

Shri Govind Guru University

(Established by Government of Gujarat Vide Gujarat Act no 24/2015)

Towards Smart Quality Education

Faculty of Law

Syllabus for Master of Laws

Semester - 1 to 4

Effective from July-2019

Website: www.sgggu.ac.in

Annexure – I

Scheme of Examination and Course Pattern of LL.M. (CBCS) Degree Programme

SEMESTER	COURSE	COURSE CODE	COURSE TITLE	Duration of Exam (Hrs.)	CREDITS			TOTAL CREDITS	TOTAL MARKS		
					Lectures	Others	Practical				
SEMESTER-I (w.e.f. -July 2019)	Core Compulsory	LM00C101	Indian Constitutional Law : The New Challenges - I	3	4	1	-	5	100		
	Core Compulsory	LM00C102	Legal Education and Research Methodology	3	4	1	-	5	100		
	<u>Any One Group</u> of Courses out of the following Subject Elective Specialization Groups :										
	Group - C	Business Law Group	Subject Elective	LM0E101A	EXIM Law	3	4	1	-	5	100
			Subject Elective	LM0E101B	Banking Law	3	4	1	-	5	100
Group - B	Criminal Law Group	Subject Elective	LM0E102A	Criminology & Penology: Treatment of Offenders	3	4	1	-	5	100	

			Subject Elective	LM0E102B	Drug Addiction, Criminal Justice and Human Rights	3	4	1	-	5	100
	Group - J	Human Rights Law Group	Subject Elective			3	4	1	-	5	100
			Subject Elective			3	4	1	-	5	100
	Group - E	Environment and Legal Order Group	Subject Elective			3	4	1	-	5	100
			Subject Elective			3	4	1	-	5	100
	Group - G	Constitution and Legal Order Group	Subject Elective			3	4	1	-	5	100
			Subject Elective			3	4	1	-	5	100
	TOTAL OF SEM-I									20	400

SEMESTER	COURSE	COURSE CODE	COURSE TITLE	Duration of Exam (Hrs.)	CREDITS			TOTAL CREDITS	TOTAL MARKS		
					Lectures	Others	Practical				
SEMESTER-II (w.e.f.-Jan. 2020)	Core Compulsory	LM00C201	Indian Constitutional Law : The New Challenges - II	3	4	1	-	5	100		
	Core Compulsory	LM00C202	Law and Social Transformation in India	3	4	1	-	5	100		
	Core Compulsory	LM00P201	Practical – I (a) Doctrinal Research (50 Marks)	-	-	-	3	6	100		
			(b) Non-Doctrinal Research (50 Marks)	-	-	-	3				
	<u>Any One Group</u> of Courses out of the following Subject Elective Specialization Groups :										
	Group - C	Business Law Group	Subject Elective	LM0E201A	Law of Industrial and Intellectual Property	3	4	1	-	5	100
	Group - B	Criminal Law Group	Subject Elective	LM0E202A	Collective Violence and Criminal Justice System	3	4	1	-	5	100

	Group - J	Human Rights Law Group	Subject Elective			3	4	1	-	5	100
	Group -E	Environment and Legal Order Group	Subject Elective			3	4	1	-	5	100
	Group -G	Constitution and Legal Order Group	Subject Elective			3	4	1	-	5	100
	TOTAL OF SEM-II									21	400

SEMESTER	COURSE	COURSE CODE	COURSE TITLE	Duration of Exam (Hrs.)	CREDITS			TOTAL CREDITS	TOTAL MARKS		
					Lectures	Others	Practical				
SEMESTER-III (w.e.f.-July 2020)	Core compulsory	LM00C301	Judicial Process	3	4	1	-	5	100		
	Core Compulsory	LM00P301	Practical- II (a) Classroom Teaching (50 Marks)	-	-	-	3	6	100		
			(b) Clinical Research (50 Marks)	-	-	-	3				
	<u>Any One Group</u> of Courses out of the following Subject Elective Specialization Groups :										
	Group – C	Business Law Group	Subject Elective	LM0E301A	Corporate Finance	3	4	1	-	5	100
			Subject Elective	LM0E301B	Insurance Law	3	4	1	-	5	100
	Group – B	Criminal Law Group	Subject Elective	LM0E302A	Juvenile Delinquency	3	4	1	-	5	100
			Subject Elective	LM0E302B	Privileged Class Deviance	3	4	1	-	5	100
	Group – J	n Rights Law	Subject Elective			3	4	1	-	5	100

