

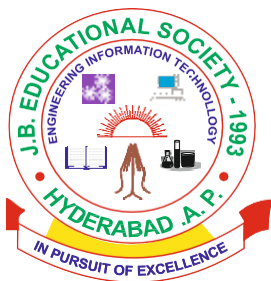
BHASKAR LAW COLLEGE

(Estb. 2008)

(Approved by B.C.I. & Affiliated to O.U.)

Syllabus LL.M.

CORPORATE AND SECURITIES LAWS



J.B. Group of Educational Institutions

Yenkapally, Moinabad (M), Rangaa Reddy Dist.,

Hyderabad 500 075.

Phone No. 040-23301523, 7702466889

Syllabus - LL.M.

BRANCH - II CORPORATE AND SECURITIES LAWS

Semester - I

Paper	I	- Schools of Jurisprudence and Theories of Law (Common)
	II	- Law on Corporate Contracts
	III	- Law and Social Transformation
	IV	- Legal Research Methodology

Semester - II

Paper	V	- Modern Company Law I
	VI	- Securities Laws
	VII	- Law and Justice in Globalization
	VIII	- Law of Insurance and Carriage

Semester - III

Paper	IX	- Law of Banking & Negotiable Instruments
	X	- Legal Pedagogy and ICT in Education
	XI	- Modern Company Law- II

Semester - IV

Paper	XII	- Indian Constitutional Law: The New Challenges
	XIII	- Securities Markets And Investment Laws
	XIV	- Dissertation

SYLLABUS OF LL.M. (CORPORATE AND SECURITIES LAW)

I SEMESTER

PAPER - I : SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW

(Common Paper for All the Branches)

UNIT-I: Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools - Salient features of Analytical, Historical, Philosophical and Sociological Schools.

UNIT-II: Meaning of Positivism-Analytical positivism of Bentham and Austin Kelsen's Pure Theory of Law-Hart's Concept of Law- Dworkin's criticism-Hart-Fuller controversy- Hart-Devlin's debate- Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

UNIT-III: Historical and Ancient Indian Jurisprudence - Savigny's concept of Volksgeist- Contribution of Henry Maine; Economic theory of law- Views of Karl Marx and Friedrich Engle's; Sociological theories of law Contribution of Ihering- Contribution of Ehrlich- Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests-American and Scandinavian Realism-Critical Legal Studies Movement.

UNIT-IV: Theories of Natural Law-Meaning of Natural Law-History of Natural law –Greek origins-Medieval period-View of St.Thomas Aquinas-Period of Renaissance/Reformation - Grotius and International Law Transcendental Idealism - View of Immanuel Kant": Natural Law and Social Contract theories- Stammler and Natural Law with variable content-Fuller and the Morality of Law- Hart on Natural Law-Finnis and Restatement of Natural law- Positivists and Naturalists debate.

Suggested Readings:

1. G.W.Paton: A Text book of Jurisprudence, 4th Edition; Clarendon Press, Oxford, 1972.
2. R.W.M. Dias, Jurisprudence. 5th Edition; Aditya B o o k s Private Ltd., New Delhi, 1994.
3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6th Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated General Publications Pvt. Ltd. Sydney.

6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
7. S.N.Dhyani: Fundamentals of Jurisprudence: The Indian Approach.
8. 2nd Edition, Central Law Agency, Allahabad, 1997.
9. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
10. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
11. 10 Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

SYLLABUS OF LL.M. (CORPORATE AND SECURITIES LAW)

I SEMESTER

PAPER - II : Law on Corporate Contracts

Unit –I: Meaning of Intellectual Property Rights - General framework of IPR Laws in India - Copyright Act, Trademarks Act and Designs Act etc. -Contracts relating to transfer of IPRs - Licensing, Assignment, Sale and Mortgage etc. - Application of general Principles of Contract to IPR contracts - Breach of IPR contracts and Remedies therefor.

Unit – II: Alternative Dispute Resolution - Meaning of ADR - Evolution of ADR Mechanism - Advantages of ADR - Arbitration, Conciliation and Mediation - Salient features of Arbitration and Conciliation Act -Appointment and Removal of Arbitrators and Conciliators - Passing of Award - Section 89 of CPC. 1908 and Sections 10 and 11 of Indian Contract Act vis-à-vis ADR.

