

BHARATI VIDYAPEETH UNIVERSITY
SCHOOL OF DISTANCE EDUCATION
REVISED SYLLABUS
Master of Laws (LL.M.)

LL.M. i.e. Master of Laws is a post-graduate course of 2 year duration that is in-depth study of law covering the study of statutes in specified areas of law, their historical evolution, comparative study, judicial analysis and impact of law on the society.

The course is designed as per the UGC guidelines & is updated with the latest amendments in law.

Eligibility:

The candidate who has passed LL.B. degree from any recognized University is eligible to seek admission in LL.M. programme subject to other eligibility requirements of the university.

Structure of Programme:

* LL.M. course of total 12 papers. Each paper is of 100 marks, The papers are divided into these categories.

		LL.M I	LL.M II
1	Compulsory Papers	2	2
2	Optional Papers	3	3
3	Dissertation	1	1

* The candidate can select any of the optional group from the following:

- A) Human Right
- B) Business Law

	LL.M I	LL. M II
Compulsory Paper	Law & Social Transformation in India	Judicial Process
	Indian Constitutional Law: The New Challenges	Legal Education & Disadvantaged Groups
Optional Papers Group A (Human Rights)	Concept & Development of Human Right	Human Rights of Disadvantaged Groups
	Human Rights & International Order	International Humanitarian Law & Refugee Law
	Protection and Enforcement of Human Rights in India	Science, Technology & Human Rights
	Dissertation	Dissertation
Optional Papers Group B	Law of Industrial and Intellectual Property	Banking Law
	Legal Regulation of	Insurance Law

(Business Law)	Economic Enterprises	
	Law of Export Import Regulation	Corporate Finance
	Dissertation	Dissertation

Note :

- The Student may choose either Group A or B for pursuing the LLM Course
- Group once selected cannot be altered under any circumstances

SCHEME OF EVALUATION AND EXAMINATION:

The LL.M. examination shall be held at the end of each academic year, probably in the month of April . May.

In order to pass LL.M. degree the candidate has to obtain 50 % of marks in each paper. However the candidate who has appeared for LL.M. I is automatically promoted to LL.M. II year.

STANDARD & GRADE OF PASSING:

1. Second Class :- 50 % and above but less than 60 marks
2. First Class :- 60 % and above but less than 70 marks
3. First Class with Distinction :- 70 % and above.

Learning Objectives of LL.M. Programme

Objectives : The LL.M. Programme is a post graduate study in select areas in legal advanced education.

Perspective : Legal education has a very crucial role to play in development of the law as a humanitised profession since it is an educational process which equips the future lawyer, judge administer, counselor and legal scientist to fashion and refashion ways of peaceful and ordered attainment of ideals of human governance on the one hand and democratic right on the other.

LL.M. with Human Rights

The study of human rights has gained momentum after the second World War because there were sea changes in the global scenario, which brought about new concept of protection of Human Rights against violation. This impact has been reflected in the Constitution of India, Judiciary and other institutions of the Government. Lawyer's duty is mainly to protect the rights of individual and in this regard he is

- Supposed to know the various aspects of human rights and as such the study of human rights becomes integral part of curriculum of any legal study.
- This course is intended to highlight the concept of human rights their evolution and their importance in our society how particularly in the era of

Privatization, Globalization and liberalization.

LL.M. with Business Laws

- This course has been introduced, keeping in mind the enormous development of trade commerce, industry and the impact of globalization and privatization affecting all the nations of the world. It is imperative for a lawyer to know and have understanding of new laws such as intellectual property etc. which are the result of the changes in the commercial world.
- The entry of multinationals in India has affected the economic policies and demands cognizance in commercial laws. The ever demanding compliance issues & due diligence has made it pertinent to have holistic approach to the subject. This course is designed in such a way that it takes care of the changing trends in the corporate filed & facilities for the development of corporate Lawyer.

LL.M. FIRST YEAR

A candidate appearing for LL. M First year Examination will be examined in the following papers:

1. Compulsory Papers

Paper I: Law & Social Transformation in India (100 Marks)

Paper II: Indian Constitutional Law: The New Challenges (100 Marks)

2. Optional Papers

Group A: Human Rights

Paper III: Concept and Development of Human Rights (100 Marks)

Paper IV: Human Rights and International Order (100 Marks)

Paper V: Protection and Enforcement of Human Rights in India (100 Marks)

Paper VI: Dissertation (100 Marks)

Group B: Business Laws

Paper III: Law of Industrial and Intellectual Property (100 Marks)

Paper IV: Legal Regulation of Economic Enterprises (100 Marks)

Paper V: Law of Export Import Regulation (100 Marks)

Paper VI: Dissertation (100 Marks)

PEPER I: - LAW AND SOCIAL TRANSFORMATION IN INDIA

Objective of the Course

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 institution as a means to achieve development within the framework of law.