			Subject Elective			3	4	1	-	5	100
	Group – E	Environment and Legal Order Group	Subject Elective			3	4	1	-	5	100
			Subject Elective			3	4	1	-	5	100
	Group – J	Constitution and Legal Order Group	Subject Elective			3	4	1	-	5	100
			Subject Elective			3	4	1	-	5	100
	TOTAL OF SEM-III									21	400

SEMESTER	COURSE			COURSE CODE	COURSE TITLE	External Practical	CREDITS			SEMESTER	COURSE
							Lectures	Others	Practical		
SEMESTER-IV (w.e.f.-Jan. 2021)	Group – C	Business Law Group	Core Compulsory (For all Specialization Groups)	LM00C401	Dissertation (Dissertation/ Project Report Writing / Colloquium)	150	15		20	200	
	Group – B	Criminal Law Group									
	Group – J	Human Rights Law Group									
	Group – E	Environment and Legal Order Group									
	Group – G	Constitution and Legal Order Group									
	TOTAL OF SEM-IV								20	200	
Grand Total Marks and Total Credits									82	1400	

(ANNEXURE – II)

**SHRI GOVIND GURU UNIVERSITY
GODHRA**

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : I (w.e.f. July, 2019)

Course Code : LM00C101 Course Credit : 05	Course Title : Indian Constitutional Law : The New Challenges – I Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

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 postgraduate 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 allowed choosing an area of law for specialization. As such, the subject is divided into two courses to have a deeper insight into the emerging challenges.

Syllabus :

1. Federalism.

- 1.1. Creation of new States.
- 1.2. Allocation and sharing of resources – distribution of grants in aid.
 - 1.2.1. The inter-state disputes on resources.
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Union to the State under Article 356 and 365.
- 1.6. Federal Comity : Relationship of trust and faith between Union and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas.

2. 'State' : Need for widening the definition in the wake of Liberalization.

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

4. Freedom of press and challenges of new scientific development.

- 4.1. Freedom of speech and right to broadcast and telecast.
- 4.2. Access to Information.
- 4.3. Right to strike, *hartal* and *bandh*.

5. Emerging Regime of New Rights and Remedies.

5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights.

5.1.1. Compensation jurisprudence.

5.2. Right to education.

5.2.1. Commercialisation of education and its impact.

5.2.2. Brain drain by foreign education market.

Text Books:

No specific book is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : I (w.e.f. July, 2019)

Course Code : LM00C102 Course Credit : 05	Course Title : Legal Education and Research Methodology. Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

Post-graduate students of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation 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 familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus :

- 1. Objectives of Legal Education.**
- 2. Lecture Method of Teaching – Merits and Demerits.**
- 3. The Problem Method.**
- 4. Discussion Method and its suitability at postgraduate level teaching.**
- 5. The Seminar Method of teaching.**
- 6. Examination system and problems in evaluation – external and internal assessment.**
- 7. Student participation in law school programmes – organization of seminars, publication of journal and assessment of teachers.**
- 8. Clinical legal education – legal aid, arbitration, mediation.**
- 9. Research Methods.**
 - 9.1.** Socio Legal Research.
 - 9.2.** Doctrinal and non-doctrinal.
 - 9.3.** Relevance of empirical research.
 - 9.4.** Induction and deduction.
- 10. Identification of Problem of research.**
 - 10.1.** What is a research problem?
 - 10.2.** Survey of available literature and bibliographical research.

- 10.3. Legislative materials including subordinate legislation, notifications and policy statements.
- 10.4. Decisional materials including foreign decisions : methods of discovering the ‘rule of the case’ tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
- 10.5. Juristic writings – a survey of juristic literature relevant to select problems In India and foreign periodicals.
- 10.6. Compilation of list of reports or special studies conducted relevant to the problem.