Unit – III: International Commercial Arbitration - Meaning and Definition -Application of Indian Contract Act 1872 to International Commercial Contracts and Arbitration Agreements - General Principles of Private International Law relating to International Commercial Arbitration - UNCITRAL Model.

Unit – IV: E-Commerce - meaning and nature - Salient features of the Information Technology Act, 2000 - Impact of the IT Act 2000 on Law of Contracts, Law of Evidence, Law of Crimes - Application of Intellectual Property Laws to Cyber Contracts - Cyber Offences - Breach of Cyber Contracts - Remedies - Fora for Redressal of Cyber Disputes-Infrastructural contracts- *the International Federation of Consulting Engineers (FIDIC) approved contracts*

Suggested Readings:

- Anson's Law of Contracts - Clarendon Press, Oxford, UK.
- TS Venkatesh Iyer - Law of Contracts, S Gogia and Company, Hyd.
- Avatar Singh - Law of Contracts, Eastern Book Company, Lucknow.
- P. Narayanan, Intellectual Property Law. Ed, Eastern Law House, Kolkata,
- W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London.
- Hillary E. Pearson & Miller CG, Commercial Exploitation of Intellectual Property, Universal Book Traders, New Delhi.
- David Bainbridge, Intellectual Property, Pearson Education Limited, London.
- B.L. Wadhwa, Law Relating to Patents, Trademarks, Copyright, Designs & Geographical Indications, Universal Law Publishing Co. Ltd., New Delhi.
- Prof. Willem Hoyng & Frank Eijssvogels, Global Patent Litigation, Wolters Kluwer, Bedfordshire, U.K.
- Eric M. Dobrusin, Esq., Katherine E. White. Intellectual Property Litigation: Pretrial Practice, Wolters Kluwer, Bedfordshire, U.K.
- GB. Reddy, Intellectual Property Rights and the Law, Gogia Law Agency, Hyderabad.
- Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR system - Eastern Book Company - Lucknow.
- Venu Gopal K.K - Justice Bachawat's Law of Arbitration and Conciliation Including commercial, international and ADR
- P.C. Rao & William - Alternative dispute resolution, Universal Law Sheffield Publishing Ltd.
- GK. Kwatra - The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration). The Indian Council of Arbitration.

SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)

I SEMESTER

PAPER-III: LAW AND SOCIAL TRANSFORMATION

(Common Paper for All the Branches)

Unit I: 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. 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, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

Unit II: 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory Commissions, statutory provisions.

Unit III: 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women's Commission e. Empowerment of women; Constitutional and other legal provisions

Unit IV: Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats g. Democratic decentralization and Local Self-government.

BIBLIOGRAPHY:

1. Marc Galanter (ed.): Law and Society in Modern India (1997), Oxford.
2. Robert Lingat: The Classical Law of India (1998), Oxford
3. U. Baxi: The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi, (ed.): Law and Poverty Critical Essays (1988), Tripathy, Bombay
5. Manushi: A Journal about Women and Society.
6. Duncan Derret: The State, Religion and Law in India(1999),Oxford

University Press, New Delhi

7. H. M. Seervai : Constitutional Law of India (1996)
8. D. D. Basu : Shorter Constitution of India(1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta: Law and Menace of Child Labour (2000) Anmol Kiran Destha Publications, Delhi.
10. Savitri Gunasekhare: Children, Law and Justice (1997), Sage
11. Indian Law Institute: Law and Social Change : Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani: Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India c13. M.P. Jain: Outlines of Indian Legal History (1993), Tripathi, Bombay.
13. Agnes, Flavia: Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)

I SEMESTER

PAPER-IV: Legal Research Methodology

(Common Paper for All the Branches)

- Unit-I:** Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables Definitions- Relevance of empirical research in law-Induction and Deduction-Case study.
- Unit-II:** Finding the Law-Sources of legal material including e-sources-Law reporting in India- Using a law library-Survey of available legal material-bibliographical search. Research Methods- Socio-legal research-doctrinal and non-doctrinal research.
- Unit-III:** Research tools and techniques for collection of data – Observation - Questionnaire- Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem- Hypothesis-Research Design.
- Unit-IV:** Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms- Types of Research needed for Law Reforms-Analytical Research, Historical Research.

