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# Revised Syllabus for LL.M. in Commercial Law Semester Course under CBCS & CAGP of Gulbarga University, Gulbarga

## LL.M. FOURTH SEMESTER

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I. HARD-CORE COURSES/PAPERS

HC1.1: THEORIES OF LAW

Objectives of the Course: The students of LL.M. are needs to learn in detail the theories of law which are the foundations for any legal system concerned. It is expected from the students who can equip themselves by learning these theories and capable of applying and adopting them in their own legal system in solving legal problems. Hence, following is the course pattern.

UNIT – I: Nature and value of Jurisprudence; Meaning of Legal Theory; Shashtras as Indian Jurisprudence; Natural Law Theories; Historical Perspectives: Jewish Period, Greek Period, Roman Period, Middle Ages, Renaissance and Reformation Period; Modern Theories: Neo-Thomism, Justice Theories, Rights Theories, Form and Contents Theories, Positivist Incursions into Natural Law. Indian Aspects: Natural Law Aspects of Vedic Literature, Smritis, Epics, Vacanas and Dasa Literature, Mahaveera, Buddha, Ashoka, Gandhi, Ambedkar and other Modern Thinkers.

UNIT – II: Emergence of Analytical Positivism; Reasons for its Reception in 18th and 19th Centuries; British Theories: Jeremy Bentham, John Austin, Comparison between the two; H.L.A. Hart’s Concept of Law, Comparison of Hart with other Positive Theories of Law; Vienna School: Hans Kelsen, Comparison of Kelsen’s Theory with other Theories of Positivism. Indian Aspects: Manu, Yajnavalkya, Narada, Vijnaneshwara, Moghul System and Modern Thought.

UNIT – III: Variations of Positivist Theories; Historical Theories: Von Savigny, Hegel’s Dialectic Interpretation, Biological Interpretations of Darwin and Spencer, Racial Theory; Anthropological Approaches: Sir Henry Maine and other Modern Thinkers. Indian Aspects of basing Law on History such as Mitakshara.


UNIT – V: British Realist John Salmond; American Realists: Holmes, Frank, Llewellyn; Scandinavian Realists: Lundsted, Olivecrona, Ross; Indian Aspects: Judicial Activism; Krishna Iyer, Bhagavati, Chinnappa Reddy, and case Law on Judicial Creativity;

UNIT – VI: Modern Critical Theories: Globalization and its Impact on Legal Theories; Human Rights Theories; Intellectual Property Rights Theories; Environmental Theories of Law; Indian Aspects: Theories of DHARMA; Vedic Theories of Intellectual Property; Drona’s Intellectual Property Aspects, etc. Ancient Indian Dictates; Theoretical Basis of Indian Constitution.
BOOKS FOR REFERENCE

12. R.S. Summers (Ed.), Essays in Legal Philosophy
21. Gandhi’s Selected Works
23. Ramayana and Mahabharata
26. Chakradhar Jha, History and Sources of Law in Ancient India
29. J. Duncan M. Derret (Ed.), An Introduction to Legal Systems
32. Chaturpati Singh, Indian Jurisprudence
33. Prasaranga, KUD, Soonya Sampadane.
HC1.2: LEGISLATIVE AND JUDICIAL PROCESS

Objectives 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 hardcore paper on Legislative and Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of legislative and judicial process as an instrument of social ordering. It is intended to highlight the role of legislature and judiciary in law making process 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. The following is the syllabus:

UNIT – I: Origin of Legislative Proposal; Role of Public Opinion in the Formation of Legislation, Binding Force of Legislation, Limitations on the Binding Force of Legislation; Legislative Proposal, Lobbying and Pressure Group Lobbying; Law Making Process in Legislatures in India, U S and U K; General Clauses Act: Commencement and termination of Time, Computation of Time; Gender and Number; Meaning of Service by Post; Meaning of “Good Faith”.


BOOKS FOR REFERENCE

Revised Syllabus for LL.M. in Commercial Law Semester Course under CBCS & CAGP of Gulbarga University, Gulbarga 2017-18 Onwards

7. Granville Williams, Learning the Law, (Universal Law Publication, New Delhi)
10. Upendra Baxi, Towards the Sociology of Indian law
11. Upendra Baxi, Sociology of Indian law
12. Yash Ghai, The Political Economy of law
13. Upendra Baxi, The Indian Supreme Court and Politics
15. Rajeev Dhavan, The Supreme Court of India – A Study of Its Socio-Juristic Techniques
16. Rajeev Dhavan and P. Kalpakam, The Supreme Court under Strain - The Challenges of Arrears
17. Rajeev Dhavan and Alice Jacob, Selection and Appointment of Supreme Court Judges
21. Dicey’s Introduction to Jurisprudence

II. SOFT-CORE COURSES/PAPERS (any two)

SC1.1: CORPORATE JURISPRUDENCE

Objectives of the Course: Course is expected to apprise the Students about the developing trends and jurisprudential aspects of the position of managers of the modern corporations specifically the Shareholder. The students are also expected to understand the importance and role of modern corporations in protecting their own interest vis-à-vis public interest. Hence, the following course content:

UNIT – I: Company as a Juridical Person; Theories of Corporate Legal Personality; Corporate Sole and Corporate Aggregate; Organic Theory of Criminal Liability of a Company.