11. Preparation of the Research Design.

- 11.1. Formulation of the Research problem.
- 11.2. Devising tools and techniques for collection of data :
Methodology
 - 11.2.1. Methods for the collection of statutory and case materials and juristic literature.
 - 11.2.2. Use of historical and comparative research materials.
 - 11.2.3. Use of observation studies.
 - 11.2.4. Use of questionnaires / interview.
 - 11.2.5. Use of case studies.
 - 11.2.6. Sampling procedures – design of sample, types of sampling to be adopted.
 - 11.2.7. Use of scaling techniques.
 - 11.2.8. Jurimetrics.

12. Classification and tabulation of data.

- 12.1. Use of cards for data collection.
- 12.2. Rules for tabulation.
- 12.3. Explanation of tabulated data.
- 12.4. Analysis of data.

13. Computerized Research – A study of legal research programmes such as Lexis and West law coding.

Text Books:

- 1. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- 2. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lucknow.
- 3. ILI Publication, Legal Research and Methodology.
- 4. N.K. Indrayan, Application of Epistemology to Legal Research, Indian Bar Review, 1987

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : I (w.e.f. July, 2019)

Course Code : LM0E101A	Course Title : EXIM Law.
Course Credit : 05	Course Type : Subjective Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

After independence India has embarked upon all round efforts to modernize her economy through developmental ventures. Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. The process of modernization necessitated the adoption of newer technologies for industry and agriculture. These technologies had to be borrowed from other developed countries. This, in turn, needed foreign exchange which could be earned by the increased exports of goods and raw materials from India. This course is designed to acquaint the students about the parameters of legal controls on imports and exports.

Syllabus :

1. INTRODUCTION :

- 1.1. State control over import and export of goods –from rigidity to liberalization.
- 1.2. Impact of regulation on economy.

2. The Basic Formalities of Export and Import Trade.

- 2.1. Registration.
- 2.2. Selection of Product & Market.
- 2.3. Documentation.
- 2.4. Methods of Payment.

3. International Regime.

- 3.1. WTO – objectives;
- 3.2. Functions.
- 3.3. WTO agreement.
- 3.4. WTO and tariff restrictions.
- 3.5. WTO and non-tariff restrictions.
- 3.6. Anti-dumping.
- 3.7. Countervailing Duties.
- 3.8. Safeguards.
- 3.9. Pre-shipment Inspection.
- 3.10. Technical Business to Trade.
- 3.11. Sanitary &Phyto-sanitary Measures.

- 4. General Law and Policy Control of Imports and Exports.**
 - 4.1. General scheme-Foreign Trade Policy.
 - 4.2. Legislative control.
 - 4.3. Foreign Trade Development and Regulation Act 1992.
 - 4.4. COFEPOSA.
 - 4.5. Quality Control Act.
 - 4.6. Customs Act, 1962.
 - 4.7. Prohibition on importation and exportation of goods.
 - 4.8. Control of smuggling activities in export-import trade.
- 5. Exim policy : Changing Dimensions.**
 - 5.1. Promotion of foreign trade.
 - 5.2. Agricultural products.
 - 5.3. Textile and cloths.
 - 5.4. Jewellery.
 - 5.5. Service sector.
- 6. Pre-Shipment and Post-Shipment formalities.**
- 7. Law relating to customs.**
 - 7.1. Levy of and exemption from customs duties.
 - 7.2. Clearance of imported goods and export goods.
 - 7.3. Conveyance and warehousing of goods.
- 8. Regulation of Foreign Currency:**
 - 8.1. Conservation of foreign exchange.
 - 8.2. Foreign exchange management.
 - 8.3. Currency transfer.
 - 8.4. Investment in foreign countries.
 - 8.5. Borrowing and Lending of money and foreign currency.
- 9. Technology transfer.**
 - 9.1. Collaboration Agreement for Technology Transfer.
 - 9.2. Restrictive terms in technology transfer agreements.
 - 9.3. Joint venture.

Text Books:

1. Government of India, Handbook of Import Export Procedures,(Refer to the latest edition).
2. Foreign Trade (Development and Regulation) Act 1992 and Rules.
3. Foreign Exchange Management Act 1999.

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : I (w.e.f. July, 2019)

Course Code : LM0E101B	Course Title : Banking Law.
Course Credit : 05	Course Type : Subjective Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

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. 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.

Syllabus :

1. Introduction.

1.1. Nature and development of banking.

1.2. History of banking in India and elsewhere – Indigenous Banking – Evolution of Banking in India – different kinds of banks and their functions.