Suggested Readings:

1. Goode &Hatt: Methods in Social Research: Mc Graw - Hill Book Company, Singapore1981
2. C.R.Kothari: Research Methodology: Methods and Techniques, 2nd Edition, WishwaPrakashan, NewDelhi, 1995.
3. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, 9th Edition, Himalaya Publishing Housing, Bombay- Delhi- Nagpur1994.
4. Pauline V Young: Scientific Social Survey and research, 3rd Edition, Prentice Hall, New York, 1960.
5. B.N.Ghosh, Scientific Method and Social Research; 4th Edition Sterling Publishers Private Limited New Delhi, 1987.
6. S.K.Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi, Hans Raj, Theory and Practice in Social Research; 4th Edition, Surjeet Publicatios, NewDelhi, 1992, Surjeet Publicatios, New Delhi, 1992

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II SEMESTER

PAPER – V: MODERN COMPANY LAW I

Unit I

History of Company law in England and India-Characteristics of Company, advantages and Disadvantages of Company, Definition, Formation, Registration and Incorporation of company: Nature and kinds of company.

Unit II

Promoters: Position, duties and liabilities - Mode and consequences of incorporation, - Uses and abuses of the corporate form, lifting of corporate veil, - Memorandum of Association, alteration and the doctrine of ultra vires, -Articles of association, binding nature, alteration, relation with memorandum of association, doctrine of constructive notice and indoor management exceptions.

Unit III

Capital Formation: Prospectus: Issues, contents, Kinds, liability form is statements, statement in lieu of prospectus- Allotment of Share Capital, Transfer and Transmission of Shares, The nature and classification of company securities- Preference Shares, Equity shares with differential rights, Rights issue, Bonus shares, Reduction of Share Capital, Buy-Back of securities.

Unit IV

Acceptance of Deposits -Debentures, kinds, remedies of debenture holders. Charges creation, Modification and Satisfaction, Various kinds of Meetings, Annual General Meeting and Extra-ordinary General Meeting, Proxies, Postal Ballot etc. Accounts, Auditors of the Company, Directors, Director Identification Number, powers and duties of directors, Corporate Social Responsibility, Appointment and Remuneration of Key Managerial Personnel, Inter-Corporate Loans, Meetings of Boards and its Committees, Virtual Meetings

Suggested Readings :

1. Avtar Singh : Indian Company Law
2. Shah S. M : Lectures on Company Law
3. Palmer- Company Law
4. Ramiya: Guide to Companies Act
5. Gower: Principles of Modern Company Law
6. Indian Law Institute- Current Problems of Corporate Law
7. The Companies Act, 2013 and Rules made there under Chandratre, Acharya, Israni, Sethuraman, Compendium on SEBI, Capital Issues and Listing

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II SEMESTER

PAPER – VI SECURITIES LAWS

Unit I : Securities Contracts (Regulation) Act, 1956 – Interpretation Clause - Meaning and Definition of Stock Exchange -Recognition of Stock Exchange - Contracts in Securities - Listing of securities - Securities Appellate Tribunal (SAT)- Constitution, Powers and Functions - Appeals from orders of SAT – Title to Dividends-Securities and Exchange Board of India Act, 1992 -Interpretation Clause-Establishment of the Securities and Exchange Board of India - Constitution, Powers and Functions -Registration of Stock Brokers , Sub-brokers ,& Share Transfer Agents – Prohibition of Manipulative and Deceptive practices-Inside Trading and Substantial Acquisition of Securities or Control-Adjudication of disputes- Appeals to Securities Appellate Tribunal, HCs & SC- Capital Market regulations.

Unit II : Depositories Act, 1996 - Definition of Depository Board and Beneficial Owner - Certificate of Commencement of Business - Rights and obligations of Depositories, participants, issuers and beneficial Owners, Overview of SEBI (ICDR) Regulations.

Unit III : SEBI (LODR) Regulations- Key Definitions, Applicability, Obligations of Listed entities, Composition of Board of Directors, Meetings of Board, Related Party Transactions, Compliances under Regulations, Case laws on SEBI (LODR) Regulations.

Unit IV : History of Insider Trading, Law on Insider in USA and UK, Insider Trading Regulations in India, Meaning of Insider and Insider Information, SEBI, NCLT, NCLAT and Supreme Court Judgements on Insider Trading Regulations in India.

Meaning of Takeover, Kinds of Take overs, Take over regulations in USA and UK, SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011, Judicial Pronouncements on Takeover.