The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

Syllabus

1. Law and social change

Law as an instrument of social change.

Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institution in India.

2. Religion and the law

Religion as a divisive factor.

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

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

Caste as a divisive factor

Non-discrimination on the ground of caste

Protective discrimination: Scheduled castes, tribes and backward classes.

Reservation: Statutory commissions, Statutory Provisions.

5. Regionalism and the law

Regionalism as a divisive factor

Concept of India as one unit

Right of movement, residence and business; impermissibility of state or regional barriers.

Admission to educational institutions: Preference to residents of a state

6. Women and the law

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

Child labour

Sexual exploitation

Adoption and related problems

Children and education

8. Modernization and the law

Modernization as a value: Constitutional

Modernization of social institutions through law

Reform of family law

Agrarian reform – Industrialization of agriculture

Industrial reform: Free enterprise v. State regulation – Industrialization v. environmental protection.

Reform of court process

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

Civil law: (ADR) Confrontation v. Consensus; mediation and Conciliation; Lok adalats

Prison reforms

Democratic decentralization and local self-government

9. Alternative approaches to law

The jurisprudence of Sarvodaya – Gandhiji, Vinoba Bhave, Jayprakash 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 justice.

Naxalite movement: causes and cure

Select Bibliography

- March Galanter (ed.), Law and Society in Modern India (1997), Oxford Robert Lingat, The Classical Law of India (1998), Oxford.
- U.Baxi, The Crisis of the Indian legal system (1998) Vikas, New Delhi.
 - U. Baxi, (ed) Law and Poverty Critical Essays (1988), Tripathi, Bombay
 - Munushi, A. Journal about Women and Society
 - Duncan Derret, The State, Religion and Law in India (1996) Tripathi

- D.D. Basu, shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd, New Delhi
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000), Armol Publications, Delhi
- Savitri Gunasekhare, Children, Law and Justice (1997) Sage
- Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1998)
- J.B. Kripalani, Gandhi : His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
- M.P. Jain, Outlines of Indian Legal History, (1993) Tripathi, Bombay
- Agnes, Flavia, Law and Gender Inequality : The Politics of Women's Rights in India (1999), Oxford

PAPER II :- INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES

Objective of the Course

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 more. 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 and area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus

1. Federalism
 - 1.1 Creation of new states
 - 1.2 Allocation and share of resources – distribution of grants in aid
 - 1.2.1 The inter-state disputes on resources
 - 1.3 Rehabilitation of internally displaces persons.
 - 1.4 Centre's responsibility and internal disturbance within States.
 - 1.5 Directions of the Centre to the State under Article 356 and 365
 - 1.6 Federal Comity : Relationship of truth and faith between centre and State
 - 1.7 Special status of certain States
 - 1.7.1. 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
 - 5.1. Freedom of speech and right to broadcast and telecast
 - 5.2 Right to strikes, hartal and bandh
 6. Emerging regime of new rights and remedies
 - 6.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1 Compensation jurisprudence
 - 6.1.2 Right to education
 - 6.1.2.1. Commercialization education and its impact
 - 6.1.2.2 Brain drian 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
 - 9.1 Judicial activism and judicial restraint
 - 9.2 PIL : implementation
 - 9.3 Judicial independence
 - 9.3.1 Appointment, transfer and removal of judges
 - 9.4 Accountability : executive and judiciary

- 9.5 Tribunals
- 10. Democratic process
- 10.1 Nexus of politics with criminal and the business
- 10.2 Election
- 10.3 Election commission : Status
- 10.4 Election Reforms
- 10.5 Coalition government, 'Stability, Durability, corrupt Practice'
- 10.6 Grass root democracy

Select Bibliography

No Specific bibliography is suggested for this course since the course materials obviously depends upon the latest development. 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.

LLM FIRST YEAR –
OPTIONAL PAPERS –
GROUP A : HUMAN RIGHTS –

PAPER III : - CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

Objective of the Course

Protection of Human Rights (HR) become an important issue after the Second World War and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and Jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not more privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school.

Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it beyond doubt that every human being has responsibilities and obligation not only towards the other fellow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

This course is intended to highlight the concept of human rights, their evolution and their importance in our society now particularly in the era of privatization, globalization and liberalization.

Syllabus

1. Human Rights : Concept
Human Right in Indian tradition : ancient, medieval and modern
Human rights in western tradition
Development of natural rights
Human rights in international law and national law
2. Classification of Human Rights First Second and Third Generations:
Historical Development
3. Human Right : Politics and Society
Colonization, imperialism and human rights
Power, practices, accountability and transparency
Liberalization, privatization and transparency
Human duties : responsibilities and obligations
- 4 Human Rights and Judicial Process
Judicial activism
5. Human Rights Protection Agencies

Select Bibliography

- Angela Hegarty, Siobhan Leonard, Human Rights as Agenda for the 21st Century (1999)
- Lalit Parmar, Human Rights, (1998)
- Rama Jois, Human Rights : Bharatiya Values, (1998)
- David P. Forsythe, Human Rights in International Relations.
- Lon. L. Fuller, The Morality of Law.
- Jhon Finnis, Natural law and Natural Rights, (1980)
- Julius Stone, Human law and Human Justice, (2000), Universal, New Delhi.
- M.G. Chitkara, Human Rights: Commitment and Betrayal (1996)
- V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)
- Robert Lewngat, The Classical Law of India (1998), Oxford.