UNIT – IV: Legal Position of Directors in a Company; Fiduciary Duties of Directors in a Company; Duties of Care and Skill of Directors of a Company; Duties to Disclose inter se.

UNIT – V: Rule in Foss V/s. Harbottle and Exceptions; Prevention of Mismanagement and Oppression; Private Companies and Advantages of a Private Company; Conversion of Private Company into a Public Company and Vice-Versa.

UNIT – VI: Foreign Companies; Government Companies and Holding Company; Circumstances of Winding up of a Company by the Court; Voluntary Winding up of a Company; Recent Developments in Companies Act.

BOOKS FOR REFERENCE

1. Mason (Ed), Corporation in Modern Society
9. L. S. Sealy: Cases and Materials in Company Law
10. R. Dawar, Indian Company Law
11. A. C. Kesavan, Cases in Company Law
20. The Companies Act, 2013

SC1.2: BANKING LAW

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


UNIT – II: Laws Relating to Banking Companies in India; Controls by government and its agencies - On management, On accounts and audit, on Lending, on Credit policy; Reconstruction and reorganization, Suspension and winding up; Contract between banker and customer: their rights and duties; Social Control over Banking: Nationalization, Evaluation: private ownership, nationalization and disinvestment, Protection of depositors, Priority lending, Promotion of under privileged classes.

UNIT – III: 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; The Central Bank - Evolution of Central Bank - Characteristics and functions; Economic and social objectives; The Central Bank and the State - as bankers' bank.

UNIT – IV: The Reserve Bank of India as the Central Bank - Organizational structure, Functions of the RBI, Regulation of monitory 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; Demonetization and Remonetisation;

UNIT – V: 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.

UNIT – VI: Negotiable Instruments - Meaning and kinds, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties; 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; Recent Trends of Banking System in India: e-Banking, New technology, Information technology, Automation and legal aspects, Automatic teller machine (ATMs) and use of internet, Smart card, Use of expert system, Credit cards; Reforms in Indian Banking Law, Recommendations of committees: a review.

BOOKS FOR REFERENCE

7. K.C. Shekhar, Banking Theory and Practice (UBS Publisher Distributors Ltd. New Delhi, 1998)
13. K. Subrahmanyan, Banking Reforms in India (Tata McGraw Hill, New Delhi, 1997)
16. M.A. Mir, the Law Relating to Bank Guarantee in India (Metropolitan Book, New Delhi, 1992)
17. Anthony Pierce, Demand Guarantees in International Trade (Sweet & Maxwell, 1993)

SC1.3: LAW OF INVESTMENT AND SECURITIES

Objectives of the Course: This course is essential to be studied by the students of LL.M. in Commercial Law to equip themselves to deal with the law of investment and securities because the changing pattern and relationship of the investor and the investee is becoming wider and responsibilities of the investee will be high in the changed scenario of the large scale investment which requires best assurances from the investee to the investor and at the same time the investor should have to fulfill requirements of the investee/banks/institutions dealing with the investment. Hence, following course has been designed:


UNIT - II: Regulation of Capital Issue- Types of Issues Public, Rights, bonus and Preferential –Private Placement – Inter- Corporate Investment and credit Rating- Registration and Filing requirements under SEBI Guidelines –Pre- Issue Formalities –Disclosure standards, Pricing-stock Invest Scheme-Allotment-Regulation of listing of securities on Stock exchange –Regulation of Under- Tender offer regulations.
UNIT - III: Regulation of securities transaction-Purchase and Sale of securities –Securities Contracts –Legal requirements and Procedural Formalities- Organization and functioning for stock exchanges-Registration and regulation of dealers, brokers, etc.- Reporting requirements –operation of clearing, settlement and depository system in securities transactions- Move towards electronic settlement and scrip less trading- custodial services; Cross border transactions in securities- overview of foreign investment-Regulatory frame work for issue of capital to non-residents-foreign institutional investors- internalizations of capital markets.


UNIT – V: Mutual funds and venture capital- Organization and Management of mutual Funds-Legal and procedural Requirements-SEBI guidelines for mutual funds-open ended schemes and close ended schemes-Asset Management Companies-Taxation of interest, dividends and capital gains.


BOOKS FOR REFERENCE

1. K. R. Chandratre, et al., Capital Issues, SEBI and Listing, (Delhi; Bharat Publishing, 1995)
3. A. Ramayya, Guide to Companies Act, (Nagpur; Wadhwa & Co.)
5. Taxmann’s New-SEBI (Disclosure & Investor Protection) Guidelines, 1999
7. Jayant M. Thakur, Comparative Analysis of FEMA-The Foreign exchange Management Act, 1999 with FERA.

SC1.4: LEGAL REGULATION OF ECONOMIC ENTERPRISESE

Objectives 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 of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalization starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities. This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments.

UNIT – I: 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

UNIT – II: Regulation of economic activities; Disclosure of information; Fairness in competition; Emphasis on consumerism; Development and Regulation of Industries; Take-over of Management and Control of Industrial Units
UNIT – III: Sick Undertakings: Nationalization or Winding Up; Licensing Policy and Legal Process - Growing Trends of Liberalization; Deregulation of essential commodities: developmental sign or a social mishap? Financial Services: Changing Techniques of Regulation

UNIT – IV: Critical Issues Regarding the Capital Issues; Equity and debt finance; Global depositories; Dematerialized securities; Problems of Control and Accountability: Regulation of Hazardous Activity - Mass disaster and environmental degradation: legal liability and legal remedies

UNIT – V: Public Liability Insurance: adequacy; Issues in zoning and location of industrial units; 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

UNIT - VI: Legal Regulation of Multi-Nationals; Collaboration agreements for technology transfer; Development and regulation of foreign investments; Investment in India: FDIs and NRIs; Investment abroad.