Suggested Readings:

1. Palmer -Company Law.
2. Ramayya: Guide to the Companies Act, in three volumes, Wadhwa and Company, Nagpur.
3. Avtar Singh: Company Law, Eastern Book Company
4. H.K.Saharay: Principles and Practice of Company Law in India, Prentice Hall of India Private Limited, New Delhi.
5. S.M.Shah: Lectures on Company Law, N.M. Tripathi Private Ltd Bombay.
6. Chalesworth& Cain: Company Law, Geoffrey Morse, Stevens and Sons, London.
7. L.C.B. Grover: The Principles of Modem Company Law, Stevens and Sons, London.
8. Pennigton: Company Law, Butterworths, London.Taxmann's Publications Journal on SEBI and Corporate Laws.
9. Pahwa : Law relating to on-Banking financial companies B.K.Pahwa.

SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)

II SEMESTER

PAPER-VII: LAW AND JUSTICE IN GLOBALIZATION

UNIT– I -Introduction

- Concept of Law & Justice
- Law making power of different organs of the State
- Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees
- Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.
- Perspective on Social Justice:
 - Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self- governance, Trusteeship theory, Sarvodaya, Antyodaya
 - Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards at State Socialisms.
 - Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine

UNIT – II - Globalization - its Process

- Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.
- Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State Third World Perspectives.
- Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women

UNIT– III- The Doctrine of Law and Precedent –An Indian Perspective

- The Rule of Law in Globalizing World
- Role of Precedent in the development of Law and Society
- Judicial Creativity, Judicial Activism and Judicial over - Activism
- Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)
- Role of dissent in the development of law and society

UNIT- IV: International Organizations vis-a-vis Globalization

- Role of United Nations in the Globalization Process
- Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO
- MNCs & CSR
- Impact of Globalization on Judicial Process and administration of Justice
- Impact of globalization on Human Rights with special reference to Gender Equality
- Feminism, Sexual Violence, UNO and Women Rights, CEDAW and Violence against Women Impact of globalization on free market and related notions
- Globalization vis-a-vis Environment and development

References:

Books:

1. Acharya N.K., Text Book on Intellectual Property Rights, Asia Law House, Hyderabad (2001).
2. Agarwala V.K., Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999)
3. Anaya James, Indigenous Peoples in International Law, Oxford University Press, New York (1996).
4. Bhatnagar J. P, Women and Their Rights, Ashoka Law House, 2nd Edn, 1998, New Delhi.
5. Bimal N. Patel, *"Responsibility of International Organizations"* Eastern book Company.
6. Bryan Horrigan, Adventures in Law and Justice, Universal Law Publishing Co. Pvt. Ltd, 1st Indian Reprint, 2005, New Delhi.
7. Chakrabarthy, N.K., (Dr.) Gender Justice, V edition 2006, R. Cambray & Co. Private Ltd, Kolkata.
8. Christine Chorine, Women and the Law, Vol-2, Socio-Legal Information Centre, 1999, Bombay.
9. Das J.K., Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi (2001).
10. Das J.K., Indigenous Peoples, Sustainable Development and Human Rights, Ganga Kaveri Publishing House, Varanasi (1997).
11. Dev. Raj (2003). Globalisation and Decentralized Economic Development, New Delhi; Raj at Publications.
12. Devinder Sharma (1994). GATT and India. The Politics of Agriculture, New Delhi: Konark Publishers Pvt. Ltd.
13. Dipankar Sengupta, Debashis Chakraborty and Pritain Benergee (ed) (2006). Beyond the Transition Phase of WTO: An Indian Perspective on Emerging Issues, New Delhi: Academic Foundation.
14. Falendra. K. Sudan (2005). Globalisation and Liberalization. Nature and Consequences, New Delhi: Serials Publications.
15. Kenneth W. Abbott, *"The Law and Politics of International Organizations"* Edward Elgar Publishing.
16. Rosalyn Higgins, Development of International Law through the Political Organs of
17. Sixty Years of the Multilateral Trading System: Achievements and Challenges, published by WTO Publications.
18. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy), published by WTO Publications
19. the United Nations (1963)
20. Tom Campbell and Alejandra Mancilla, "Theories of Justice" ASHGATE.
21. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2002.
22. William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009).
23. World Commission on Social Dimension of Globalization, A Fair Globalization: Creating Opportunities for All (2004).

