shall be given FU Grade. Such student will have to appear for term end examination only. A student who failed in internal examination and passed in University Examination (Theory) shall be given FI Grade. Such student will have to appear for term end examination as well as internal examination.

11. Award of the Degree:

A student will be eligible for the award of the Degree of Master of Laws (LL.M) with his chosen specialization/s, after he has successfully completed all the four semesters i.e.18 courses with a total 60 credits and obtained minimum CGPA of 5 out of 10 The degree shall specify the division and CGPA of successful candidates as per the following criterion :

Conversion of Average grade points in to grades

SGPA/ CGPA	Letter Grade
9.5 – 10	O
8.5 – 9.49	A+
7.5 – 8.49	A
6.5 – 7.49	B+
5.5 – 6.49	B
4.5 – 5.49	C+
4.0 - 4.49	C
< 3.99	F / FC

GROUP: 1 CORPORATE LAW

PART: I

LL.M-FIRST SEMESTER

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int = Total	Duration of Exam
1	Compulsory Foundation Course-I	Indian Constitutional Law and New Challenges	6	4	80+20=100	3.00-Hrs
2	Compulsory Foundation Course-II	Legal Education and Legal Research Methodology-I	6	4	80+20=100	3.00-Hrs
3	Core Course – I	Law of Industrial and Intellectual Property	6	4	80+20=100	3.00-Hrs
4	Core Course – II	Legal Regulation and Economic Enterprise	6	4	80+20=100	3.00-Hrs

PART: II

LL.M-SECOND SEMESTER

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int = Total	Duration of Exam
1	Compulsory Foundation Course - III	Law and Social Transformation in India	6	4	80+20=100	3.00-Hrs
2	Core Course - III	Corporate Law	6	4	80+20=100	3.00-Hrs
3	Core Course - IV	Company and Securities Law	6	4	80+20=100	3.00-Hrs
4	Elective Course (Any One)	A) Banking Law B) Cyber Law	6	4	80+20=100	3.00-Hrs

**PUNYASHLOK AHILYADEVJI HOLKAR
SOLAPUR UNIVERSITY, SOLAPUR
LL.M SYLLABUS - CORPORATE LAWS**

SEMESTER – I

PAPER-I: COMPULSORY FOUNDATION COURSE-I

INDIAN CONSTITUTIONAL LAW AND NEW CHALLENGES

OBJECTIVES OF THE SUBJECT

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

1. Federalism

14 Lectures

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

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

07 Lectures

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

07 Lectures

4. Empowerment of Women

07 Lectures

5. Freedom of Press and challenges of new scientific development

08 Lectures

Freedom of speech and right to broadcast and telecast.
Right to Strikes, Hartal and Bandh.

- 6. Emerging regime of new Rights and Remedies** **08 Lectures**
 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 Compensation Jurisprudence
 6. 1.2. Right to Education
 Commercialization of education and its impact.
 Brain drain by foreign education market.
- 7. Right of Minorities to establish and administer Educational Institutions and State Control** **07 Lectures**
- 8. Secularism and Religious Fanaticism.** **07 Lectures**
- 9. Separation of Powers: Stresses and Strain** **08 Lectures**
 Judicial activism and judicial restraint.
 PIL: implementation.
 Judicial independence.
 Appointment, transfer and removal of judges
 Accountability: executive and judiciary.
 Tribunals
- 10. Democratic Process** **07 Lectures**
 Nexus of politics with criminals and the business.
 Election
 Election commission: status.
 Electoral Reforms

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 papers and lastly contemporary emerging ethos impacting on constitutional values.

PAPER-II: COMPULSORY FOUNDATION COURSE - II

LEGAL EDUCATION AND RESEARCH METHODOLOGY

OBJECTIVES OF THE SUBJECT

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 familiarize 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.

