

PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR



Name of the Faculty : Humanities

Syllabus : L.L.M. Part-I

(For Affiliated Colleges)

With effect from : August-2023

PG Course as per NEP 2020 New Structure

**PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR
UNIVERSITY,SOLAPUR**



FOR AFFILIATED COLLEGES

**RULES, REGULATIONS AND SYLLABUS FOR TWO
YEARS POSTGRADUATION LL.M COURSE [FOUR
SEMESTERS]**

**CHOICE BASED CREDIT SYSTEM (CBCS) WITH
CUMULATIVE GRADEPOINT AVERAGE (CGPA) FROM
ACADEMIC YEAR 2023-2024 AND ONWARDS**

w.e.f. AUGUST 2023

PG Course as per NEP 2020 New Structure

**PUNYASHLOK AHILYADEVI HOLAKAR SOLAPUR UNIVERSITY,
SOLAPUR**

**CHOICE BASED CREDIT SYSTEM (CBCS)
WITH CUMULATIVE GRADE POINT AVERAGE (CGPA) FROM
ACADEMIC YEAR 2023-2024 AND ONWARDS**

w.e.f. AUGUST 2023

- 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 recognized university. Admission will be in accordance with the CET conducted by the University.
 - 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) 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 Six 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, minor, OJT, RM, FP courses etc.)

b) **Credit:** Credit means the unit by which the course work is measured. In this Direction one Credit means one hour of teaching work or two hours of practical work & one credit are equivalent 15 lectures 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 weight age 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/ fieldwork/ outreach activities/ project work/ vocational training/ viva/ seminars/ term papers/ assignments/presentations/self-study etc. or a combination of some of these & other activities designed and prescribed by the concern center of higher education.

7. The UGC guidelines on CBCS system prescribe following courses: Core, Elective, Minor and OJT / FP / RP in a programme.

a. 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.

b. Elective Course:

Elective course is a course which can be chosen from a pool of prescribed papers.

c. Minor Course:

The Minor Courses is a course based upon the content that leads to Knowledge enhancement in research area. They are mandatory for research inquiries in a discipline.

d. OJT/FP/RP

The On-job training, field project & Research Project is practical training component designed to enhance practical knowledge, operation of a law of any given subject. The Centre of higher education shall have a choice to select/opt any of the above components as per their choice & convenience.

8. Scheme of evaluation: -

The students have to appear external evaluation (University Exam) for 80 Marks and internal evaluation of 20 marks for each paper except Dissertation & OJT/FP/RP. The internal evaluation is a process of continuous 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 | - | 10Marks. |
| b) Project Work (Doctrinal/Non-Doctrinal) | - | 10Marks |
| c) Participation & Assistance in Lok-Adalat | - | 10Marks. |
| d) Writing Case Comment (Two Cases) | - | 10Marks. |
| e) Any other Activity Prescribed by the Centre | - | 10 Marks |

9. OJT/FP/RP (Practical Paper)

a. OJT:

Student has to Prepare and Maintain detail record of On Job Training and has to submit at the end of the Semester. 100 marks are divided as follows: -

1. Dairy Submission: 60 Marks
2. Viva- Voce : 40 Marks

b. Research Project / Field Project Work

- i.**
 - a. Doctrinal Research - 60 Marks OR
 - b. Non-Doctrinal Research - 60 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.

ii. Viva-voce

Viva Voce will be conducted by Internal/External Examiners Relating to project Work / Teaching and Research Methodology - 40 Marks

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. recognized 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 below.

10. 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.

11. Mode of University Examination Question Paper

1. Maximum Marks–80
2. Time– Three Hours

12. Standard of Passing:

1. 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.
2. The student has to secure minimum of 5-grade points (Grade E) in examination prescribed for a Particular semester.
3. 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.

13. 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. The degree shall specify the division and CGPA of successful candidates as per the following criterion:

Conversion of Average grade points into 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

FOR AFFILIATED COLLEGES
MASTER OF LAWS (LL.M.) – 2 YEARS PROGRAMME
(w. e. f. 2023-24)

CORPORATE LAW

PART: I LL.M-FIRST SEMESTER

PG Course as per NEP 2020 New Structure

SEM	CODE	SUBJECTS	NATURE	CREDITS	Semester Exam			Duration of Exam For U.A.	TOTAL CREDITS
					U.A.	C.A.	Total		
I	DSC1-1	Indian Constitutional Law and New Challenges	Mandatory[Major]	4	80	20	100	3 Hrs.	22
	DSC1-2	Introduction to Legal Theory	Mandatory[Major]	4	80	20	100	3 Hrs.	
	DSC1-3	General Principles of Corporate Law	Mandatory[Major]	4	80	20	100	3 Hrs.	
	DSE1-1 OR DSE1-1	A. Cyber Law OR B. Banking Law	Elective[Major]	3	60	15	75	2.15 Hrs.	
	DSE1-2 OR DSE1-2	A. Law of Industrial & Intellectual Property O R B. Legal Regulation and Economic Enterprises	Elective[Major]	3	60	15	75	2.15 Hrs.	
	RM	Research Methodology-I	Minor	4	80	20	100	3 Hrs.	