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II SEMESTER

PAPER – VIII: LAW OF INSURANCE AND CARRIAGE

Unit - I : Nature of Insurance and types of insurance - definition of insurance -history - contract of insurance - classification of insurance contracts-Kinds of Insurance Policies - insurable Interest - Premium - Risk -Assignment.

Unit II : Role of insurance in Economic Development - Redressal of Consumer grievance -Role of the "OMBUDSMAN"- IRDA Regulations 2000 - Disclosures – The Insurance Act 1938 as amended by the IRDA Act 1999 - Constitution of IRDA and its powers and functions –IRDA Regulations- Role of IRDA on Insurance Companies- , Redressal of Grievances by IRDAI

Unit III : Special Doctrines relating to Insurance - Doctrine of Reinstatement -Doctrine of Subrogation - Doctrine of Contribution - Difference between contribution and subrogation - Proximity clause. Marine Insurance -Definition and nature of Insurance Contracts - Classification of Marine Insurance Policies - Marine claims - Voyage - Deviation - Perils of Sea - Warranties in Marine Insurance - Losses and abandonment- Relevant provisions of the Motor Vehicles Act. Carriage of goods by road - Multimodal Transportation of Goods Act 1993- Law of Carriage by Sea - The Carriers Act 1865, The Railways Act, 1899, The Air Act 1972, the Carriage by Sea Act, 1925.

Unit IV : Agricultural Insurance: Introduction to Indian Agriculture; Risk in Agriculture; History of Crop Insurance in India; Crop Insurance, **Liability Insurance:** Introduction to Liability Insurance; Legal Background; Liability Underwriting; Statutory Liability; General Public Liability (Industrial/Non-industrial Risks); Products Liability Insurance

Suggested Readings :

1. K.S.N. Murthy and KVS Sarma: Modern Law of Insurance in India, N.M.Tripathipvt. Ltd. Bombay.
2. Ravi Pulirani and Iahesh Pulirani :Manual of Insurance Law, Bharat Law House Pvt. Ltd., New Delhi.
3. Brijnandan Singh: ew Insurance Law, University Book Company. Allahabad.
4. J. Nagar: The Hand Book of Insurance Regulatory and Development Authority, University Book Company, Allahabad.
5. B.C.Mitra: The Law relating to Marine Insurance, University Book Company, Allahabad.
6. E.R.Hardy Ivamy: General Principles of Insurance Law, Butterworths, London.
7. Michael Parkington: Insurance Law, Sweet and Maxwell, London.
8. Dr. Aytar Singh: Law of Carriage, Air, Land and Sea, EBC, Lucknow.
9. Journal of IRDA monthly since 2002.

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III SEMESTER

PAPER-IX: LAW OF BANKING & NEGOTIABLE INSTRUMENTS

UNIT-I : Historical background of Banking system - Evolution of Banks - classification - Banks and other Financial institutions - Functions of Banks - Recent trends in Banking system-e-Banking system

UNIT-II : Relationship between Banker and Customer - Definition - Rights and Duties - Special types of customers - Customer accounts – Overdrafts Bankers lien and combining of accounts - Appropriation of payments-Claytons Rule - Pass Book - Forgery, Negligence, Mistake, Wrongful endorsements - Legal protection to paying Banker and collecting Banker Lawful dishonour of Cheques - Effect of Wrongful dishonour of Cheques.

UNIT-III : Kinds of negotiable instruments, Customary / Deemed Negotiable instruments - Essential features. Crossing of Cheques - Holder in due course and Holder for value - Liability of maker of Notes and acceptor of Bills Drawer of Cheques - Liability and discharge of Endorser - Consideration Effect of Endorsement - Accommodation Bills – Discharge from Liability of Notes, Bills and Cheques. Noting and protest - Presumptions as to negotiable instruments-dishonour of cheques

UNIT-IV : Bank Guarantees - Kinds of Guarantees - Rights and Obligations of Bankers - Letters of Credit - Types of Letters of Credit – Advances secured by collateral securities - Advances against Goods and Documents of titles to Goods - Recommendations of committees in improving the Banking system RBI and its promotional role in relation to commercial Banks - Banking Regulation Act 1949 - The Securitisation and Reconstruction of Financial Assets and enforcement of security Interest Act, 2002- Salient features.