PAPER IV : HUMAN RIGHTS AND INTERNATIONAL ORDER

Objective of the Course

Human rights have universal application. They gathered importance when the United Nations adopted the 4 Universal Declaration of Human Rights in 1948. The role of international organizations in promoting awareness of human rights is very significant. The international conventions, though not binding, have persuasive force since the violations will be decried by the international community. International Non-governmental Organizations watch and monitor human rights violations in every country. However, in the absence of national legislation, the enforcement of the rights will be difficult.

Syllabus

1. Development of the Concept of Human Rights Under International Law
Role of International Organization and Human Rights
Universal Declaration of Human Rights (1948)
Covenant on Political and Civil Rights (1966)
Covenant on Economic, Social and Cultural Rights (1966)
ILO and other Conventions and Protocols dealing with human rights
2. Role of regional Organizations
European Convention on Human Rights
European Commission on Human Rights / Court of Human Rights
American Convention on Human Rights
African Convention of Human Rights
Other regional Conventions.
3. Protection agencies and mechanisms
International Commission of Human Rights
Amnesty International
Non-Governmental Organizations (NGOs)
U.N. Division of Human Rights
International Labour Organization
UNESCO
UNICEF
Voluntary Organizations
National and State Human Rights Commissions
4. International enforcement of Human Rights
Role of ICJ and regional institutions

Select Bibliography

- Benedetto Conforti and Francesco Francioni, Enforcing international Human Rights in Domestic Courts, (1997)
- Francisco Forrest Martin, International Human Rights Law and Practice (1997)
- Luck Clements, European Human Rights Taking a case under the Convention (1994)

- Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights (1996)
- R.K. Sinha, Human Rights of the World (1997)
- Philip Alston, The United Nations and Human Rights a critical Appraisal, (1992)
- R.S. Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997)
- The Human Rights watch Global Report on Women's Human Rights, (2000), Oxford
- B.P. Singh Seghal, Human Rights in India (1996)
- Chandan Bala, International Court of Justice : Its Functioning and Settlement of International Disputes. (1997)

PAPER V :- PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

Objective of the Course

A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India. The Judiciary, the major protective and enforcement machinery, is very active in protecting human rights. These are a number of cases where courts apply the provisions of the international conventions to fill the gaps in legislation. The apex court has also ventured to apply international conventions even where there was no legislation in the area. Thus the judiciary aims at familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

Syllabus

1. History and Development of Human Rights in Indian constitution
Constitutional Philosophy – Preamble
Fundamental Rights
Directive Principles of State Policy
Fundamental Duties
2. Judicial Activism and Development of Human Rights Jurisprudence
3. Enforcement of Human Rights
Formal enforcement mechanisms
Role of supreme court
Role of High Court
Role of Civil and Criminal Courts
Statutory Tribunals
Special Courts
4. Role of India in implementing international norms and standards.

Select Bibliography

- D.D. Basu, Human Rights in Indian Constitutional law, (1994)
- Vijay Chitnis, (et.al) Human Rights and the law: National and Global Perspectives (1997)
- B.P. Singh Seghal, Law, Judiciary and justice in India (1993)
- James Vadakkumchery, Human Rights and the politics in India (1996)
- D.R. Saxena, Tribals and the law (1997)
- Poornima Advani, Indian Judiciary : A Tribute, (1997)
- Justice Venkataramiah, Human Rights in the Changing World (1998)
- Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996)

PAPER VI : - DISSERTATION

In order to provide adequate experience of conducting research, & assignment shall be given to students throughout the academic year which will necessitate

conducting research in library & filed work. The students are also expected to undergo training in socio legal research method through lectures & demonstrations & participation in legal aid programmes. The dissertation is a part of University Examination which consists of 80 marks for project work & 20 marks for viva-voice. Such a dissertation would normally be 200-250 typed script pages. Two copies of the dissertation must be submitted to the College through the Supervisors on or before 31st March of the Year.

The students will be examined at the viva on the basis of dissertation submitted by him/her. In a case where students fails to obtain the required percentage of marks in the dissertation submitted by the student, he/she shall be permitted to revise and resubmit the dissertation on the same topic or on a fresh topic (to be approved in the prescribed manner) if he/she so desires.

LLM FIRST YEAR
OPTIONAL PAPERS
GROUP B: BUSINESS LAWS
Paper III : Law of Industrial and Intellectual Property

Objective of the Course

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.