1.3. Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India.

2.1. Controls by government and its agencies.

2.1.1. On management

2.1.2. On accounts and audit.

2.1.3. Lending.

2.1.4. Credit policy.

2.1.5. Reconstruction and reorganization.

2.1.6. Suspension and winding up.

2.2. Contract between banker and customer : their rights and duties.

3. Social Control over Banking.

3.1. Nationalization.

3.2. Evaluation : private ownership, nationalization and disinvestment.

3.3. Protection of depositors.

3.4. Priority lending.

3.5. Promotion of underprivileged classes.

4. Deposit Insurance.

4.1. The Deposit Insurance Corporation Act 1961 :

4.1.1. Objects and reasons.

4.1.2. Establishment of Capital of DIC.

4.1.3. Registration of banking companies insured banks, liability of DIC to depositors.

4.1.4. Relations between insured banks, DIC and Reserve Bank of India.

5. The Central Bank.

5.1. Evolution of Central Bank.

5.2. Characteristics and functions.

5.3. Economic and social objectives.

5.4. The Central Bank and the State – as bankers' bank.

5.5. The Reserve Bank of India as the Central Bank.

5.5.1. Organisational structure.

5.6. Functions of the RBI.

5.6.1. Regulation of monetary mechanism of the economy.

5.6.1.1. Credit control.

5.6.1.2. Exchange control.

5.6.1.3. Monopoly of currency issue.

5.6.1.4. Bank rate policy formulation.

5.7. Control of RBI over non-banking companies.

5.7.1. Financial companies.

5.7.2. Non-financial companies.

6. Relationship of Banker and Customer.

6.1. Legal character.

6.2. Contract between banker and customer.

6.3. Banker's lien.

6.4. Protection of bankers.

6.5. Customers.

6.5.1. Nature and type of accounts.

6.5.2. Special classes of customers – lunatics, minor, partnership, corporations, local authorities.

6.6. Banking duty to customers.

6.7. Consumer protection : banking as service.

7. Negotiable Instruments.

7.1. Meaning and kinds.

7.2. Transfer and negotiations.

7.3. Holder and holder in due course.

7.4. Presentment and payment.

7.5. Liabilities of parties.

8. Lending by Banks.

8.1. Good lending principles.

8.1.1. Lending to poor masses.

- 8.2. Securities for advances.
 - 8.2.1. Kinds and their merits and demerits.
- 8.3. Repayment of loans : rate of interest, protection against penalty.
- 8.4. Default and recovery.
 - 8.4.1. Debt recovery tribunal.
- 9. **Recent trends of Banking System in India.**
 - 9.1. New technology.
 - 9.2. Information technology.
 - 9.3. Automation and legal aspects.
 - 9.4. Automatic teller machine and use of internet.
 - 9.5. Use of expert system.
 - 9.6. Smart Card.
 - 9.7. Credit cards.
- 10. **Reforms in Indian Banking Law.**
 - 10.1. Recommendations of committees a review.

Text Books:

1. M.L. Tannan, Tannan's Banking Law and Practice in India., India Law House, New Delhi, Latest Edition.
2. L.C. Goyal, The Law of Banking and Bankers, Latest Edition, Eastern.

**SHRI GOVIND GURU UNIVERSITY
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**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2020)

Course Code : LM00C201 Course Credit : 05	Course Title : Indian Constitutional Law : The New Challenges – II Course Type : Core compulsory
Examination Marking Scheme	3 Hours – 100 Marks

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 postgraduate 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 allowed choosing an area of law for specialization. As such, the subject is divided into two courses to have a deeper insight into the emerging challenges.

Syllabus :

1. Fundamental Duties.

- 1.1. The need and status in Constitutional setup.
- 1.2. Relationship of Fundamental Duties with Fundamental Rights and Directive Principles of State Policies.

2. Right of minorities to establish and administer educational institutions and State control.

- 2.1. Scope and Meaning of Minority
- 2.2. Minority rights to Educational Institution.

3. Secularism and religious fanaticism.

- 3.1. Concept of Secularism and Constitutional Provisions.
 - 3.1.1. Historical perspective of Indian Secularism
- 3.2. Non-discriminatory State.
- 3.3. Freedom of Religion.
 - 3.3.1. Scope and Limits of Freedoms.
- 3.4. Religion and State in India.
 - 3.4.1. State control and non-interference with religion.