Suggested Readings:

1. Sheldon: Practice and Law of Banking, Pitman Publ., Toronto.
2. Tannan: Banking Law and Practice in India, India Law House, New Delhi.
3. Lord Chorley and P.E.Smart: Leading Cases in the Law of Banking
4. Bashyam and Adiga, Bharat Law House, New Delhi.
5. Arora & Kalra: All India Banking Law Judgements in 4 Vols, Punjab Law Agency, Delhi.
6. L.C.Goyle: Law of Banking and Bankers, Eastern Law House, New Delhi.

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III SEMESTER

PAPER- X : - LEGAL PEDAGOGY AND ICT IN EDUCATION

UNIT-I- Legal Pedagogy

Introduction- Legal Pedagogy: Meaning, Traditional Legal Pedagogy methods and its limitations, Socratic-style, doctrine-heavy pedagogy, Changing Dimensions of Legal Pedagogy- Need for Integrated Pedagogy, Experiential learning: Participative Method, Clinical or Simulated practice: Clinical legal education, Real life Problem solving Method, Group Discussion Method, Case Study and Case analysis Method, Simulation and Role Play Method, Collaborative and cooperative Learning Teaching Method, Research-Interdisciplinary approach: Basic Research, Applied Research and Integrated Research, Legal writing, Advocacy, Fact finding, Client counseling, Negotiation.

UNIT-II- Teaching, Learning, Evaluation and Supervision in Legal education

Supervision, Research Papers and Research Projects, Inculcating Research Habits, Enhancing Research Skills, Inculcation of Good Practices- Research Ethics, Internships, Placements, Outcome Based Education, Curriculum Planning- Developing Teaching Plans, Developing Learning Outcomes (LOs) : Blooms Taxonomy: Six levels of learning,, Designing Programme Objectives (POs) and Course Objectives (COs), Aligning the Curriculum plan with COs and POs; COs and LOs

UNIT-III-ICT in Education

Concept, Need and importance of ICT in Education, Paradigm Shift due to ICT from 'Teaching' to 'Learning'-Curriculum, Methods of Teaching, Role of Teacher, Classroom Environment, Evaluation Procedure, Education Management, Challenges and Barrier to integration of ICT in Indian schools classrooms, ICT skilled teacher, ICT skills and Qualities of ICT teacher. Safe use of ICT, Virus management, Net safety, Netiquettes, Legal and ethical issues.

UNIT-IV-ICT in Legal Education: Need and Importance of legal education

Design of Law Curriculum – Efforts to review Legal Education -Global & India -Traditional Content based Curriculum -Current Challenges- Globalization, Pandemic & Shift from Adversarial to Dispute Resolution Model -Transition to Capability framework- Integrated Models with Transferable generic and legally specific skills for Legal Profession- Demand for Competitiveness in Information & Communication Technology – New Evaluation & Assessment Models– Role of Online teaching. ICT tools in Legal pedagogy: Role and Application- ICT tools in legal pedagogy-Electronic books- E-Books-Electronic Journals- E-Journals- Electronic Legal databases- E-Library-Power point Presentations

Suggested Readings

BOOKS

1. Dasgupta, Lovely. "Reforming Indian Legal Education: Linking Research and Teaching." *Journal of Legal Education* 59, no. 3 (2010): 432–49. <http://www.jstor.org/stable/42894129>.

2. Choudhary, T. "Legal Education and Pedagogy in Contemporary Era" (2020)
3. Muntjewerff, Antoinette, ICT in Legal Education (September 25, 2009). CLPE Research Paper No. 24/09, Available at SSRN: <https://ssrn.com/abstract=1478726> or <http://dx.doi.org/10.2139/ssrn.1478726>
4. David J. McQuoid-Mason (Ed.), Legal Aid And Law Clinics In South Africa (School of Law, Howard College, University of Natal, 1985).
5. Madhava Menon, Legal Education for Professional Responsibility – An Appraisal of the New Pattern, Legal Education in India Status and Problems (BCI Trust, New Delhi 1983).
6. N. R. Madhava Menon (ed.) Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education (Eastern Book Co., 1998).
7. S. Agrawala, Legal Education in India (West Publishing Company, 1973).
8. S.P. Sathe, Access to Legal Education and the Legal Profession in India, (Rajeev Dhavan Ed., Butterworths, London, 1989).
9. S.K. Sharma, Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients (Rawat Publications, Jaipur, 1984).
10. S.S. Sharma, Legal Aid to the Poor: The Law and Indian Legal System (Deep & Deep Publications, New Delhi, 1993).
11. Integrating Technology in the classroom shelly, Cashman, Gunter and Gunter publication.
12. Essential of Educational Technology, Madan Lal, Anmol Publication.
13. Online Teaching Tools and Methods, Mahesh Varma, Murari Lal & Sons.