PART: I LL.M-SECOND SEMESTER

SEM	CODE	SUBJECTS	NATURE	CREDITS	Semester Exam			Duration of Exam For U.A.	TOTAL CREDITS
					U.A	C.A	Total		
II	DSC1-4	Company and Securities Law	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-5	Fundamentals of Commercial Laws	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSCI-6	Competition Law	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-3 OR DSE1-3	A. Corporate Governance OR B. Law relating to Customs & Foreign Exchange	Elective [Major]	3	60	15	75	2.15 Hrs.	
	DSE1-4 OR DSE1-4	A. Corporate Finance OR B. Corporate Insolvency and Bankruptcy Law	Elective [Major]	3	60	15	75	2.15 Hrs.	
	OJT	On Job Training		4	---	100	100	---	

ABBREVIATION:

DSC: Discipline Specific Core

DSE: Discipline Specific

Elective **OJT:** On Job Training

RM: Research Methodology

RP: Research Project / Dissertation

LL.M COURSE STRUCTURE
[For Affiliated Colleges]
MASTER OF LAWS (LL.M.) – 2 YEARS PROGRAMME
(w. e. f. 2023-24)
CORPORATE LAW
PART: I LL.M-FIRST SEMESTER

S NO.	COURSE AND PAPER NO.	SUBJECT	CREDITS	TOTAL MARKS EX + INT. = TOTAL	DURATION OF EXAM
1	Discipline Specific Core 1-1 Paper-I	Indian Constitutional Law and New Challenges	4	80+20=100	3 Hours
2	Discipline Specific Core-1-2 Paper-II	Introduction to Legal Theory	4	80+20=100	3 Hours
3	Discipline Specific Core-1-3 Paper-III	General Principles of Corporate Law	4	80+20=100	3 Hours
4	Discipline Specific Elective 1-1 Paper IV	A. Cyber Law OR B. Banking Law	3	80+20=100	3 Hours
5	Discipline Specific Elective 1-2 Paper V	A. Law of Industrial And Intellectual Property OR B. Legal Regulation of Economic Enterprises	3	80+20=100	3 Hours
6	Research Methodology -I Paper VI	Legal Education and Research Methodology	4	80+20=100	3 Hours

SEMESTER-II

S NO.	COURSE AND PAPER NO.	SUBJECT	CREDITS	TOTAL MARKS EX + INT. = TOTAL	DURATION OF EXAM
7	Discipline Specific Core 1-4 Paper: VII	Company and Securities Law	4	80+20=100	3 Hours
8	Discipline Specific Core – 1-5 Paper: VIII	Fundamentals of Commercial Laws	4	80+20=100	3 Hours
9	Discipline Specific Core – 1-6 Paper: IX	Competition Law	4	80+20=100	3 Hours
10	Discipline Specific Elective – 1-3 Paper: X	A. Corporate Governance OR B. Law Relating to Customs and Foreign Exchange	3	80+20=100	3 Hours
11	Discipline Specific Electives – 1-4 Paper: XI	A. Corporate Finance OR B. Corporate Insolvency and Bankruptcy Law	3	80+20=100	3 Hours
12	Paper: XII	OJT On job training [Practical Paper]	4	---	---

ABBREVIATION:

DSC: Discipline Specific Core

DSE: Discipline Specific Elective

OJT: On Job Training

RM: Research Methodology

RP: Research Project / Dissertation

PUNYASHLOK AHILYADEVI HOLKARSOLAPURUNIVERSITY, SOLAPUR

**LL.M
SYLLABUS
SEMESTER-I
PAPER-I
DISCIPLINE SPECIFIC CORE-1-1**

INDIAN CONSTITUTIONAL LAW AND NEW CHALLENGES

Credits: -4

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

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.

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

4. Empowerment of Women

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

6. Emerging regime of new Rights and Remedies

Reading Directive Principles and Fundamental Duties into Fundamental Rights

Compensation Jurisprudence

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

8. Secularism and Religious Fanaticism.

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

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
DISCIPLINESPECIFIC CORE-1-2

INTRODUCTION TO LEGAL THEORY

Credits:-4

Objectives of the Subject:

The subject aims at developing and insight into the juristic foundations of a legal system-an understanding of the law as it exists and functions in society. Further, this course gives a clear understanding about the nuances of law and its nature function. It gives a clear understanding about the impact of law on various other branches and its functioning and its relationship to ethics and justice.