BOOKS FOR REFERENCE

1. S. Aswani Kumar, the Law of Indian Trade Mark (Commercial Law House, Delhi, 2001)
6. Industries (Development and Regulation) Act, 1951
10. Indian Law Institute, Law of International Trade Transactions, (1973)

LL.M SECOND SEMESTER

I. HARD-CORE COURSES/PAPERS

HC2.1: CONCEPTS OF LAW

Objectives of the Course: In this century the concepts of law specifically concept of right has become one of the central legal concepts. Both the specialist and the liberal legal discourse employs this concept not only to safeguard the individuals from the tyranny of the state and market exploitation, but also to develop state in which groups, institutions and agencies are accountable to each other. All development of the literature around the concepts of law especially the concept right now provides sufficient justification for designing a separate course, within jurisprudence, for legal education. The comprehension of the concepts of law is not merely a matter of theoretical interest, it equips a law person to identify injustices and fight them with a requisite legal armoury. This course has been designed to provide the students the theoretical background that is necessary for the pursuit of justice. The following syllabus prepared with this perspective in the following manner:

UNIT – II: Person: Natural, Legal Status of the Lower Animals, Unborn Persons and the Dead: Natural and Legal Persons; Corporation as Legal Persons, Legal Status of Friendly Associations and Other Third Sector Organizations; Theories of Corporate Personality; Indian Aspects: Purusha Concepts under Vedas; Vijnaneshwara’s Ideas as to the Right of the Unborn, Idols as Persons.


UNIT – V: Liability: Civil and Criminal, Incidents, Actus rea, Mens rea, Causation, Negligence, Strict Liability, Vicarious Liability, Measure of Liability; Indian Aspects: Expiation, Ordeal etc.


BOOKS FOR REFERENCE

4. W. N. Hohfeld, Fundamental Legal Concepts
6. R. M. Dworkin, Taking Rights Seriously
7. Jerome Hall, Foundations of Jurisprudence
12. Kautilya’s Arthashastra

HC2.2: LAW AND SOCIAL TRANSFORMATION IN INDIA

Objectives 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 institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society The following syllabus prepared with this perspectives will be spread over a period of one semester as follows:

UNIT – I: Law and social change - Law as an instrument of social change, Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

UNIT – II: 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; 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.

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

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

UNIT – V: Women and the law - Crimes against women, Gender injustice and its various forms, Women's Commission; Empowerment of women: Constitutional and other legal provisions; Children and the law - Child labour; Sexual exploitation; Adoption and related problems; Children and education;

UNIT – VI: Modernization and the law - Modernization as a value: Constitutional perspectives reflected in the fundamental duties; Modernization of social institutions through law; Reform of family law; Agrarian reform - Industrialization of agriculture; Industrial reform: Free enterprise v. State regulation - Industrialization v. environmental protection; the jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave; Jayaprakash Narayan - Surrender of dacoits; concept of grama nyayalayas; Socialist thought on law and justice: An enquiry through constitutional debates on the right to property; Indian Marxist critique of law and justice; Naxalite movement: causes and cure.

BOOKS FOR REFERENCE

1. Marc Galanter (Ed.), Law and Society in Modern India (Oxford Press, 1997)
6. Duncan Derret, The State, Religion and Law in India (Oxford University Press, New Delhi, 1999)
10. Savitri Gunasekhar, Children, Law and Justice (Sage Publications, New Delhi, 1997)
15. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (Oxford Press, 1999)
II. SOFT-CORE COURSES/PAPERS (any one)

SC2.1: COMPETITION LAW

Objectives of the Course: It is now conventional wisdom in most countries of the world that competition has a key role to play in ensuring productive, efficient, innovative and responsive markets. Competitive forces drive firms to innovate, to develop more efficient production, processes and to adjust their products in response to changing consumer demand. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy. It is recognized more than ever before that the consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. Competition law and policy also result in equity among producers and reduce rent seeking behavior on their part. It is this imperative which has persuaded the countries to either enact new law or to modernize their existing competition law.

In line with the international trend and to cope with changing realities, India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002 with many innovative features w.e.f.14.1.03. The Act seeks to repeal the M.R.T.P. Act and to dissolve the M.R.T.P. Commission from the date it is notified as such by the Central Government. It is essential to study such changes brought about designed in the following manner:

UNIT – I: Legislative History of the Competition Law: From MRTP Act to Competition Act; Comparative Study of the Law with Reference to U K and U S A; Aim, Object and Scheme of the Act, Various Terms used in the Act; Anti-Competitive Agreements, Abuse of Dominant Position, Combinations and Regulation of Combinations.

UNIT – II: Establishment, Composition and Terms of Office etc. of Competition Commission of India under Competition Act, 2002; Duties of the Commission – Power to Inquire into Agreements and Abuse of Dominant Position of Enterprises; Enquiry into Combinations by the Commission.

UNIT – III: Procedure for Inquiry and Investigation by Competition Commission of India.