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2. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All India Law Teachers Association (1968).
3. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 Clinical Law Review 307(2000-2001).
4. D.A. Desai, "Role and Structure of Legal Profession", XXII IBR(1995).
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6. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 U. Det. Mercy L. Rev. (1994).
7. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States", 13 Clinical Law Review 165(2006-2007).
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9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment", 28 J.I.L.I. (1986).
10. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience, 2 Clinical Law Review 167 (1995).
11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L. REV. 1461 (1997-1998).
12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 SCC Jour. (1995).
13. Krishna Iyer, "Professions for the People: A Third World Perspective", XXIII IBR (1995).
14. Madhava Menon N.R., "Bar Councils and Management of Legal Profession",

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15. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, IBR (1995).

16. Madhava Menon., "Legal Education for Professionals Responsibility – An Appraisal

of the Five Year LL.B. Course", XII, Bar Council Review (1986)

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18. N. R. Madhava Menon, "Lawyer in the Adjudicative Process: An Appraisal of Section 30 of Advocates Act, 1961", 8 JB Council of India 105 (1981).

19. Place of Skills in Legal Education, 43 Columbia Law Review 345 (1945).

20. R.K. Gupta, "Legal Aid and Legal Education: Work Brain Teasers", 2 Delhi Law Review (1973)

21. Resolutions of the 12th All India Law Teachers Conference, 2 Delhi Law Review 291 (1973) (Resolution No.II).

22. Shuvro Prosun Sarker, "Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India", 19 International Journal of Clinical Legal Education (2013).

23. Steve Sheppard, "An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams", 65 UMKC Law Review 65

24. Steven I. Friedland, "How We Teach: A Survey of Teaching Techniques In American Law Schools" 20 Seattle Univ. L. R. 1.

25. Upendra Baxi, "Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law", 51 Journal of the Bar Council of India (1975-76).

26. Uprender Baxi, "The Pathology of the Indian Legal Professions", XXII IBR (1995)

SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)

III SEMESTER

PAPER-XI: MODERN COMPANY LAW-II

UNIT-I:

Majority control and minority protection, Prevention of oppression and Mismanagement, judicial pronouncements on Oppression and Mismanagement, powers of court and central government- legal liability of company - civil, criminal, tortious and environmental.

UNIT-II:

Types of Corporate Restructuring, : Key definitions, Compromises, Arrangements, Mergers & Amalgamations; Demergers & Slump Sale, Business Sale; Joint Venture, Strategic Alliance, Reverse Merger Disinvestment; Financial Restructuring, Takeover of listed and unlisted companies, Fast Track Mergers, cross border mergers, Taxation issues & Stamp Act provisions relating to restructuring.

UNIT-III:

Registrar of Companies, Duties and powers of ROC, Appointment, powers and duties of Official Liquidator, Constitution of NCLT and NCLAT, Powers of NCLT and NCLAT, Special Courts under Companies Act.

Unit IV:

Historical Background of IBC, Petition for Corporate Insolvency Resolution process, Persons entitled to file petition under IBC, Liquidation on or after failing of resolution plan, Voluntary Liquidation: Procedure for Voluntary Liquidation; Powers and duties of the Liquidator; Completion of Liquidation, Winding-up by Tribunal under the Companies Act, 2013; Procedure of Winding-up by Tribunal; Powers and duties of the Company Liquidator; Fraudulent preferences.

Suggested Readings:

1. Avtar Singh : Indian Company Law
2. Shah S. M : Lectures on Company Law
3. Palmer - Company Law
4. Ramaiya: Guide to Companies Act
5. Gower: Principles of Modern Company Law
6. Indian Law Institute- Current Problems of Corporate Law
7. The Companies Act, 2013 and Rules made there under
8. Chandratre, Acharya, Israni, Sethuraman, Compendium on SEBI, Capital Issues and Listing

SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)

IV SEMESTER

PAPER-XII INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

(Common Paper for All the Branches)

UNIT-I

Concept of Federalism-Allocation of resources-Inter State Disputes Central-State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

UNIT-II

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code-Freedom of Speech and Expression Right to broadcast and telecast-Right to Strike, Hartal and Bandh.