1. Introduction

Meaning and concept of Jurisprudence

Relevance of Jurisprudence in the contemporary era

Meaning and definition of Law

Law and Morals, Value of Judgments

2. Relevance of Natural Law: theoretical Perceptions

The Origin and Significance of Natural Law

Theoretical Perceptive of Natural Law

S T Thomas Aquinas; Grotius; Hobbes; Locke; Rousseau

German Transcendental Idealism-Immanuel Kant

Revival of Natural Law-Stammler; Fuller; John. Finnis

Semi-sociological Natural Law-H. L. A. Hart

Liberty and Civil disobedience

3. Legal positivism

Austin's analytical theory of Law

Pure Theory of Law-Hans Kelson

4. Post Modern Theories

Hart's concept of Law

Rawls theory of Justice

Amartya Sen's theory of Justice

5. Sociological Jurisprudence

Prof. Pound- Social Engineering Theory

Prof. Patterson

Prof. Selznick

6. American legal Realism

Jerome Frank

Karl Lewellyn

Indian Judicial process & relevance to American legal realism

7. Feminist Jurisprudence

Nature and Types of Feminism

Gender Justice and Feminism

Indian Constitution of Feminist Jurisprudence

SUGGESTED READINGS:

1. W. Friedmann – Legal Theory
2. Julius Stone – Social Dimension of Law & Justice
3. C. K. Allen – Law In the Making
4. Lloyd – Introduction to Jurisprudence
5. Dias – Text on Jurisprudence
6. H. L. A. Hart – Law, Liberty and Morality
7. Lord Devlin – The Enforcement of moral
8. Basi Mitchell – Law morality and religion in a secular society
9. Prof. Julius Stone – Human Law and Human Justice
10. Prof. Julius Stone – Province & functions of Law
11. Prof. Roscoe Pound – Jurisprudence Vol. I to IV
12. R. Warrenton – Post-modern Jurisprudence
13. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence
14. Ronald Dworkin – Laws Empire
15. Ronald Dworkin – Morality principle
16. Patton – Text on Jurisprudence
17. Hohfeld – Fundamental Legal Conceptions
18. John Rawls – Theory of Justice
19. John Rawls – Political Liberalism
20. Catherine Mackinnon – Difference & Dominance on sex discrimination
21. Catherine Mackinnon – Towards a Feminist Theory of State
22. K. Barlett & Kennedy Feminist Legal Theory
23. K. Weisberg – Feminist Legal Theory Foundation
24. Precedent in Indian Legal System - Prof. A. Lakshmi nath
25. Catherine Mackinnon – Difference & Dominance on sex discrimination
26. Catherine Mackinnon – Towards a Feminist Theory of State
27. K. Barlett & Kennedy Feminist Legal Theory
28. K. Weis Berg – Feminist Legal Theory Foundation

PAPER-III
DISCIPLINE SPECIFIC CORE-1-3

GENERAL PRINCIPLES OF CORPORATE LAW

Credits: -4

Objectives of the Subject:

The subject aims to acquire knowledge and develop understanding of the regulatory framework of companies with reference to various provisions of Companies Act and its schedules, rules, notifications, circulars, clarifications there under including case laws and Secretarial standards.

1. Company Form and Structure

Corporate Personality, Personification – Concept

Theories of Corporate Personality –Jurisprudential aspects

Company – Definition, Nature, Characteristics

Classification of companies

Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations

Promotion of companies – Legal position of Promoters, Duties and Liabilities

Pre-incorporation Contracts

2. Company - Registration and Incorporation

Memorandum of Association – Importance and Contents

Articles of Association – Significance and interrelationship

Doctrine of Ultra Vires – Applicability, consequences

Doctrine of Constructive Notice – Rule of presumption

Doctrine of Indoor Management – Concept & exceptions

Prospectus (meaning, issue and kinds)

3. Corporate Fund Raising

Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares

Rights issue, Bonus Issue - Rationale, mechanism

Allotment –Principles & procedure

Debenture/Debt Capital –Concept, Meaning and Kinds

Debenture Trustee, Debenture Trust Deed

Shareholder vis-à-vis Debenture holder

4. Corporate Management

Directors – Meaning, Types, Qualifications, Disqualifications

Legal Position of Directors

Shadow, De-facto and De-jure Director

Powers and Duties of Directors

Meetings – Kinds and Requisites of valid meeting

5. Corporate Abuse and Remedies

Shareholders Democracy

Majority Powers and Minority Rights

Principle of Non-Interference (Rule established in Foss v Harbottle)

Protection against Oppression

Protection against Mismanagement

6. Corporate Governance and Corporate social responsibility

Meaning and evolution

Principal of Corporate Governance

CSR and its importance including statutory provisions

Interrelationship between CG & CSR

SUGGESTED READINGS:

1. Ramaiyya, Guide to Companies Act, 2013
2. Charlesworth & Morse, Company Law
3. Gower & Davies, Principles of Modern Company Law
4. K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman
5. Sekhar K., SEBI Capital Issues, Debentures and Listing, Wadhwa and Company, Nagpur
6. C.R. Dutta on the Company Law, 6th Edn. 2008 by Kamal Gupta
7. Pennington, Company Law
8. Agrawal & Babyon SEBI Act, Taxman Publications
9. Palmer, Company Law
10. K. Majumdar, Dr. G. K. Kapoor Company Law & Practice, Taxman
11. Nicholas Bourne, Principles of Company Law
12. H.L.J. Ford and A.P. Austen, Ford's Principles of Corporations Law, (1999) Butterworths
13. Jonathan Charkham, Fair Share: The Future of Shareholders Power and Responsibility, Oxford.
14. Corporate Governance OECD Principles.