4. Separation of powers : stresses and strain.

- 4.1. Judicial Activism and Judicial restraint.
- 4.2. PIL : Implementation.
- 4.3. Judicial independence.
 - 4.3.1. Appointment, transfer and removal of judges.
- 4.4. Accountability of executives and Judiciary.

5. Democratic process.

- 5.1. Nexus of politics with criminals and the business.
- 5.2. Election.
- 5.3. Election commission : status.
- 5.4. Electoral Reforms.
- 5.5. Coalition government, stability, durability, corrupt practices.

Text Books:

No specific book is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2020)

Course Code : LM00C202	Course Title : Law and Social Transformation in India
Course Credit : 05	Course Type : Core compulsory
Examination Marking Scheme	
3 Hours – 100 Marks	

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

Syllabus :

1. Law and Social change.

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture.
- 1.3. Criticism and evaluation of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Modernisation and the Law.

- 2.1. Modernisation as a value : Constitutional perspectives reflected in the fundamental duties.
- 2.2. Modernisation of social institutions through law.
 - 2.2.1. Reform of family law.
 - 2.2.2. Agrarian reform – Industrialisation of agriculture.
 - 2.2.3. Industrial reform : Free enterprise v. State regulation.
 - 2.2.4. Industrialisation v. environmental protection.
- 2.3. Reform of court processes.
 - 2.3.1. Criminal law : Plea bargaining ; compounding and payment of compensation to victims.
 - 2.3.2. Civil law :(ADR) Confrontation v. Consensus; mediation and conciliation; *lok adalats*.
 - 2.3.3. Prison reforms.
- 2.4. Democratic decentralization and local self-government.

3. Alternative approaches to Law.

- 3.1. The jurisprudence of *Sarvodaya* --- Gandhiji, Vinoba Bhave, Jayaprakash Narayan --- Surrender of dacoits; Concept of *gram nyayalayas*.
 - 3.2. Socialist thought on law and justice :An enquiry through constitutional debates on the right to property.
 - 3.3. Indian Marxist critique of law and justice.
 - 3.4. Naxalite movement : causes and cure.
- 4. Religion and the Law.**
- 4.1. Religion as a divisive factor.
 - 4.2. Secularism as a solution to the problems.
 - 4.3. Reform of the law on secular lines: Problems.
 - 4.4. Freedom of religion and non-discrimination on the basis of religion.
 - 4.5. Religious minorities and the law.
- 5. Language and the Law.**
- 5.1. Language as a divisive factor: formation of linguistic States.
 - 5.2. Constitutional guarantees to linguistic minorities.
 - 5.3. Language policy and the Constitution: Official language; Multi-language system.
 - 5.4. Non-discrimination on the ground of language.
- 6. Caste and the Law.**
- 6.1. Caste as a divisive factor.
 - 6.2. Non-discrimination on the ground of caste.
 - 6.3. Acceptance of caste as a factor to undo past injustices.
 - 6.4. Protective discrimination : Scheduled castes, tribes and backward classes.
 - 6.5. Reservation; Statutory Commission, Statutory provisions.
- 7. Regionalism and the law.**
- 7.1. Regionalism as a divisive factor.
 - 7.2. Concept of India as one unit,
 - 7.3. Right of movement, residence and business; impermissibility of state or regional barriers.
 - 7.4. Equality in matters of employment; the slogan ‘Sons of the soil’ and its practice.
 - 7.5. Admission to educational institutions : preference to residents of a State.
- 8. Women and the Law.**
- 8.1. Crimes against women.
 - 8.2. Gender injustice and its various forms.
 - 8.3. Women’s Commission. Empowerment of women : Legal Provision apart from Constitutional

9. Children and the Law.

- 9.1.** Child labour.
- 9.2.** Sexual exploitation.
- 9.3.** Adoption and related problems.
- 9.4.** Children and education.