UNIT – IV: Various Orders that Competition Commission of India can Pass after Inquiry or Investigation; Review of Orders; Execution of Order and Appeals from the Orders of Competition Commission of India; Director General to investigate into Contravention of the Provisions.

UNIT – V: Penalties for Contravention and Failure to Comply with Orders etc., and Penalties for Contravention by Companies and other Residuary Provisions.

UNIT – VI: International aspects of Competition Policy – WTO and Competition Policy; Competition Policy in US and UK

BOOKS FOR REFERENCE

1. Competition Act, 2002
5. Heydon: Restraint of Trade Doctrine
6. Cunningham, Fair Trading Act
SC2.2: CORPORATE FINANCE

Objectives 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 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:


UNIT – II: Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List I - Union List; entry 24 of List II - State List; Equity Finance; Share capital; Prospectus - information disclosure; Issue and allotment; Shares without monetary consideration; Non-opting equity shares.

UNIT – III: Debt Finance – Debentures, Nature, issue and class, Deposits and acceptance; Creation of charges, Fixed and floating charges; Mortgages; Convertible debentures; 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.

UNIT – IV: Protection of creditors, Need for creditor protection, Preference in payment, Rights in making company decisions affecting creditor interests, Creditor self-protection, Incorporation of favourable terms in lending contracts, Right to nominate directors, Control over corporate spending.
UNIT – V: 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.

UNIT – VI: 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; Administrative Regulation on Corporate Finance; Inspection of accounts; SEBI; Central government control; Control by registrar of companies; RBI control

BOOKS FOR REFERENCE

2. Eil's Ferran, Company Law and Corporate Finance (Oxford Press, 1999)
8. R.M. Goode, Legal Problems of Credit and Security (Sweet and Maxwell, 1988)
9. Altman and Subrahmanyan, Recent Advances in Corporate Finance (LBC, 1985)
10. Gilbert Harold, Corporation Finance (1956)
11. Henry E. Hoagland, Corporation Finance (1947)
12. Maryin M. Kristein, Corporate Finance (1975)
13. R.C. Osborn, Corporation Finance (1959)
15. V.G. Kulkami, Corporate Finance (1961)

III. OPEN-ELECTIVE COURSES/PAPERS (any one)

OE2.1: CYBER LAW

Objectives of the Course: This is the knowledge and information era. Presently there are many changes have taken place in the field of storage of knowledge and information. The new means and gadgets emerged for storing the information and data which is to be protected and ensured keeping it in secured manner. It is also
important and expected that the information and data requires be flowed and shared freely keeping in mind on fair manner. The channelization of information and enhancement of speed of government actions requires adoption of e-Governance, e-Commerce and e-Administration which is to be governed and regulated the Cyber Laws of the Countries concerned. This necessitates the study of Cyber Law as an Open Elective Course/paper which is formulated as follows:

UNIT – I: Introduction: Meaning and Definition of Cyber, Cyber Space; Concept of Information and data, Importance of information and data, means and modes of storage of information and data – historical evolution; present position; the Development of Computers, Website -Internet, Domain names.

UNIT – II: Emergence of information society, Information Technology, Privacy and Surveillance; Computers and Interest- Data protection-Supervision of data users- Data protection principles, Transborder data flows-Data protection in India.


BOOKS FOR REFERENCE

1. Ion Lloyd- Information Technology Law (Butterworths, 1997)
2. Ion Lloyd- Legal Aspects of the Information Society (Butterworths, 2000)
3. Chris Reed and John Angel, Computer Law (Blackstone Press Ltd. 2000)

OE2.2: LAW RELATING TO RIGHT TO INFORMATION

Objectives of the Course: Right to know is fundamental aspect of the human being. Further the right to information is basic to any democracy. A vibrant citizenry is a pre-requisite for survival of democratic society and governance. As all the Constitutions of the world bestowed upon the citizen the freedom of expression and speech. It is not possible to have a rightful expression as a right without right to information as basis to freedom of speech. The quality of life in a civilized society depends upon the quality of exchange of information about governance and other related aspects. The struggle between human rights and Government secrecy should go on forever. However, after a long struggle the Government of India have enacted the legislation providing information as a matter of right under the title ‘Right to Information Act, 2005’ with many great objectives to be achieved by the Act. Therefore, it is paramount duty of the citizens to know and understand the law relating to right information especially those who are studying at P.G. level. Hence, this
course is designed with a great expectation that the large number of Post-Graduate students aspire to study this course.

UNIT – I: Introduction, Conception, Evolution of the right to information; Meaning of ‘right’, Meaning of ‘information’; the meaning of ‘right to information’

UNIT – II: the Right to Information Act, 2005, aims and objectives, Salient Features, Meaning of Important terminologies used in the Act,

UNIT – III: Right to Information; Obligations of Public Authorities; Designation of Public Information Officers, Request for Obtaining Information, Disposal of request, Exemption from Disclosure of Information, Third Party Information.

UNIT – IV: Constitution, Powers and Functions of Agencies or Authorities under the Act – the Central Information Commission (CIC) and the State Information Commissions (SICs).