Statutes & SEBI Regulations to be referred:

1. The Companies Act, 2013
2. Securities and Exchange Board of India Act, 1992
3. (Issue of Capital and Disclosure Requirements) Regulations, 2018
4. Depositories Act, 1996
5. Securities Contract Regulation Act, 1956

PAPER IV: DISCIPLINE SPECIFIC ELECTIVE 1-1

A. CYBER LAW

Credits:-3

Objectives of the Subject:

The main objective of this subject 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 orders relative to these.

1. Fundamentals of Cyber Law

Conceptual and theoretical perspective of cyber law.

Computer and Web Technology

Development of Cyber Law – National and International Perspective

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

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

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

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

Definition and Meaning

Network Security:

Email security

Web Security

Database Security

Operating System Security

E-commerce Security

6. Establishment of Authorities under IT Act

Controller

Certifying Authorities

Cyber Regulations Appellate Tribunal

Adjudicating officer

Functions and Powers of Authorities

7. Cyber and Computer Crimes

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

Evolution of I.T. Act - Genesis and Necessity

Digital/ Electronic Signature - Analysis in the background of Indian Laws

E-Commerce

E-Governance

E-Taxation

SELECT BIBLIOGRAPHY

1. Yatindra Singh: Cyber Laws.
2. Ajit Narayanan and Bennum (ed.): Law, Computer Science and Artificial Intelligence.
3. Linda Brennan and Victoria Johnson: Social, ethical and policy implication of Information Technology.
4. Kamath Nandan: Law relating to Computer, Internet and E-Commerce.
5. Arvind Singhal and Everett Rogers: India's Communication Revolution: From Bullock Carts to Cyber Marts.
6. Lawrence Lessing: Code and other Laws of cyberspace.
7. Mike Godwin: Cyber Rights defending free speech in the Digital Age.
8. Cyber Law in India by Farooq Ahmad- Pioneer Books
9. Information Technology Law and Practice by Vakul Sharma- Universal Law Publishing Co. Pvt. Ltd.
10. The Indian Cyber Law by Suresh T. Vishwanathan- Bharat Law House New Delhi
11. Guide to Cyber and E- Commerce Laws by P.M. Bukshi and R.K. Suri- Bharat Law House, New Delhi
12. Guide to Cyber Laws by Rodney D. Ryder- Wadhwa and Company, Nagpur
13. Digital Evidence and Computer Crime, 2nd ed. By Eoghan Casey- Academic Press, 2004
14. Scene of the Cybercrime: Computer Forensics Handbook by Syngress.
15. Introduction to Forensic Science in Crime Investigation by Dr. Smt. Rukmani Krishnamurthy

OR

PAPER IV: DISCIPLINE SPECIFIC ELECTIVE 1-1

B.

BANKING LAW

Credits:-3

Objectives of the Subject:

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

History of banking in India-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

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

Nationalization

Evaluation: private ownership, nationalization and disinvestment

Protection of depositors

Priority lending

Promotion of under privileged classes

4. Deposit Insurance

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

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

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

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

Meaning and kinds

Transfer and negotiations

Holder and holder in due course

Presentment and payment

Liabilities of parties

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 penalty

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

SELECT BIBLIOGRAPHY

1. Basu, A. Review of Current Banking Theory and Practice (1998) Macmillan M. Hapgood (ed.)
2. Pagets' Law of Banking (1989) Butterworths, London
3. R. Goode, Commercial Law, (1995) Penguin, London.
4. Ross Cranston, Principles of Banking Law (1997) Oxford.
5. L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
6. M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2volumes
7. K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher, Distributors Ltd. New Delhi.
8. M. Dassel, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London
9. V. Conti and Hamau (eds.), Financial Markets' Liberalization and the Role of Banks', Cambridge University Press, Cambridge, (1993).
10. J. Dermine (ed.), European Banking in the 1990s' (1993) Blackwell, Oxford.
11. C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
12. S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London
13. K. Subrahmanyam, Banking Reforms in India (1997) Tata Maigraw Hill, New Delhi.
14. Subodh Markandeya and Chitra Markandeye, Law Relating to Foreign Trade in India: Being a Commentary on the Foreign Trade, (Development and Regulation) Act 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi.
15. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
16. M.A. Mir, the Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi. Anthony Pierce, Demand Guarantees in International Trade (1993) Sweet & Maxwell,
17. Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP, London
18. Mitra, the Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University Book Agency, Allahabad.
19. R.K. Talwar, Report of Working Group on Customer Service in Banks
20. Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
21. Narasimham Committee report on the Financial System (1991)- Second Report (1999)

PAPER V: DISCIPLINE SPECIFIC ELECTIVE 1-2

A. LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Credits:-3

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

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

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.

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.

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

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.

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

Health care and food security

Traditional knowledge - protection- biodiversity convention- right of indigenous people.

SELECT BIBLIOGRAPHY

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

OR

PAPER V: DISCIPLINE SPECIFIC ELECTIVE 1-2

Credits:-3 B. 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 economic 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

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

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

4. Sick Undertakings: Nationalization or Winding Up?

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

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-materialized securities

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

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

SELECT BIBLIOGRAPHY

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

PAPER VI: RESEARCH METHODOLOGY -I

LEGAL EDUCATION AND RESEARCH METHODOLOGY

Credits:-4

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.