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| 1. Objectives of Legal Education | 06 Lectures |
| 2. Lecture Method of Teaching - Merits and demerits | 06 Lectures |
| 3. The Problem Method | 06 Lectures |
| 4. Discussion method and its suitability at Post-graduate level teaching | 05 Lectures |
| 5. The Seminar Method of teaching | 05 Lectures |
| 6. Examination system and problems in evaluation - External and Internal Assessment. | 05 Lectures |
| 7. Student participation in Law School Programmes - Organization of Seminars, publication of Journal and assessment of teachers | 05 Lectures |
| 8. Clinical Legal Education - Legal aid, Legal Literacy, Legal Survey and Law Reform | 06 Lectures |
| 9. Research Methods | 12 Lectures |
| Socio Legal Research
Doctrinal and non-doctrinal
Relevance of empirical research
Induction and deduction | |
| 10. Identification of Problem of research | 12 Lectures |
| 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. | |

11. Preparation of the Research Design

12 Lectures

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

SELECT BIBLIOGRAPHY

High Brayal, Nigel Dunean and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School*, (1998) Blackstone Press Limited, London

S.K.Agrawal (Ed.) *Legal Education in India* (1973), Tripathi, Bombay.

N.R. Madhava Menon, (ed) *A Handbook of Clinical Legal Education*, (1998) Eastern Book Company Lucknow.

M.O.Price, H.Bitner and Bysiewicz, *Effective Legal Research* (1978)

Pauline V. Young, *Scientific Social Survey and Research*, (1962)

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H.M.Hyman, *Interviewing in Social Research* (1965)

Payne, *The Art of Asking Questions* (1965)

Erwin C. Surrency, B.Fielf and J. Crea, *A Guide to Legal Research* (1959)

Morris L. Cohan, *Legal Research in Nutshell*, (1996), West Publishing Co.

Havard Law Review Association, *Uniform System of Citations*

ILI Publication- *Legal Research and Methodology*

PAPER-III: CORE COURSE - I

LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

OBJECTIVES OF THE SUBJECT

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 emphasized 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.

1. IPR and International Perspectives

10 Lectures

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

10 Lectures

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

10 Lectures

United Nations approaches (UNCTAD, UNCITRAL)

EEC approaches

Position in U.S.

The Indian situation.

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

10 Lectures

5. Biotechnology Patents:

10 Lectures

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.

6. Patent Search, Examination and Records:

10 Lectures

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

7. Special Problems of Proof of Infringement:

10 Lectures

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.

8. Intellectual Property and Human Right

10 Lectures

Freedom of speech and expression as the basis of the regime of intellectual property right –

Copy right 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
Health care and food security
Traditional knowledge - protection- biodiversity convention- right of indigenous people.

SELECT BIBLIOGRAPHY

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

Terence P. Stewart (ed.), *The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)* (1999), Kluwer

Iver P. Cooper, *Biotechnology and Law* (1998), Clerk Boardman Callaghan, New York

David Bainbridge, *Software Copyright Law* (1999), Butterworths

Sookman, *Computer Law* (1998), Carswell

Carlos M. Correa (ed.), *Intellectual Property and International Trade* (1998), Kluwer

Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell

Christopher Wadlow, *The Law of Passing-Off* (1998), Sweet and Maxwell

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

PAPER-IV: CORE COURSE - II

LEGAL REGULATION OF ECONOMIC ENTERPRISES

OBJECTIVES OF THE SUBJECT

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 liberalization 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.

1. The Rationale of Government Regulation

12 Lectures

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 | 06 Lectures |
| 3. Take-over of Management and Control of Industrial Units | 06 Lectures |
| 4. Sick Undertakings: Nationalization or Winding Up? | 06 Lectures |
| 5. Licensing Policy and Legal Process - Growing Trends of Liberalization | 06 Lectures |
| 6. Deregulation of essential commodities: developmental sign or a social mishap? | 05 Lectures |
| 7. Financial Services: Changing Techniques of Regulation | 05 Lectures |
| 8. Critical Issues Regarding the Capital Issues
Equity and debt finance
Global depositories
De-materialized securities | 05 Lectures |
| 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 | 05 Lectures |
| 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 | 12 Lectures |
| 11. Legal Regulation of Multi-Nationals
Collaboration agreements for technology transfer
Development and regulation of foreign investments
Investment in India: FDIs and NRIs
Investment abroad | 12 Lectures |