BOOKS FOR REFERENCE

2. Mander and Joshi, The Right to Information Movement in India – People’s Power for the Control of Corruption, (CHRI, New Delhi, 1998)
4. The Right to Information Act, 2005

LL.M. THIRD SEMESTER

I. HARD-CORE COURSES/PAPERS

HC3.1: LEGAL EDUCATION AND RESEARCH METHODOLOGY

Objectives 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 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 skills in research and writing in a systematic manner.
UNIT – I: Objectives of Legal Education; Lecture Method of Teaching - Merits and demerits; The Problem Method; Discussion method and its suitability at postgraduate level teaching; The Seminar Method of teaching; Examination system and problems in evaluation - external and internal assessment; Student participation in law school programmes - Organization of Seminars, publication of journal and assessment of teachers; Clinical legal education - legal aid, legal literacy, legal survey and law reform.


UNIT – V: Techniques of Data Collection: 1) Observation Method – Meaning and Definition of Observation Method, Essential Characteristics of Observation Method, Different Types of Observation Method, Bias and Measures to avoid Bias in Observation Method; 2) Interview Method – Meaning and Definition of Interview Method, Objectives and Various Types of Interview Method; 3) Questionnaire Method – Meaning and Definition of Questionnaires, Method, Functions of Questionnaire, Different Types of Questionnaire, Construction of Questionnaire; 4) Schedule Method – Meaning and Definition of Schedule, Purpose and Importance of Schedule, Classification of Schedules, Construction of Schedules, Form and Contents of Schedules, Type of Questions in a Schedule, Advantages and Disadvantages of Schedules; Pre-Test Pilot Study.

BOOKS FOR REFERENCE

2. Granville Williams, Learning the Law, (Universal Law Publication, New Delhi)
5. M. O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
8. H. M. Hyman, Interviewing in Social Research (1965)
13. Indian Law Institute, Legal Research And Methodology, (N. M. Tripathi Publications Bombay)
18. F.L. Whitney, The Elements of Research, Bombay
20. M. H. Gopal, An Introduction to Research Procedure in Social Sciences
23. Indian Law Institute, Legal Research Methodology

HC3.2: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Objectives 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 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 specialisation.
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.

UNIT – I: Introduction; Concept of Constitution, Different types of Constitutions – their salient features; the Constitution of India – Brief History; Salient Features; Preamble; Fundamental Rights, Directive Principles of State Policy; Fundamental Duties.

UNIT – II: Federalism – Distinctive features of Indian federalism; creation of new States; Allocation and Shares of resources; The inter-State disputers on resources; Rehabilitation of internally displaced persons; centers responsibility and internal disturbance within States; Direction of the centre to the State under Article 356 and 365; Special Status of certain states, Tribal Areas and Scheduled Areas.

UNIT – III: State: Need for widening the definition in the wake of liberalization; Right to equality: Privatization and its impact on affirmative action; Empowerment of Women; Freedom of Press and Challenges of New Scientific development; Freedom of press and challenges of new scientific development; Freedom of speech and right to broadcast and telecast; Right to strikes, hartal and bandh; Reading Directive Principles and Fundamental Duties into Fundamental Rights.

UNIT – IV: Compensation Jurisprudence; Right to education - Commercialisation of education and its impact; Brain drain by foreign education market; Rights to Religion - Right of minorities to establish and administer educational institutions and state control; Secularism and religious fanaticism Uniform Civil Code Problems and Perspective.


UNIT – VI: Democratic Process; Nexus of politics with criminals and the business; Free and Fair elections, Election Commissions: Status; Electoral reforms; Coalition governments, stability, durability and corrupt practices; Grass root democracy.

BOOKS FOR REFERENCE

2. E. S. Venkatramaiah, Federalism; A Comparative Study
5. V. N. Shukla’s, Constitution of India

II. SOFT-CORE COURSES/PAPERS (any one)

SC3.1: LAW OF INTELLECTUAL PROPERTY – I

Objectives of the Course: The Law relating to intellectual property rights is a fast developing area, especially after the global community has entered into the Agreement on TRIPs of GATT/WTO. There is a rapid progress in the conformity to the guidelines evolved under the global agreements by the countries across the globe. India has also brought about significant changes in its existing IP laws and has also enacted new legislations to meet the challenges of this fast emerging regime of IPR. The students are required to
study the IPR regime in two papers because of the enormous literature of law that has emerged in this area. In this paper, Plant Varieties Protection, Geographical Indications and Biological Diversity are to be studied from global, regional and national perspectives.

The unitized curriculum for the first paper of IPR is as follows:


UNIT – II: Patents: Salient Features, Patentable and Non-patentable inventions, Ownership, Term and Process of Patenting: Application, Examination, Opposition, Grant and sealing.


UNIT – V: Geographical Indication of Goods: Conception and Definition, Procedure of Registration, Bodies, Infringement and Assignment.

UNIT – VI: Patents vis-à-vis Biological Diversity, Biodiversity: Conception, Objectives, Conservation, Awareness Activities, Access, Technology Transfer, and Governing Bodies.