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

11 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 material

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

1. High Brayal, Nigel Dunean and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School*, (1998) Blackstone Press Limited, London
2. S.K.Agrawal (Ed.) *Legal Education in India* (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) *A Handbook of Clinical Legal Education*, (1998) Eastern Book Company Lucknow.
4. M.O.Price, H.Bitner and Bysiewiez, *Effective Legal Research* (1978)
5. Pauline V. Young, *Scientific Social Survey and Research*, (1962)
6. William J. Grade and Paul K. Hatt, *Methods in Social Research*, Mc Graw-Hill Book Company, London
7. H.M.Hyman, *Interviewing in Social Research* (1965)
8. Payne, *The Art of Asking Questions* (1965)
9. Erwin C. Surrency, B.Fielf and J. Crea, *A Guide to Legal Research* (1959)
10. Morris L. Cohan, *Legal Research in Nutshell*, (1996), West Publishing Co.
11. Havard Law Review Association, *Uniform System of Citations*
12. ILI Publication- *Legal Research and Methodology*

SEMESTER-II

PAPER VII: DISCIPLINE SPECIFIC CORE 1-4

COMPANY AND SECURITIES LAW

Credits:-4

Objectives of the Subject:

The syllabus is aimed to acquire knowledge about corporate governance in India which includes managing director, regulation of companies by disclosure of information. Also provides understanding regarding the concept of amalgamation, corporate collapses along with the international dimensions of company law. The syllabus is designed to increase the understanding the securities laws in India.

1. Introduction

2. Concept of Corporate Governance

Directors and other Managerial Personnel

Qualification, Disqualification, Appointment and Removal
Powers, Position, Duties, Liabilities and Remuneration of Directors

3. Managing Director

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

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

Definition

Meaning

Take over

Mergers

6 Corporate collapses - Winding up of company

Meaning and kinds

Grounds for compulsory winding up

Appointment, Powers and Duties of Liquidator

Contributory

7 International Dimensions of Company Law

Multinational and Transnational Companies

Meaning, Growth and Regulation

Cross- frontier mergers

International Competition and International Co-operation.⁸

Securities Laws in India

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.

Depositories Act - Demitting of Shares

SELECT BIBLIOGRAPHY

1. Prof. I.C.B. Gover's Modern Principles of company law 5th Edn 1992, Sweet and Maxwell.
2. Boyle and Birds- Company Law
3. V.H. Farrar and B. M. Hanniyan, Farrar's Company Law (1998) Butter worth
4. Ramaiya: Guide to the companies Act, (1998)
5. 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.
6. Iyengar, T.R. Srinivasa : Company Promotion, Management and incorporation, 2nd edn. The Law Book co (p) Ltd.
7. 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
8. Bharats Manual of SEBI, 2000, Bharat Law Journals: - Same as under Paper IV.

PAPER VIII: DISCIPLINE SPECIFIC CORE – 1-5

FUNDAMENTALS OF COMMERCIAL LAWS

Credits:-4

Objectives of the Subject:

This subject is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations. Specific enforcement of contracts is an important aspect of the Law of Contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

1. Laws of Contracts

Essential elements of a contract, offer and acceptance
Void and voidable agreements
Consideration, legality of object and consideration
Capacity of Parties, free consent
Quasi-contracts, contingent contracts
Performance of Contracts
Discharge of Contracts
Breach of Contract and Remedies for Breach of Contract

2. Sale of Goods Act, 1930

Definition
Transfer of ownership
Conditions and Warranties
Performance of the Contract of Sale
Rights of Unpaid Vendor
Auction Sales

3. Negotiable Instruments Act, 1881

Negotiable Instruments – Characteristics of Negotiable Instruments
Definitions of Promissory Note, Bill of Exchange and Cheque
Differences between Promissory Note, Bill of exchange and Cheque
Crossing – Meaning, Definition and Type of Crossing

4. Ethics and Business

Ethics – Meaning, Importance
The “Seven Principles of Public Life” – Selflessness, Integrity, Objectivity, Accountability,

Openness, Honesty and Leadership
The relationship between Ethics and Law
Ethics in Business

BOOKS FOR REFERENCE:

1. P C Tulsian, Business Law, 2nd edition, Tata McGraw-Hill Education, 2000
2. Vivek Katdare, Text Book of Business Law, Vision Publications
3. MS. Pandit, Shobha Pandit, Business Law, Himalaya Publishing House
4. Dr S N Maheshwari & Dr S K Maheshwari, Business Law, Himalaya Publishing House
5. Business Law, Garg K.C., Saareen, Sharma, Kalyani Publishers
6. Kumar, R. Legal Aspects of Business, Cengage Learning
7. Arora Sushma – Business Law – Taxmann Publication
8. A Book of Business Laws-Jena B and Mohapatra-Himalaya Publishing House
9. Business Law, Ashok Sharma, V.K. Global Publication.
10. Business Laws: Das & Roy, Oxford University Press
11. Business Law- S K Matta, Geetika Matta, Vrinda Publications (P) Ltd
12. Business Law - Tejpal Singh, Pearson Publication
13. Kuchhal, M.C. and Vivek Kuchhal, Business Law, Vikas Publishing House, New Delhi