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S. Aswani Kumar, the Law of Indian Trade Mark (2001), Commercial Law House, Delhi
Industrial Policy Resolutions of 1948, 1956, 1991
Industrial Licensing Policy 1970, 1975
Industrial Policy Statements 1973, 1977, 1980
Reports of Committees on Public Undertakings of Parliament
Industries (Development and Regulation) Act, 1951

U. Baxi (Ed.) **Inconvenient Forum and Convenient Catastrophe the Bhopal Case, (1986)** U. Baxi & T. Paul (Eds)

Mass Disasters and Multinational Liability (1986)

U. Baxi & A. Dhandba, **Valiant Victims and Lethal Litigation: The Bhopal Case (1989)**

Indian Law Institute, **Law of international Trade Transactions, (1973)**

SEMESTER – II

PAPER: V COMPULSORY FOUNDATION COURSE - III

LAW AND SOCIAL TRANSFORMATION

OBJECTIVES OF THE SUBJECT

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic 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. The following syllabus prepared with this perspectives will be spread over a period of one semester.

1. Law and Social Change

10 Lectures

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.

2. Religion and the Law

10 Lectures

Religion as a divisive factor. 2.2. Secularism as a solution to the problem.

Reform of the law on secular lines: Problems.

Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law.

3. Language and the Law

10 Lectures

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.

4. Community and the Law

10 Lectures

Caste as a divisive factor

Non-discrimination on the ground 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

5. Regionalism and the Law

07 Lectures

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.

6. Women and the Law

07 Lectures

Crimes against women.

Gender injustice and its various forms.

Women's Commission.

Empowerment of women: Constitutional and other legal provisions.

7. Children and the Law

06 Lectures

Child labour.

Sexual exploitation.

Adoption and related problems.

Children and education.

8. Modernization and the Law

10 Lectures

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

Modernization of social institutions through law.

Reform of family law

Agrarian reform - Industrialization of agriculture.

Industrial reform: Free enterprise v. State regulation - Industrialisation v. 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 de-centralization and local self-government.

9. Alternative approaches to Law

10 Lectures

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: causes and cure.

SELECT BIBLIOGRAPHY

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J.B. Kripalani, *Gandhi: His Life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India
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Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford

PAPER-VI: CORE COURSE - III

CORPORATE LAW

1. Introduction:

10 Lectures

Nature, purposes and types of business enterprises.
Economic themes in the development of modern company law.
Classification of companies.
Concept and theories of corporate personality
Doctrine of Lifting the Corporate Veil
Administration of Company Law- Authorities, their composition, powers and jurisdiction.

2. Formation of company

10 Lectures

Promotion and pre-incorporation contracts.

Concept of Promotion
Rights and Duties of Promoters
Pre-incorporation contracts.

The Mechanics of Company Formation.

Formation formalities.
Memorandum of Association:

i) Meaning, nature and content (Requirements under company and other legislations)

- ii) Doctrine of ultra virus - Scope, Effect, Remedies and Reform of the doctrine.
- iii) Amendment of MOA.

Articles of Association:

Meaning and nature.

Doctrine of indoor management - Scope, Effect and Exceptions.

Amendment of AOA.

3. Concept of Capital and Financing of Companies

10 Lectures

Economic and legal concept of capital

Sources of capital Depositories, Public Financial Institutions, Mutual Funds, FDI and NRI investments.

Kinds of Capital, Alteration, Reduction and Issue of Capital

Share - Definition, Kinds, Classes of Shares, Allotment, Transfer, Transmission of Shares and Buy back of Shares.

Debenture - Definition, Kinds and Rights of Debenture Holders, Charges, New Developments in Corporate Financing.