BOOKS FOR REFERENCE

2. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property
3. P. Narayanan, Intellectual Property Law
4. Ibid., Patent Law
5. Prabuddha Ganguly, Intellectual Property Rights: Unleashing the Knowledge Economy
7. P. M. Baxi, Intellectual Property: Indian Trends
8. Bently Lionel and Sharman Brad, Intellectual Property Law
9. B. L. Wadhera, Law Relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications
11. Lester Nelson, Digest of Intellectual Property Laws of the World Vols. 1, 2, 3 & 4
14. Suman Sahai (Ed.), Bioresources and Biotechnology – Policy Concerns for the Asian Region
15. P.S. Sangal and Kishore Singh (Eds.), Indian Patent System and Paris Conversion: Legal Perspectives
16. Vandana Shiva, Patents: Myths and Reality
SC3.2: LAW OF TAXATION

Objectives of the Course: Imposing of taxes is age old practice and source of revenue of the concerned governments by which government will devise the welfare programmes. Government will levy many types of taxes which will be governed by different legislations. Payment of taxes is mandatory and it is the duty of the honest citizens and institutions. The quantum of payment of tax, mode of payment and benefits of its payment can be understood only by studying relevant enactments. Further there are many possibilities are that many individuals and institutions who are under duty to pay the taxes will evade or eroded from payment of taxes. For that there are many penalties and punishments under different enactments. It is expected to study the philosophy and provisions of taxes keeping abreast with recent changes in regime tax system especially the Goods and Services Tax (GST) by the students choosing this course in detailed manner:

UNIT – I: Introduction, Conception and importance of taxes and payment of taxes; Different types of taxes; Different legislations governing taxes – Income Tax Act, 1961; Central Sales Tax Act; the Karnataka Value Added Tax (KVAT) Act, 2003; Gift Tax Act; Wealth Tax Act – their salient features.

UNIT – II: Income Tax Act, 1961 – Salient Features of the Act, Basic Concepts – Agricultural Income, Assessee, Assessing Officer, Assessment Year, Average Rate of Income Tax, Income, Person, Gross Total Income, Total Income, Previous Year, Charge of Income Tax, tax Planning and Management; Capital and Revenue – Receipts, Capital of Revenue Expenditure, Subsidy.

UNIT – III: One Nation One Tax; Goods and Services Tax (GST): Historical Background of GST; Salient Features of GST; GST in Other Countries such as U S and UK; Constructional Amendments in view of GST; Dual Model of Tax System within GST;

UNIT – IV: GST Bill: Recent Developments in GST Regime; Scope and Applicability of GST; Rate of Tax and Schedules; GST Council; Role of State and Central Government in GST regime; Input Tax Credit; Threshold Limits, Selective Concession and Exemption; Registration Process under GST; Compliance and Problems of GST.


BOOKS FOR REFERENCE

4. Singhania, New Approach to Income Tax
5. Chaturvedi and Pithisaria, Income Tax Law
15. B. B. Lall, Direct Taxes, 22nd Ed., (Konark Publications Pvt. Ltd)., Pp. 272

III. OPEN-ELECTIVE COURSES/PAPERS (any one)

OE3.1: INSURANCE LAW

Objectives of the course: The function of insurance is to spread such loss arising from risks of life or property. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of “just” order in insurance and to develop the appreciative and evaluative faculties of the students. The following syllabus prepared with the above perspective will be spread over a period of one semester:

UNIT – I: Introduction: Social Security and Insurance, Meaning and Importance of Insurance: Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity; Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance; Constitutional perspectives- the Entries 24, 25, 29, 30, 47 of List 1 Union List; 23, 24, of List III

UNIT – II: 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; 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.

UNIT – III: Life Insurance, Nature and scope, Event insured against life insurance contract, Circumstances affecting the risk; Amounts recoverable under life policy, Persons entitled to payment, Settlement of claim and payment of money; Marine Insurance, Nature and Scope, Classification of marine policies, The Marine Insurance Act, 1963; Insurable interest, insurable value; Marine insurance policy - condition. - express warranties construction of terms of policy; Voyage-deviation, Perils of the sea, Assignment of policy, Partial laws of ship and of freight, salvage, general average, particular charges; Return of premium
UNIT – IV: Insurance Against Accidents; Property Insurance; Fire insurance; The Emergency Risks (Factories) Insurance; The Emergency Risks (Goods) Insurance; Policies covering risk of explosion; Policies covering accidental loss, damage to property; Policies covering risk of storm and tempest; Burglary and theft policies; Live stock policies; Goods in transit insurance; Agricultural insurance; Insurance against Third Party Risks, the Motor Vehicles Act, 1988; Professional negligence insurance; Group life insurance; Mediclaim, sickness insurance

BOOKS FOR REFERENCE

2. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong

OE3.2: LAW OF INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course: The Law relating to intellectual property rights is a fast developing area, especially after the global community has entered into the Agreement on TRIPs of GATT/WTO. There is a rapid progress in the international trade accelerated by guidelines evolved under the global agreements by the countries across the globe. India has also brought about significant changes in its existing IP laws and has also enacted new legislations to meet the challenges of this fast emerging regime of IPR. The students are required to study the IPR regime to acquaint them minimum common sense knowledge to be gained by present day students irrespective of subject and discipline they study at P.G. level.


UNIT – III: Trade Marks: Concepts, Historical Development, Nature, Meaning, Property in Trade Marks, Opposition, registrable and Non-registrable Marks; Certification of Trade Marks, Textile Marks, Collective
Marks, Appellate Board, Similarity, Resemblance or Deceptive Similarity, Assignment, Licensing, Registration, Effects of Registration, Ratification, Infringement, Remedies, Passing Off.