UNIT-III

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation-Compensatory Jurisprudence-Right to Education-Right to Information-Right to wholesome environment- Doctrine of public trust

UNIT-IV

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post-independence era -Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members- Judicial Activism and Judicial Accountability-Contempt of Courts- Political Morality and effect of Anti-defection Law

Suggested Readings:

- H.M. Seervai, Constitutional Law of India (in 2-Volumes), Universal Book Traders, New Delhi.
- Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, Oxford.
- Constituent Assembly Debates (Official Report), (in 5 Books and 12 Volumes), Lok Sabha Secretariat, New Delhi.
- B.Shiva Rao, Framing of the Indian Constitution (in 5-Volumes), Indian Institute of Public Administration, New Delhi.
- M.P.Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.
- Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP
- Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)

IV SEMESTER

PAPER-XIII - SECURITIES MARKETS AND INVESTMENT LAWS

UNIT-I

Primary Markets- Investment Institutions, Qualified Institutional Buyers, HNI, Venture Capital, Alternative Investment Funds etc. Capital Market Instruments- Equity, Preference, Debt Instruments, FCCB, IDR, GDR etc

UNIT-II

Secondary Markets- History and Development of Stock Markets in India, Trading Mechanism, Suspension and Penalties, Impact of Various Policies on Stock Markets such as Credit Policy of RBI, Fed Policy etc.

UNIT-III

Primary Market and Secondary Market Intermediaries, Role, Functions and Law relating to Merchant Bankers, Registrar and Transfer Agents, Bankers to an issue, underwriters, Portfolio Managers etc.

UNIT-IV

Real Estate (Regulation and Development) Act, 2016 - Concept - Evolution - Registration Procedure - REIT Issues - Advantages - Kinds of REITs - Real Estate Regulatory Authority - Composition - Powers and Functions - Role of NCLT and NCLAT in RERA Cases. Start-ups in India - Definition - Characteristics - Types - Advantages and Disadvantages - Ideation - Exemptions - Provisions for raising Capital and modes - Legal Provisions.

Suggested Readings:

1. Palmer- Company Law.
2. Ramayya: Guide to the Companies Act, in three volumes, Wadhwa and Company, Nagpur.
3. Avtar Singh: Company Law, Eastern Book Company
4. H.K.Saharay: Principles and Practice of Company Law in India, Prentice Hall of India Private Limited, New Delhi.
5. S.M.Shah: Lectures on Company Law, N.M. Tripathi Private Ltd Bombay.
6. Chalesworth & Cain: Company Law, Geoffrey Morse, Stevens and Sons, London.
7. L.C.B. Grover: The Principles of Modern Company Law, Stevens and Sons, London.
8. Pennigton: Company Law, Butterworths, London. Taxmann's Publications Journal on SEBI and Corporate Laws.
9. Pahwa : Law relating to on-Banking financial companies B.K.Pahwa.

**SYLLABUS OF LL.M. CORPORATE AND SECURITIES LAW)
IV SEMESTER**

PAPER- XIV DISSERTATION

Introducing the component of conducting Research Design Seminar, in third semester after finalizing the topics for LL.M Students. In Fourth Semester Progress Seminar and Pre-Submission Seminar to be conducted for every candidate in respect of the topic allotted to him/her. Such Three seminars are to be conducted on the weekends during the III and IV semester, and the teaching workload for conducting such seminars during the LL.M IV semester will be two teaching periods per week. The seminars to be conducted as condition precedents i.e first Research Design seminar, once it is satisfactorily conducted, then followed by the progress seminar to appraise the progress of writing the thesis, and finally, the pre- submission seminar along with a plagiarism check report (with less than 25% Similarity). When the supervisor, the HOD and the Principal of the respective college sign on the dissertation, the same can be submitted to the University followed by the conduct of Viva-Voice as per the existing procedure. This change is recommended w.e.f the Academic Year 2024-2025 (even for those who will be submitting their dissertation during this year).

*Note: All the three stages of the research to be satisfied one after the other, finally the candidate is allowed for viva voce.

- 5. Allotment of topic in III semester
- 6. Research design in III semester
- 7. Progress Seminar in IV semester
- 8. Pre-Submission Seminar in IV semester

**** THE END ****