Syllabus

1. IPR and International Perspectives
2. Trademark 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 generic 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 (PCI)

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 India position

The evidentiary problems in action of passing off

The proof on 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 law.

Legal Status of hazardous research protected by the regime of intellectual property law

Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

Traditional knowledge protection biodiversity convention right of indigenous people.

Select Bibliography

- ° Special Attention should be given to literature of the U.N. System. WIPO and the UNESCO.
- ° Terence P. Steward (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 Handbook (1998) Sweet and Maxwell
- ° Christopher Wadlow, The Law of Passing-off (1998) Sweet and Maxwell
- W.R. Conish, Intellectual Property Law (1999) Sweet and Maxwell

PAPER IV:- LEGAL REGULATION OF ECONOMIC ENTERPRISES

Objective of the Course

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 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.

Syllabus

1. The Rational 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 off economic activities
 - Disclosure of information
 - Fairness in consumerism
 - 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: development 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

9.1. Mass Disaster and environment degradation: legal liability and legal remedies

9.2. Public Liability Insurance: adequacy

9.3 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.)

10.1 Telecom regulatory Authority

10.2 Insurance Regulatory Authority

10.3 Broadcasting Regulatory Authority

11. Legal Regulation of Multi-Nationals

11.1 Collaboration agreements for technology transfer

11.2 Development and regulation of foreign investments

11.3 Investments in India: FDI and NRIs

11.4 Investment abroad

Select Bibliography

- ° 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 & A. Dhandha, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
- ° Indian Law Institute, Law of International Trade Transactions, (1973)

PEPER V: - LAW OF EXPORT IMPORT REGULATION

Objective of the Course

After independence India has embarked upon all round efforts to modernize her economy through development ventures, Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Beside, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate to investment of capital. The process of modernization necessitated has to be borrowed from other developed countries. This, in turn needed foreign exchange which could be earned by the increased exports of good and raw materials from India.

The need for accelerating the exports trade of India's developing economy can hardly be over emphasized. Export earnings enable a developing country to finance its massive requirements of growth to maintain its essential imports and thereby stimulate the process of its economic developments. In the words of Prof. V.K.R.V. Rao: "In fact, Expansion of exports may well be described as an integral part of the development process, neglect of which can only be at the peril of development itself."

Increasing exports have been necessitated to meet the growing needs of defense. India is country rich in natural resources. One of the approaches to combat its economic backwardness could be in large-scale production and in maximization of its exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and import control policy is also closely connected with country's balance of payment position.

The detailed procedures for imports and exports are provided in the Hand Book. The union Government used to declare its import and export policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation act 1992.

This Course is designed to acquaint the students about the parameters of legal controls on import and exports.

Syllabus

1. Introduction

State Control over import and export of goods from rigidity to liberalization

Impact of regulation on economy

2. The Basic Needs of Export and Import Trade

Goods

Services

Transportation

3. International Regime

WTO agreement

WTO and tariff restrictions

TO and non-tariff restrictions

Investments and transfer of technology

Quota restriction and anti-dumping

Permissible regulations

Quarantine regulation

Dumping of discarded technology and goods in international market

Reduction of subsidies and counter measures.

4. General Law on control of imports and exports

General scheme

Legislative control

Power of control: Central government and RBI

Foreign Trade Development and Regulation Act 1992

Restrictions under customs law

Prohibition and penalties

Export-Import formulation: guiding features

Control under FEMA

Foreign exchange and currency

Import of goods

Export promotion councils

Export oriented units and export processing zones

5. Control Exports

Quantity control

Regulation on goods

Conservation of foreign exchange

Foreign exchange management

Currency transfer

Investment in foreign countries

6. Exim policy: Changing Dimensions

Investment policy: NRIs, FIIs (foreign institution investors), FDIs

Joint venture

Promotion of foreign trade

Agriculture products

Textile and cloths

Jewellery

Service sector

7. Law Relating to Customs

Prohibition on importation and exportation of goods

Control of smuggling activities in export-import trade

Levy of, and exemption from, customs duties

Clearance of imported goods and export goods

Conveyance and warehousing of goods

8. Regulations on Investment

Borrowing and lending of money and foreign currency

Securities abroad issue of

Immovable property purchase abroad

Establishment of business outside

Issue of derivatives and foreign securities GDR (Global depositories receipts), ADR (American depository receipts) and Uro

Investment in Indian banks

Repatriation and surrender of foreign securities

9. Technology transfer

Restrictive terms in technology transfer agreements

Automatic approval schemes

Select Bibliography

- Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
- Government of India Import and Export Policy (1997-2002)
- The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi
- Foreign Trade Development and Regulation Act 1992 and Rules
- Foreign Exchange Management Act 1999
- Marine Products Export Development Authority 1972
- Customs Manual (Latest edition)
- Final, Treaty of GATT, 1994

PEPER VI DISSERTATION

In order to provide adequate experience of conduction research, & assignment shall be given to students throughout the academic year which will necessitate conducting research in library & field work. The students are also expected to undergo training in socio legal research method through lectures & demonstrations & participation in legal aid progrmmes. The dissertation is a part of University Examination which consists of 80 marks for project work & 20 marks for viva-voice. Such a dissertation would normally be 200-250 typed script pages. Two copies of the dissertation must be submitted to the College through the Supervisors on or before 31st March of the Year.