BOOKS FOR REFERENCE

7. P. M. Baxi, Intellectual Property: Indian Trends
8. B. L. Wadhera, Law Relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications
9. Lester Nelson, Digest of Intellectual Property Laws of the World Vols. 1, 2, 3 & 4
14. IPR in the WTO Developing Countries; (Oxford Publications New York, 2005).

LL.M. FOURTH SEMESTER

I. HARD-CORE COURSES/PAPERS

HC4.1: CONSUMER LAW

Objectives of the Course: Liberalization, Privatization and Globalization have added new dimension to consumerism in which corporate, manufacturers and business houses are having upper hand. The rise and fall of consumer sovereignty, the new dimensions of the concept of consumer and problems that rush therein are to be examined rather from a socio-economic, political and legal angle than from the narrow perspective of bare provisions of statutes. The students will have an opportunity to inquire why laws provide not so effective and less enforceable remedies. Focus is to be made on the public utility services such as transport, electricity, drinking water, banking, postal, legal, educational, and medical services and examine the reasons why the
state and state-undertakings often fail in providing efficient services. Scattered law and judicial pronouncements have added to the weak legal domain of consumerism warranting critical study at the post-graduate level.


UNIT – IV: Meaning and Essentials of ‘Service’; Meaning of ‘Deficiency’ and ‘Deficiency in Service’: Consideration of Deficiency in Various Kinds of Services such as Medical, Banking, Insurance, Education, Electricity, Telephone, Transport, Carrier, Postal, Housing Construction, etc. The Meaning and Scope of ‘Unfair Trade Practices’ and ‘Restrictive Trade Practice’ (the discussion of the above be made in the light of decided cases); the Rights of the Consumers.

UNIT – V: Relief and Remedies of Consumers when Rights are been Violated; the Welfare of the Consumers; Consumer Disputes Redressal Agencies: Establishment, Composition, Jurisdiction, Functions, Procedures for Hearing, Findings and Orders of the District Forum, State Commission and National Commission and Appeals therefrom.

UNIT – VI: Consumer Dispute Redressal Council – their Constitution and Duties; Lok Adalat, Public Interest Litigation; Online Dispute Resolution; Consumer Welfare Fund; Consumer Awareness Project - Poster Competition, National Youth Award on Consumer Protection.

BOOKS FOR REFERENCE

4. D. N. Saraf, Consumer Protection Law in India
5. S. S. Gulshan, Consumer Protection and Satisfaction
8. Mallik’s: Commentaries on Consumer Protection Act with Rules
9. G. H. Samuel, Cases in Consumer and the Law
10. Satya Sunderamma, Consumer Protection in India
12. Ross Cranston, Consumer and the Law
14. Leelakrishnan (ed.), Consumer Protection and Legal Control
15. Nayak Rajendra Kumar, Consumer Protection Law in India

**HC4.2: PROJECT WORK**

The students must undergo a major project work under a supervisor/guide notified by the Department from time to time. A project work is a special course involving an application of knowledge in solving /analyzing/ exploring a real-life situation/difficult problem in the area of law especially in Commercial Law.

**II. SOFT-CORE COURSES/PAPERS (any two)**

**SC4.1: LAW OF INTELLECTUAL PROPERTY – II**

**Objectives of the Course:** The Law Relating to Intellectual Property Rights has developed with leaps and bounds in the recent past. Hence, it is divided into two paper includes the Law Relating to Copyrights, Trade, Marks, Designs, Confidential Information, Industries Know-How and Information Technology. The students are required to undertake a critical study of these laws at National and International level and keep themselves abreast with the latest development in these areas. The detailed curriculum for this paper is outlined as under:


**UNIT – II:** Copyrights: Infringement, Remedies: Civil and Criminal, Copyright Societies, Copyright Office, International Copyright.

**UNIT – III:** Law of Trade Marks: Historical Development, Nature, Meaning, Property in Trade Marks, Opposition, registrable and Non-registrable Marks.

**UNIT – IV:** Certification of Trade Marks, Textile Marks, Collective Marks, Appellate Board, Similarity, Resemblance or Deceptive Similarity, Assignment, Licensing, Registration, Effects of Registration, Ratification, Infringement, Remedies, Passing Off.
UNIT – V: Law of Designs: Main Features of the Act, Ownership, Designs, Registration, Rights, Infringement, Remedies, Controller’s Function, etc. Confidential Information and Industrial Know - How, Salient Features of


BOOKS FOR REFERENCE

2. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property
5. B.L. Wadhera, Law Relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications.

SC4.2: GENERAL PRINCIPLES OF INSURANCE LAW

Objectives of the Course: Insurance Law is an old institution of business. The underlying object of the Paper is that study of the General Principles of Insurance. It also aims at the study of the doctrines of insurance. The following are the objectives of the Course:

1. To study the General Principles of Insurance Law in the context of their development and judicial interpretation.
2. To inform students about the use of the Law for the establishment of just order in matter relating to various kinds of Insurance.
3. To make the study of insurance in the context of basic principles of insurance.

UNIT – I: Introduction: Social Security and Insurance, Meaning and Importance of Insurance: Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity; Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance; Constitutional perspectives- the Entries 24, 25, 29, 30, 47 of List 1 Union List; 23, 24, of List III

UNIT – II: 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; Indian Insurance Law: General, History and development, The Insurance Act

Unit – IV: Insurance Against Accidents; Property Insurance; Fire insurance; The Emergency Risks (Factories) Insurance; The Emergency Risks (Goods) Insurance; Policies covering risk of explosion; Policies covering accidental loss, damage to property; Policies covering risk of storm and tempest; Burglary and theft policies; Live-stock policies; Goods in transit insurance; Agricultural insurance; Insurance against Third Party Risks, the Motor Vehicles Act, 1988; Professional negligence insurance; Group life insurance; Mediclaim, sickness insurance.