Inter- corporate Loans and Investments

4. Oppression & Mismanagement and Investigation

10 Lectures

Rule in Foss v. Harbottle

Prevention of Oppression

Prevention of Mismanagement

Role & Powers of the Company Law Board

Role & Powers of Central Government

5. Corporate Liquidation

10 Lectures

Winding up of Companies

Mode of winding up of the companies

Compulsory Winding up under the Order of the Tribunal

Voluntary winding up

6. Corporate Governance and Social Responsibility

10 Lectures

Importance of Corporate Governance

Different system of Corporate Governance

Impact of Legal Traditions and the Rule of Law on Corporate Governance

Legal Reforms of Corporate Governance in India

Reports of the various Committees on Corporate Governance

7. Equity Finance

10 Lectures

7.1. Share capital

Prospectus - information disclosure

Issue and allotment

Shares without monetary consideration

8. Debt Finance

10 Lectures

Debentures

Nature, issue and class

Deposits and acceptance

Creation of charges

Fixed and floating charges

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- i) Y.D. Kulshreshta, Government Regulation of Financial Management of private Corporate sector in India (1986) Journals - Journal of Indian Law Institute, Corporate Law Cases, Chartered Secretary, Law and Contemporary Problems. Statutory Materials - Companies Act

PAPER-VII: CORE COURSE - IV

COMPANY AND SECURITIES LAW

1. Introduction

10 Lectures

2. Concept of Corporate Governance

10 Lectures

Directors and other Managerial Personnel

Qualification, Disqualification, Appointment and Removal

Powers, Position, Duties, Liabilities and Remuneration of Directors

- 3. Managing Director** **10 Lectures**
 Manager and sole selling agents.
 Meetings of company
 Oppression and Mismanagement
 Meaning of and Relief against Oppression and Mismanagement.
- 4. Regulation of companies by disclosure of information** **10 Lectures**
 Themes underlying disclosure of information.
 Auditors - Appointment, Qualification, Disqualification and Removal
 Audit committee.
 Investigation of affairs of companies - inspectors and their powers, inspectors' report.
- 5. Amalgamation** **10 Lectures**
 Definition
 Meaning
 Take over
 Mergers
- 6 Corporate collapses - Winding up of company** **10 Lectures**
 Meaning and kinds
 Grounds for compulsory winding up
 Appointment, Powers and Duties of Liquidator
 Contributory
- 7 International Dimensions of Company Law** **10 Lectures**
 Multinational and Transnational Companies
 Meaning, Growth and Regulation
 Cross- frontier mergers
 International Competition and International Co-operation.
- 8 Securities Laws in India** **10 Lectures**
 Security Contract (Regulation) Act, Control of Capital Market
 National Stock Exchange /Recognized Stock Exchange / OTC Exchange
 Contracts and Options in Securities, Derives, Listing of Securities
 SEBI ACT and Guidelines.
 8.4 Depositories Act - Demitting of Shares

SELECT BIBLIOGRAPHY

- a) Prof. I.C.B. Gover's Modern Principles of company law 5th Edn 1992, Sweet and Maxwell.
- b) Boyle and Birds- Company Law
- c) V.H. Farrar and B. M. Hanniyan, Farrar's Company Law (1998) Butter worth
- d) Ramaiya: Guide to the companies Act, (1998)
- e) Thayil Philip and Iyengar, T.R. Srinivasa - companies Director (their Rights, Duties, Power, Obligations, Appointments, Classifications, Removal, Resignation etc.) 2nd Edn - Law Book Co.(p) Ltd.
- f) Iyengar, T.R. Srinivasa : Company Promotion, Management and incorporation, 2nd edn. The Law Book co (p) Ltd.
- g) Dr. K.R. Chandratre, Bipin S. Acharya, Dr. S.D. Israni , K. Sethuraman: compendium on SEBI- Capital issues and Listing – 3rd Edn. 1996 Bharat law House publication
- h) Bharats Manual of SEBI, 2000, Bharat Law Journals: - Same as under Paper IV.

PAPER-VIII: ELECTIVE COURSE (STUDENT SHOULD SELECT ANY ONE)

A. BANKING LAW

B. CYBER LAW

A. BANKING LAW

OBJECTIVES OF THE SUBJECT

1. Introduction 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 molded 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 nationalization 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 liberalization. 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.