The students will be examined at the viva on the basis of dissertation submitted by him/her. In a case where students fails to obtain the required percentage of marks in the dissertation submitted by the student, he/she shall be permitted to revise and resubmit the dissertation on the same topic or on a fresh topic (to be approved in the prescribed manner) if he/she so desires.

LL.M SECOND YEAR

A candidate appearing for LL.M Final Year Examination will be examined in the following papers.

1. Compulsory Papers

Paper I: Judicial Process	(100 Marks)
Paper II: Legal Education & Research Methodology	(100 Marks)

2. Optional Papers (Four papers for 100 marks each)

Group A: - Human Rights

Paper III: Human Rights of Disadvantaged Groups	(100 Marks)
Paper IV: International Humanitarian Law & Refugee Law	(100 Marks)
Paper V Science, Technology & Human Rights	(100 Marks)
Paper VI: Dissertation	(100 Marks)

Group B: Business Laws

Paper III: Banking Law	(100 Marks)
Paper IV: Insurance Law	(100 Marks)
Paper V: Corporate Finance	(100 Marks)
Paper VI: Dissertation	(100 Marks)

PAPER I: - JUDICIAL PROCESS

Objective of the Course

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

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

Syllabus

1. Nature of Judicial process

Judicial process as an instrument of social ordering.

Judicial process and creativity in law – common law model- Legal reasoning and growth of law – change and stability

The tools and techniques of judicial creativity and precedent

Legal development and creativity through legal reasoning under statutory and codified system.

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

Notions of judicial review

‘Role’ in constitutional adjudication various theories of judicial role

Tools and techniques in policy-making and creativity in constitutional adjudication.

Varieties of judicial and juristic activism

Problems of accountability and judicial law-making

3. Judicial Process in India

Indian debate on the role of judges and on the notion of judicial review

The “independence” of judiciary and the “Political” nature of judicial process

Judicial process in pursuit of constitution goals and values new dimensions of judicial activism and structural challenges.

Institutional liability of courts and judicial activism scope and limits.

4. The Concepts of Justice

The concept of justice of Dharma in Indian thought

Dharma as the foundation of legal ordering in Indian thought

The concept and various theories of justice in the western thought.

Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition, and the liberal moral tradition

5. Relations between law and justice

Equivalence Theories justice as nothing more than the positive law of the stronger class

Dependency theories – For its realization justice depends on law, but justice is not the same as law.

The independence of justice theories-mans to end relationship of law and justice. The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Curt where the judicial process can be seen as influenced by theories of justice.

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- U. Baxi, the Indian Supreme Court and Politics (1980), Eastern, Lucknow
- Rajeev Dhavan, The Supreme Court of India A Socio Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
- John Rawls, A Theory of justice (2000) Universal, Delhi
- Edward H. Levi, an introduction to Legal Reasoning (1970), University of Chicago.

PAPER II:- LEGAL EDUCATION & RESEARCH METHODOLOGY

Objective of the Course

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 the 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.

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.

Syllabus

1. Objectives of Legal Education
2. Lecture Method of Teaching Merits and demerits
3. The Problem Method
4. Discussion Method and its suitability of postgraduate 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 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 report or special studies conducted relevant to the problem

11. Preparation of the Research Design

Formulation of 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

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- N.R. Madhava Menon, (ed) a Handbook of clinical legal education (1998) Eastern Book Company, Lucknow.
- M.O.Price, H. Bitner and Bysiewez, 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)
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- Morris. L.Cohan, Legal Research in Butshell (1996) West Publishing Co. Havard Law Review Association, Uniform System of Citations.
- ILI Publication, Legal Research and Methodology.

LLM SECOND YEAR

OPTIONAL PAPERS

GROUP A: HUMAN RIGHTS

Paper III: Human Rights of Disadvantaged Groups

Objective of the Course

Human rights are the rights of all human beings. Violation of these rights is human rights violations. Due to frequent violations to particular groups in disadvantageous positions, new categories of human rights have emerged. These groups are of people such as women, children, prisoners and dalits. Violation of human rights of these groups is of great concern of every nation today. The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations.