Books for Reference

5. R. S. Sharma: Insurance Principles and Practice
6. S. P. Sharma: Organization of Indian Insurance

SC4.3: LAW OF EXPORT-IMPORT REGULATION

Objectives of the Course: Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and Import control policy is also closely connected with country's balance of payment position. The detailed procedures for imports and exports are provided in the Hand Book. The Union Government used to declare its import and export policy for a three-year period. At present they declare the policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation Act 1992. This course is designed to acquaint the students about the parameters of legal controls on imports and exports. The following syllabus prepared with these objectives will comprise about 42 units of one-hour duration each spread over a period of one semester.

Unit – I: Introduction, Conception, State control over import and export of goods - from rigidity to liberalization, Impact of regulation on economy; The Basic Needs of Export and Import Trade – Goods, Services, Transportation.

Unit – II: International Regime- WTO agreement, WTO and tariff restrictions, WTO and non-tariff restrictions; Investment and transfer of technology, Quota restriction and anti-dumping, Permissible regulations, Quarantine regulation, Dumping of discarded technology and goods in international market, Reduction of subsidies and counter measures.

Unit – III: General Law on Control of Imports and Exports - General scheme, Legislative control, Power of control: Central government and RBI, Foreign Trade Development and Regulation (FTDR) Act, 1992; Restrictions under customs law, Prohibition and penalties, Export-Import formulation: guiding features;
Control under Foreign Exchange and Management Act (FEMA), 1999; Foreign exchange and currency, Import of goods, Export promotion councils, Export oriented units and export processing zones.

UNIT – IV: Control of Exports - Quality control, Regulation on goods, Conservation of foreign exchange, Foreign exchange management, Currency transfer, , Investment in foreign countries; Exim Policy: Changing Dimensions, Investment policy: NRIs, FIIs (foreign institutional investors), FDI, Joint venture, Promotion of foreign trade, Agricultural products, Textile and cloths, Jewellery, Service sector.

UNIT – V: 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.

UNIT – VI: Regulation on Investment - Borrowing and lending of money and foreign currency, Securities abroad - issue of; Immovable property - purchase abroad, Establishment of business outside, Issue of derivatives and foreign securities – GDR (Global Depositories Receipts), ADR (American Depository Receipts) and Euro, Investment in Indian banks, Repatriation and surrender of foreign securities; Technology transfer - Restrictive terms in technology transfer agreements, Automatic approval schemes

BOOKS FOR REFERENCE

1. Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
3. The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian Law Institute, New Delhi.
7. Customs Manual (Latest edition)
9. S. N. Jain: Import Trade Control in India.

SC4.4: INTERNATIONAL TRADE LAW

Objectives of the Course: Concepts of Trade, Commerce and Business are later concepts of the society as initial societies were based on barter system in which exchange of goods to another goods were the transactions used to take place to satisfy the needs of the society mutually. After development of the civilizations these concepts evolved gradually with time and space. Initially the concept of local market taken its birth wherein the local goods were used to exchange supported with the evolution of money. Civilizations grown the movement human being and goods have then started. This led towards evolution of international
trade in goods initially. Many international arrangements, agreements and agencies were come into existence to regulate and govern the international trade and commerce. Initially one of such is General Agreement on Trade and Tariffs (GATT) and later on it has been converted into World Trade Organization (WTO) under which as many as 60 agreements were entered to govern the international trade and commerce. This necessitates the study of international laws by the students.

UNIT - I: Introduction, Concept of trade and commerce, Evolution of trade at national and international level, Economic Principles of International Trade, Principles of comparative advantage; Genesis of International Institutions – International Monetary Fund (IMF), World Bank (WB) and General Agreement on Trade and Tariffs (GATT); Evolution of World Trade Organization (WTO).

UNIT – II: The WTO - organizational structure, objectives, powers and functions of WTO; Principles of Most Favoured Nation Treatment and National Treatment

UNIT – III: Balance of payment (BoP); Technical Barriers to Trade: Sanitary and Phyto-sanitary Measures; Trade Related Investment Measures TRIMs; Subsidies and Countervailing Measures: Anti-Dumping-Measures; WTO and Agriculture – Agreement on Agriculture (AoA).

UNIT – IV: International Sales of Goods; Formation of Contract of Sale; Trade Terms in International Sales; Effect of the Contract; Rights and Obligation of the Seller and the buyer; Frustration of contract; unification of International Sales Law; Export and Import Licensing.


UNIT – VI: Settlement of Disputes Arising in Foreign Trade; Conciliation, Mediation and Arbitration under WTO and Dispute Settlement Body (DSB) under WTO; International Commercial Arbitration; Recognition and Enforcement of Foreign Arbitral Awards; UNCITRAL Model Law on International Commercial Awards-UNCITRAL Arbitration Rules; Conciliation - UNCITRAL Conciliation Rules.

BOOKS FOR REFERENCE

4. Arun Goyal, WTO in the New Millennium, 2000