PAPER IX: DISCIPLINE SPECIFIC CORE – 1-6

COMPETITION LAW

Credits:-4

Objectives of the Subject:

The processes of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India. Until recently most of the developing countries operated without a structured competition policy, and have justified the intervention by the state over economic activities. India owing to its WTO obligations enacted Competition Act, 2002. The course seeks provide fundamentals of market economy and extensive knowledge of application of competition policy in India. The course aims to study the developments of the policy of free and fair competition in India. The course will provide an analysis of the legal developments, from MRTP to the Competition Act. The course will analyze the progress of the Competition Law in various legal systems and also determine the role of WTO in its policies.

1. Introduction to competition law

Concept of market, Open market- Regulated market, Market functions of role of competition law

Nature & Scope of competition law and policy

Evolution & Growth of competition law

Theoretical foundations of competition law

Competition Act, 2002- overview, definitions and ideas of agreement, dominant position, combination and effects of anti- competitive activities

2. Anti- competitive agreements

Anti-competitive agreements: Concept, forms and treatment in India

Parallel import

Treatment of anti- competitive agreements under USA, EU, UK, Australia

3. Abuse of Dominant Position

Abuse of dominant position: Concept, forms and treatment in India

Essential facilities doctrine

Refusal and abuse of dominant position.

Pricing strategies and abuse of dominant position

Treatment of abuse of dominant position under USA, EU, UK, Australia

4. Combinations

Combinations: Concept, forms, reasons and regulatory framework in India

Different tests for studying the impacts of combinations in the market

Unilateral and co-ordinate effects of combinations

Foreclosure

Failing firm

Creeping acquisitions

Regulation of Cross- border combinations

Treatment of combinations under USA, EU, UK, Australia

5. Competition commission of India

Composition, powers and function of CCI

Role of the DG

Appellate Tribunal

Penalties and remedies

6. IPR and competition law

Theoretical basis of IPR and Competition law

TRIPs and its impact on competition law regime

Abuse of IPR and competition law (agreements, abuse of dominant position, combination)

Doctrine of exhaustion and its treatment

Modern trend to the conflict in IPR and Competition law

7. Investment and Competition Law

WTO norms for investment

OECD guidelines in investment

FDI policies and its impacts on Competition in domestic market

Regulation of FDI in India, USA, EU, UK, Australia

8. Modern Dimensions of Competition Law

WTO and its impacts on Competition Laws with reference to UNCTAD

International enforcement and judicial assistance

Applicability of competition law into agricultural sector

Dumping

State aid

Recession

Text Books and Reference Books:

1. Alexandra Karmarling, Restrictive Covenants under Common and Competition Law: London Sweet and Maxwell 2007.
2. Alphen and den Rijn, The reform of EC competition law: new challenges
3. Avtar Singh; Competition Law; Eastern Law House, 2012-11-27
4. Competition Law and Cartels ICFAI University,
5. Competition Law in India; Srinivasan Parthasarthy; Wolter Kluwer, 2012
6. Competition Law-Emerging Trends: ICFAI University
7. D P Mittal, Competition Law and Practice : New Delhi Taxmanns Allied Services 2008
8. Dabbah, Maher M., EC and UK competition law : commentary, cases, and materials /Cambridge, UK
9. Dugar, S.M., Guide to Competition Law : Containing commentary on Competition Act, MRTP Act & Consumer Protection Act Lexi Nexis Butterworths Wadhwa Nagpur, 2010
10. Furse, Mark., Competition law of the EC and UK, Oxford University Press, 2008
11. Gurbax Singh, Law of Consumer Protection.
12. Haracoglou, Irina, Competition law and patents : a follow-on innovation perspective in the biopharmaceutical industry Cheltenham, UK
13. Haracoglou, Irina, Competition law and patents : a follow-on innovation perspective in the biopharmaceutical industry Cheltenham, UK
14. Indian Competition Law: An International Perspective; Suzanne Rab; CCH - A Wolters Kluwer Business, 2012
15. Ioannis, N Kessides, Reforming Infrastructure: Privatization, Regulation, and Competition, Washington D C World Bank 2004.
16. Law of Monopolistic, Restrictive and Unfair Trade Practices, Wadhwa & Co.
17. Ritter European, Competition Law: A Practitioners Guide Netherlands Kluwer Law International 2004
18. Martin Smith, Competition Law-Enforcement and Procedure, Oxford University Press 2001.
19. Renato Nazzini, Concurrent Proceedings in Competition Law, Oxford University Press 2007
20. Rodger, Barry J. Competition law and policy in the EC and UK London : Cavendish, 1999
21. Rodriguez, A. E The limits of competition policy : the shortcomings of antitrust in developing and reforming economies Aspen Pub, 2010
22. T Ramappa, Competition Law in India: Policy, Issues, and Developments, New Delhi Oxford University Press 2006
23. Taxmann's Guide to Competition Act.
24. Telecommunications, Broadcasting and the Internet EU Competition Law and Regulation London : Thomson Reuters Limited,
25. Van Der Jones Woude, EC Competition Law Handbook, Lib London Sweet And Maxwell
26. Vinod Dhall, Competition Law Today: Concepts, Issues, and the Law in Practice New Delhi Oxford University Press 2007
27. Vinod Dhall, Competition Law Today, Oxford University Press.
28. Whish, Richard, Competition law, Oxford University Press, 2009.
29. Yang - Ching Chao, International And Comparative Competition Law And Policies India Kluwer Law International 2008

PAPER X: DISCIPLINE SPECIFIC ELECTIVE – 1-3

A.