1. Nature and Development of Banking

08 Lectures

History of banking in India-indigenous banking-evolution of Banking in India-

Different kinds of Banks and their functions

1.2 Multi-functional Banks - Growth and Legal issues.

2. Law Relating to Banking Companies in India

08 Lectures

- Controls by government and its agencies.
- On management
- On accounts and audit
- Lending
- Credit policy
- Reconstruction and reorganization
- Suspension and winding up
- Contract between banker and customer: their rights and duties

3. Social Control over Banking

08 Lectures

- Nationalization
- Evaluation: private ownership, nationalization and disinvestment
- Protection of depositors
- Priority lending
- Promotion of under privileged classes

4. Deposit Insurance

08 Lectures

- 4.1 The Deposit Insurance Corporation Act 1961: objects and reasons
- 4.1.2 Establishment of Capital of DIC
- 4.1.3 Registration of banking companies insured banks, liability of DIC to depositors
- 4.1.4 Relations between insured banks, DIC and Reserve Bank of India

5. The Central Bank

08 Lectures

- 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
- Organizational 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

6. Relationship of Banker and Customer

08 Lectures

- Legal character
- Contract between banker and customer
- Banker's lien
- 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

7. Negotiable Instruments

08 Lectures

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

8. Lending by Banks

08 Lectures

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

9. Recent Trends of Banking System in India

08 Lectures

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

10. Reforms in Indian Banking Law

08 Lectures

Recommendations of committees: a review

SELECT BIBLIOGRAPHY

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B. CYBER LAW

OBJECTIVES OF THE SUBJECT

The main objective of this course is to make students familiar with the developments that are being taking place in the different areas with the help of Computer Science and Information Technology. To acquaint the students with the national and international legal order relative to these

1. Fundamentals of Cyber Law

10 Lectures

Conceptual and theoretical perspective of cyber law.

1.2. Computer and Web Technology

1.3 Development of Cyber Law – National and International Perspective

2. Cyber Law: Legal Issues and Challenges in India, USA and EU

10 Lectures

Data Protection, Cyber Security,

Legal recognition of Digital Evidence

Recognition of liability in the digital world

Jurisdiction Issues in Transnational Crimes

3. Cyber Law: International Perspectives

10 Lectures

Budapest Convention on Cybercrime

ICANN's core principles and the domain names disputes

Net neutrality and the EU electronic communications regulatory framework

Web Content Accessibility Guidelines (WCAG) 2.0

4. Cyber Law – Contemporary Trends

10 Lectures

Impact of cyber warfare on privacy, identity theft

International law governing Censorship, online privacy, copyright regulations,

Online Intermediaries in the governance of Internet
Social Networking Sites vis-à-vis Human Rights.

5. Computer Security

10 Lectures

Definition and Meaning
Network Security:
Email security
Web Security
Database Security
Operating System Security
E-commerce Security

6. Establishment of Authorities under IT Act

10 Lectures

Controller
Certifying Authorities
Cyber Regulations Appellate Tribunal
Adjudicating officer
Functions and Powers of Authorities

7. Cyber and Computer Crimes

10 Lectures

Introduction
Reasons for Cyber Crime
Modes operandi of Cyber Crime
Preventive measures of Cyber Crimes
Classification of Conventional and Cyber Crime
Distinction between Conventional and Cyber Crime

8. Information Technology Act, 2005 - Issues and Provisions

10 Lectures

Evolution of I.T. Act - Genesis and Necessity
Digital/ Electronic Signature - Analysis in the background of Indian Laws
E-Commerce
E-Governance
E-Taxation

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1. **Yatindra Singh: Cyber Laws.**
2. **Ajit Narayanan and Bennum (ed.): Law, Computer Science and Artificial Intelligence.**
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5. **Arvind Singhal and Everett Rogers: India's Communication Revolution: From Bullock Carts to Cyber Marts.**

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 15. **Introduction to Forensic Science in Crime Investigation By Dr. Smt. Rukmani Krishnamurthy**
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