Syllabus

1. Concept of Disadvantaged Groups
2. Emerging Human Rights Jurisprudent and the Role of the Judiciary
 - Rights of Women
 - Rights of the Child
 - Rights of Prisoners
 - Rights of dalits
 - The tribal and other indigenous people
 - The mentally ill

The stateless persons

The unorganized labour

'Aids' Victims

Rights of minorities

3. Enforcement of Human Rights

Protection Laws of the Disadvantaged Groups: Problems and Issues

4. Future Perspective of the Human Rights of the Disadvantaged

Select Bibliography

- ° G.S. Bharagava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999)
- ° Geraldine Van Bueren, The International Law on the Rights of the Child. (1998)
- ° Prabhat Chandra Tripathi, Crime Against Working Wome (1998)
- ° Paras Diwan and Piyush Diwan, Women and Legal Protection
- ° Philip Alston (et.al.) Children, Rights and the Law
- ° Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law (1999)
- ° N.K. Chadrabarti, Juvenile Justice in the Administration of Criminal Justice (1999)
- ° Rebecca Wallace, International Human Right, Text and Materials, (1997)
- ° Janki Nair, Women and Law in Colonial India (1996)
- ° Simon Creighton, Vicky King, Prisons and the Law (1996)

Paper IV: International Humanitarian Law & Refugee Law

Objective of the Course

The two world wars had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson: wars continue to be there. The International humanitarian law aims at humanizing war though war itself is inhuman. Human rights do have value only in peace time war is the negation of all human rights. Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs.

War is one of the factors which creates the problem of refugees. There have been some endeavors on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term ‘refugee’ in the Convention relating to the status of refugees has been such that it helps the developed countries to shrink the responsibility towards the refugees leaving the burden to the developing countries.

This course intends to equip the students with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and national legislation.

Syllabus

1. Humanization of Warfare
 - Amelioration of the wounded and sick
 - Armed forces in the field
 - Armed forces at sea
 - The Shipwrecked
 - Protection and facilities
 - Prisoners of war
 - Civilians in times of war
 - Cultural Properties
2. Control of weapons
 - Conventional

Chemical

Biological

Nuclear

3. Humanitarian law: Implementation

Red Cross role

National Legislation

4. The Concept of refugees

Definition of refugees and displaced persons their problems

The UN Relief and Rehabilitation Administration and other International Refugee

Organization: International Protection

Protection under national laws

5. Strategies to combat refugee problem

Repartition, resettlement local integration and rehabilitation

UNHCR role

UNHCE and India

Select Bibliography

° B.S. Chimni, International Refugee Law (2000)

- Jean Yves Calier, who is a Refugee A Comparative Case Law Study, (1997)
- Kelly Dawn Askin, War Crimes Against Women, (1997)
- M.K. Balachandran, Rose Varghese, Introduction to International Humanitarian Law (1997)
- Guy S. Goodwin-Gill, The Refugee in International Law, (1996)
- Veral Gowll and Debbas, The Problem of Refugees in the Light of contemporary International Law issues, (1996)
- Anti-personal Landmines friend or Foe? International Committee of Red Cross (1996)
- Resettlement Handbook, The United Nations High Commissioner for Refugees.
- James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey (1995)

PAPER V :- SCIENCE, TECHNOLOGY & HUMAN RIGHTS

Objective of the Course

We live in a n era of scientific development. The alarming rate of development in biotechnology calls for drastic change in the law. Many concepts and terms have to be re-defined. The development in information technology poses serious problems and challenges. The raid changes made by science and technology will have to be reflected in law to make it meaningful and realistic in the modern ear. This course in intended to make students conscious of various legal problems arising due to developments in such areas as biotechnology and information technology and to identity the changes needed in the law.

Syllabus

1. Interrelationship of Science, Technology and Human Rights
2. Implication of Development of Science and Technology on Human rights.

Right to environment in the development of science and technology

Right to development in the advancement of science and technology

Right to development in he advancement of science and technology

Right to Human health and impact of developments in medical sciences

3. Medicine and the Law

Organ transplantation

Experimentation on human beings

Euthanasia (mercy killing)

Gene therapy

4. Issue of Human Rights Ethics in Scientific and Technological Development

Sex determination test

Induced abortion

Reproductive technology

Cloning

Invitro fertilization

Artificial insemination

Surrogate motherhood

5. Development in information Technology and Human Rights
6. Impact of scientific and Technological Progress on Human Rights:
Normative Response of the International Community.

Right to life

Right to privacy

Right to physical integrity

Right to information

Right to benefit from scientific and technological progress

Right to adequate standard of living.