CORPORATE GOVERNANCE

Credits:-3

Objectives of the Subject:

Corporate governance is the set of processes, customs, policies, laws and institutions affecting the way a corporation is directed or controlled. Emergence of corporate social responsibility affecting all the stakeholders seeks to make the corporations socially responsible. The course aims at providing basic idea about corporate governance and its implications on society and legal system.

1. Introduction to corporate governance

Corporate governance - Introduction, need, scope.

Corporate governance v Public Governance

Evolution of corporate governance-Developments in India, US, UK

Principles of Corporate Governance- OECD Principles

Theories and philosophies of corporate governance

Models of corporate governance

Concept of corporate governance and stake-holders

2. Legislative framework of corporate governance in India

Companies Act, 2013

SEBI

Listing Agreement

3. Board of Directors

Directors- Introduction, types of directors, duties and responsibilities, independence

Board Composition, diversity in board, board's role and responsibility

Board Charter, Meetings and Processes, Performance evaluation of Board and Directors

Board Committees-Composition, role and responsibilities, contribution to board governance,

Auditors, Audit Committee, Shareholders Grievance committee, Remuneration committee,

Corporate Governance committee, Nomination committee, Corporate Compliance committees.

4. Corporate Governance and Shareholder Rights

Rights of share holders

Challenges in exercising shareholder's rights

Corporate governance and related party transactions

Investor protection in India; Role of institutional investors

5. Corporate governance and other stake holders

Employees

Customers

Institutional Investors

Creditors

Community

Government

6. Risk Management And Internal Control

Risk and its Classification

Risk management and oversight function

Enterprise Risk management

Internal control

Disclosures

7. Corporate frauds

Introduction to Corporate frauds

Major Corporate frauds-case studies

Whistle-blowing and Corporate governance

8. Corporate social responsibility

CSR and investment climate

Corruption

Code of ethics

Environment

Text Books and Reference Books:

1. SamiPathasarathy, Corporate Governance, Principles, Mechanisms and Practice
2. Dimple Grover, Amulya Khurana, Ravi Shankar, the Regulatory Norms of Corporate Governance in India.
3. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
4. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
5. Sanjay Anand, Essentials of Corporate Governance
6. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
7. The Institute of Directors, Handbook of International Corporate Governance
8. Christine Mallin, International Corporate Governance- A case Study approach
9. Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGOs
10. A.C. Fernando, Policies and Practices

OR

PAPER X: DISCIPLINE SPECIFIC ELECTIVES – 1-3

B. LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE

Credits:-3

Objectives of the Subject:

To ensure and enable students to understand the laws relating to custom and foreign exchange. To expand knowledge with regard to tariffs, custom duties, Foreign Exchange and Currency. New Concepts under (FEMA), Foreign Exchange Management Act. To understand the Function of Customs Officers. To get well versed with Specific Provisions relating to Foreign Direct Investment in India. Issues and Challenges with regard to Foreign Trade, Development and Foreign Exchange Regulation Act

1. Law Relating to Customs:

Custom of charging customs duties
Rules relating to interpretation of customs law
Prohibition on Importation and Exportation of Goods
Chargeability and Levy of Customs duty
Exemption from Customs Duties
Refund of Customs duty
Clearance of Imported Goods and Export Goods
Warehousing of Goods
Powers of Customs Officers.
Adjudicatory Proceedings
Appeals
Criminal Prosecution

2. Law Relating to Foreign Exchange:

Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).
Foreign exchange and currency
Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

3. New Concepts under Foreign Exchange Management Act (FEMA)

- Resident
- Capital Account Transactions
- Current Account Transactions
- Export

- Person
- Service
- Transfer

Export of Goods and Services

Adjudication, Appeals and Penalties

Foreign Direct Investment in India

Foreign Trade, Development & Regulation Act, 1992

REFERENCES

1. A Guide to Customs Act. – Nilima Chandiramani.
2. Customs Law, Practice and Procedure – T.P. Mukerjee
3. Foreign Exchange Management Act — Dilip Sheth
4. Foreign Exchange Management Manual – Taxmann

PAPER XI: DISCIPLINE SPECIFIC ELECTIVES – 1-4

A. CORPORATE FINANCE

Credits:-3

Objectives of the Subject:

Industrialization 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, utilizing 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 cause 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 organization, 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. The following syllabus prepared with the above perspective will be spread over a period of one semester.

1. Introduction

Meaning, importance and scope of corporation finance

Capital needs - capitalization - working capital - securities-borrowings-deposits debentures

Objectives of corporation finance - profit maximization and wealth maximization

Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 – Union List; entry 24 of List 11 - State List

2. Equity Finance

Share capital

Prospectus - information disclosure

Issue and allotment

Shares without monetary consideration

Non-opting equity shares

3. Debt Finance

Debentures

Nature, issue and class

Deposits and acceptance

Creation of charges

3.1.4.5. Fixed and floating charges

Mortgages

Convertible debentures

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

5. Protection of creditors

Need for creditor protection

Preference in payment

Rights in making company decisions affecting creditor interests

Creditor self-protection

Incorporation of favorable terms in lending contracts

Right to nominate directors

Control over corporate spending

6. Protection of Investors

Individual shareholder right

Corporate membership right

Derivative actions

Qualified membership right

Conversion, consolidation and re-organization of shares

Transfer and transmission of securities

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 investments (IMF and World Bank)

8. Administrative Regulation on Corporate Finance

Inspection of accounts

SEBI

Central government control

Control by the registrar of companies

RBI control

SELECT BIBLIOGRAPHY

1. Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
2. Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999),Oxford. Ramaiya A,
4. Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths Austen
7. R.P., The Law of Public Company Finance (1986) LBC
8. R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
9. Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC
10. Gilbert Harold, Corporation Finance (1956)
11. HenryE. Hoagland, Corporation Finance (1947) Maryin
12. M. Kristein, Corporate Finance (1975)
13. R.C. Osborn, Corporation Finance (1959)
14. S.C. Kuchhal Corporation finance : Principles and Problems (6th ed. 1966)
15. V.G. Kulkami, Corporate Finance (1961)
16. Y.D. Kulshreshta, Government Regulation of Financial management of Private Corporate Sector in India (1986)
17. Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Lawand Contemporary Problems.
18. Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology

OR
PAPER XI: DISCIPLINE SPECIFIC ELECTIVES – 1-4

B. CORPORATE INSOLVENCY AND BANKRUPTCY LAW

Credits: -3

Objectives of the Subject:

Students will be able to apply the provisions of relevant laws to corporate debt restructuring; counsel on bankruptcy procedure in cases of corporate insolvency; and to take up cases relating to corporate insolvency in the court of law.

1. The fundamentals of debt contracting

Insolvency – Concepts and Evolution

Introduction to Insolvency and Bankruptcy Code

Corporate Insolvency Resolution Process

Insolvency Resolution of Corporate Persons

2. The Bankruptcy Process

Resolution Strategies

Fast Track Corporation Insolvency Resolution Process

Liquidation of Corporate Person

Voluntary Liquidation of Companies

3. Corporate Debt Restructuring and other options

Adjudication and Appeals for Corporate Persons

Debt Recovery and Securitization

Winding-Up by Tribunal

Cross Border Insolvency

4. Cross-border bankruptcies

Insolvency Resolution of Individual and Partnership Firms

Bankruptcy Order for Individuals and Partnership firms

Bankruptcy for Individuals and Partnership Firms

Fresh Start Process

Professional and Ethical Practices for Insolvency Practitioners

Reference Materials

1. Bare Act – Insolvency and Bankruptcy Act 2017
2. Brian A. Blum, Bankruptcy and Debtor/Creditor: Examples and Explanations (Examples & Explanations) 2006.
3. Bruce G. Carruthers and Terence C. Halliday, Rescuing Business: The Making of Corporate Bankruptcy Law in England and the United States 1998.
4. Grant W. Newton and Robert Liquerian, Bankruptcy and Insolvency Taxation, 2008
5. Grant W. Newton, Corporate Bankruptcy: Tools, Strategies, and Alternatives 2003.
6. Ian Ratner, Grant T. Stein, and John C. Weitnauer, Business Valuation and Bankruptcy (Wiley Finance) 2009.
7. Irene Lynch-Fannon, Corporate Insolvency and Rescue 2010.
8. John R. Cornell, Employee Benefits and Executive Compensation in Corporate Bankruptcy: A Collier Monograph, 2008.
9. Lynn M. LoPucki and Joseph W. Doherty, Professional Fees in Corporate Bankruptcies: Data, Analysis, and Evaluation 2011.
10. Mark J. Roe, Bankruptcy and Corporate Reorganization: Legal and Financial Materials 2007.
11. Mark S. Scarberry, Business Reorganization in Bankruptcy: Cases and Materials 2006.
12. Mike Wheeler and Roger Oldfield, International Corporate Recovery Procedures 2002.
13. Professor Sir Roy Goode and Robert Stevens, Goode on Principles of Corporate Insolvency Law 2011.
14. Rizwaan Jameel Mokal, Corporate Insolvency Law: Theory and Application 2005.
15. Thomas J. Salerno, Executive Guide to Corporate Bankruptcy 2010.

PAPER XII:
OJT
ON JOB TRAINING
(Credits: -4)

The On-job training is practical training component, designed to enhance practical knowledge, operation of a law of any given subject. The Centre of higher education shall have a choice to design the one component for OJT or they may design different components under the OJT and same can be assigned to the students as per the rules.