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- Suresh T. Vishwanathan, The Indian Cyber Law (2000)
- The International Dimensions of Cyberspace Law (2000), UNESCO Publication

- D.P. Mittal, Law of Information Technology (Cyber Law) (2000)
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- Madhavtirtha, Human rights (1953)
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- Nagendra Singh, Human Rights and International cooperation (1969)
- Kashyap, S.C. Human Rights and Parliament (1978)
- Khare S.C. Human Rights and United Nations (1977)
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- Klasih A.B. Human Rights in International Law, (1986)
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- Krishna Iyer, V.R. Human Rights – A Judge's Miscellany (1995)
- Rama Jois, M. Human Rights: Bharatiya Values, (1998)

Paper VI: - Dissertation

In order to provide adequate experience of conduction research, & assignment shall be given to students throughout the academic year which will necessitate conduction research in library & field work. The students are also expected to undergo training in socio legal research method through lectures & demonstrations & participation in legal aid programmes. The dissertation is a part of University Examination which consists of 80 marks for project work & 20 marks for viva-voce. Such a dissertation would normally be 200-250 typed script pages. Two copies of the dissertation must be submitted to the College through the Supervisors on or before 31st March of the Year.

The students will be examined at the viva on the basis of dissertation submitted by him/ her. In a case where students fails to obtain the required percentage of marks in the dissertation

submitted by the student, he/she shall be permitted to revise and resubmit the dissertation on the same topic or on a fresh topic (to be approved in the prescribed manner) if he/she so desires.

LLM SECOND YEAR
OPTIONAL PAPERS
GROUP B: BUSINESS LAWS
Paper III Banking Law

Objectives of the Course

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes in India, particularly after the initiation of the planning process as an instrument of rapid economic 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 development purpose paved the way for development banking. The fag end of the last millennium witness influx of foreign banking companies it to 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 conceptual and operational parameters of banking law, the judicial interpretation and the new emerging dimensions of the banking system.

Syllabus

1. Introduction
nature and development of banking
History of banking in India and elsewhere indigenous banking- evolution Of banking in India different kinds of banks and their functions.
Multi-functional banks growth and legal issues.
2. Law Relating to Banking Companies in India
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 disinvestments
3.4 Priority lending
3.5 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

Relation between insured banks DIC AND Reserve Bank Of India

5. the central bank

Evolution of central bank

Characteristics and functions

Economic and social objective

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

Contact between banker and customer

Bankers' 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 kind

Transfer and negotiations

Holder and holder in due course

Presentment and payment

Liabilities of parties

8. Lending by banks

God 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 use of internet

10.1 Recommendations of committees: a review

- [illegible]

- Subhodh Markandeya and Chitra Markandeya, Law Relating to foreign Trade in India: Being a Commentary of the Foreign Trade, (Development and Regulation) Act, 1992, Universal Law Publishing Co. Pvt. Ltd. Delhi
- R.S. Narayan, the recovery of Debts to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
- M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi
- Anthony Pierce, Demand Guarantee in International Trade (1993) Sweet & Maxwell.
- Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP London
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- R.K. Talwar, Report of Working Group on Customer Service in Banks Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
- Narasimham committee report on the financial system (1991) – second Report (1999)

PAPER IV : INSURANCE LAW

Objective of the Course

As early as in 1601 one finds an excellent exposition of the insurance idea expressed in these Words of an Act of British Parliament “the loss length rather easily, upon many than heavily upon few”. The insured person transfers from his own shoulders to the insurers., who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some of the losses, they insure against will in fact occur within any given period. They calculate, therefore that they will be left with a profit. The insurer on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, Shipwreck, will not cause him to loss his investment.

The insurance idea is and old-institution of transaction al trade. The age old from the insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider, today one finds insurance cover for accidents, motor vehicles, class, live stock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life cover a large number of persons.

The operational framework of insurance idea is provided by the general principles of contract. The insurance police, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings

it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law judicial interpretation to inform the students about the use of law for the establishment of just order in insurance and to develop the appreciative and evaluation faculties of the students.

Syllabus

1. Introduction

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

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

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

2 General principles of Law of Insurance

Definition, nature and history

The risk commencement, attachment and duration.

Assignment and alteration

Settlement of claim and subrogation

Effect of war upon policies.

3 Indian Insurance Law: General

History and development

The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000

Mutual insurance companies and cooperative life insurance societies

Double insurance and re-insurance.

4. Life Insurance

nature and scope

Event insured against life insurance

circumstance affecting the risk.

Amounts recoverable under life policy.

Persons entitled to payment

Settlement of claim and payment of money

5. Marine Insurance

Nature and Scope

Classification of marine policies

5.2.1. The Marine Insurance Act, 1963

5.2.2. Marine insurance

5.2.3. Insurable interest, insurable value

5.2.4. Marine insurance policy – condition – express warranties construction of terms of policy

5.2.5. Voyage – deviation

5.2.6. Perils of the sea

5.2.7 Assignment of policy

5.2.8. Partial laws of ship and of freight, salvage, general average, particular charges

5.2.9. Return of premium

6 Insurance Against Accidents

6.1 The fatal Accidents Act, 1855

6.1.1. Objects and reasons

6.1.2 Assessment of compensation

6.1.3. Contributory negligence,

6.1.4 Appointment of compensation and liability

6.2 The Personal Injuries (Compensation Insurance) Act 1963

6.2.1 Compensation Payable under the Act

6.2.2 Compensation insurance scheme under the Act-Compulsory insurance

7. Property Insurance

7.1 Fire insurance

7.2 The Emergency Risks (Factories) Insurance

7.3 The Emergency Risks (Goods) Insurance

7.4 Policies covering risk of explosion

7.5 Policies covering accidental loss, damage to property

7.6 Policies covering risk of storm and tempest

7.7 Glass –plate policies

7.8 Burglary and theft policies

7.9. Live stock policies

7.10. Goods in transit insurance

7.11. Agricultural insurance

8. Insurance Against Third Party Risk

8.1.1 The Motor Vehicles Act, 1988

- 8.1.2 Nature and scope
- 8.1.3. Effect of insolvency or death on claims of insolvency and death parties
- Certificate of insurance
- 8.1.4. Claims tribunal : constitution, functions, application for compensation, procedure, powers and award
- 8.2 Liability Insurance
- 8.2.1 Nature and kinds of such insurance
- 8.2.2 Public liability insurance
- 8.2.3. Professional negligence insurance
- 9. Miscellaneous Insurance Schemes: New Dimensions
- 9.1 Group life insurance
- 9.2 Mediclaim, sickness insurance

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- Peter Mac Donald Eggers and Patric Foss, Good faith and Insurance Contracts (1998) LLP Asia, Hongkong
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- M.N. Sreenivasan Law and the Life Insurance contract (1941)

PAPER V :- CORPORATE FINANCE

Objective of the Course

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 issue 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 sufficiency well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of

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

1. To understand the economic and legal dimension of corporate finance in the process of industrial development in establishing social order in the context of constitutional Values.
2. To acquaint the student with the normative, philosophical and economic contours of various statutory rules relating to corporate finance.
3. 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
4. To acquaint the students with the process of the flow and outflow of corporate finance.

Syllabus

1. Introduction
 - 1.1 Meaning, importance and scope of corporation finance

- 1.2 Capital needs capitalization working capital securities borrowings deposits debentures
- 1.3 Objectives of corporation finance profit maximization and wealth maximization
- 1.4 Constitutional perspectives the entire 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List I Union List ; entry 24 of List II State List.
- 2. Equity Finance
 - 2.1 Share capital
 - 2.1.1 Prospectus information disclosure
 - 2.1.2. Issue and allotment
 - 2.1.3 Shares without monetary consideration
 - 2.1.4 Non-opting equity shares
- 3. Debt Finance
 - 3.1 Debentures
 - 3.1.1 Nature, issue and class
 - 3.1.2 Deposits and acceptance

Creation of charges

Fixed and floating charges

Mortgages

Convertible debentures

4. Conversation 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 g

5. Protection of creditors

Need for creditor protection

5.1.1 Preference in payment

5.2 Rights in making company decisions affecting creditor interest

5.3 Creditors self-protection

5.3.1 Incorporation of favorable terms in lending contracts

5.3.2 Right to nominate directors

5.4 Control over corporate spending

6. Protection of Investors

6.1 Individual share holder right

6.2 Corporate membership right

6.3 Derivative actions

6.4 Qualified membership right

6.5 Conversion, consolidation and re-organization of shares

6.6 Transfer and transmission of securities

6.7 Dematerialization of securities

7. Corporate Fund Raising

7.1 Depositories IDR (Indian depository receipts) ADR (American depository receipts) GDR (Global depository receipts),

7.2 Public financing institutions IDBI, ICICI, IFC and SFC

7.3 Mutual fund and over collective investment schemes

7.4 Institutional investments LIC, UTI and banks

7.5 FDI and NRI investment Foreign institutional investments (IMF and World bank)

8. Administrative Regulation on Corporate Finance

8..1 Inspection of accounts

8.2 SEBI

8.3 Central government control

8.4 Control by registrar of companies

8.5 RBI Control

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- Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
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- Jonathan Charkham, Fair shares: the Future of Shareholder power and Responsibility (1999), Oxford
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- Statutory Material Companies Act and laws relating SEBI, depositories, industrial financing, and information technology.

PAPER VI :- DISSERTATION

In order to provide adequate experience of conducting research, & assignment shall be given to students throughout the academic year which will necessitate conducting research in library & field work. The students are also expected to undergo training in socio legal research method through lectures & demonstrations & participation in legal aid programmes. The dissertation is a part of University Examination which consists of 80 marks for project work & 20 marks for viva-voice. Such a dissertation would normally be 200-250 typed script pages. Two copies of the dissertation must be submitted to the College through the Supervisors on or before 31st arch of the Year.

The students will be examined at the viva on the basis of dissertation submitted by him/her. In a case where students fails to obtain the required percentage of marks in the dissertation submitted by the student, he/she shall be permitted to rives and resubmit the dissertation on the same topic or on a fresh topic to be approved in the prescribed manner) if he/she so desires.