Text Books:

- 1.** U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
- 2.** Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2020)

Course Code : LM00P201	Course Title : Practical - I
Course Credit : 06	Course Type : Core compulsory
Examination Marking Scheme	- - -

Objectives of the course

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

Syllabus :

(A) Doctrinal research (50 marks - 3 Credits)

Each student will be assigned in advance a separate topic and will be asked to collect materials. Sufficient number of days may be set apart for carrying out this assignment in the library. The material indicated or collected during the assignment shall be evaluated by a team of faculty members.

(B) Non-doctrinal research (50 marks - 3 Credits)

Each student will be assigned in advance a separate topic and will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The same will be assessed by a team of faculty members.

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : II (w.e.f. Jan., 2020)

Course Code : LM0E201A Course Credit : 05	Course Title : Law of Industrial and Intellectual Property. Course Type : Subject Elective.
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law will also be addressed.

Syllabus :

- 1. IPR and International Perspectives.**
 - 1.1. Trademarks and Consumer Protection (Study of UNCTAD report on the subject).
 - 1.2. The Legal regime of Unfair Trade Practices and of Intellectual Industrial Property.
 - 1.3. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.
 - 1.4. Intellectual Property and Human Rights.
- 2. Patent Search, Examination and Records:**
 - 2.1. Concept of Patent.
 - 2.1.1. Term of Patent.
 - 2.2. Provisional and Complete Specification.
 - 2.2.1. Content of Specification.
 - 2.2.2. Opposition to the Patent.
 - 2.3. Patent Addition.
 - 2.4. Restoration of Patent.
 - 2.5. Surrender and Revocation of Patent.
 - 2.6. Compulsory License.
 - 2.7. Infringement of Patent.
 - 2.8. Offences and Penalties.
 - 2.9. Biotechnology Patents.
 - 2.9.1. Nature and types of biotechnology patents.

- 2.9.2. Patent over new forms of life: TRIPS obligations.
- 2.9.3. Plant patenting.
- 2.9.4. *Sui generis* protection for plant varieties.
- 2.9.5. Multinational ownership.
- 2.9.6. Regulation of environment and health hazards in biotechnology patents.
- 2.9.7. Indian policy and position.

3. Trade Mark.

- 3.1. Concept.
- 3.2. Registration.
 - 3.2.1. Procedure, Duration and Effect.
- 3.3. Use of Trade Mark and Registered Users.
- 3.4. Rectification and Correction of the Register.
- 3.5. Collective Marks.
- 3.6. Certification of Trade Mark.
- 3.7. Assignment and Transmission.
- 3.8. Appellate Board.
- 3.9. Offences and Penalties.

4. Copyright.

- 4.1. Concept of Copyright.
- 4.2. Term and Registration Copyright.
- 4.3. Statutory Exception.
- 4.4. International Copyright.
- 4.5. Assignment of Copyright.
 - 4.5.1. Mode of Assignment of Copyright.
- 4.6. Copyright Board.
- 4.7. Copyright Society.
- 4.8. Infringement of Copyright.
 - 4.8.1. Remedies against Infringement of Copyright.
- 4.9. Author Special Right.
- 4.10. Offences and Penalties.

5. Design.

- 5.1. Concept.
- 5.2. Article.
- 5.3. Registration.
 - 5.3.1. Application for Registration.
 - 5.3.2. Effect of Registration.
 - 5.3.3. Copyright on Registration.
- 5.4. Piracy of Design.
 - 5.4.1. Piracy of registered design.
 - 5.4.2. Infringement of registered design.
 - 5.4.3. Offences and Penalties.

6. Geographical Indication of Goods.

6.1. Geographical Indication.

6.1.1. Registration of Geographical Indication.

6.1.2. Application for Geographical Indication.

6.1.3. Duration of registration.

6.2. Statutory exception for registration of Geographical Indication.

6.2.1. Prohibition of registration of Geographical Indication as Trademark.

6.3. Assignment and Transmission.

6.4. Infringement of Geographical Indication.

6.5. Offences and Penalties.

Text Books:

1. Terence P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) The End Game (Part-1)(1999), Kluwer.
2. David Bainbridge, Software Copyright Law (1999), Butterworth's.
3. W.R. Cornish, Intellectual Property Law (1999). Sweet and Maxwell.

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : III (w.e.f. July., 2020)

Course Code : LM00C301	Course Title : Judicial Process
Course Credit : 05	Course Type : Core compulsory
Examination Marking Scheme	
3 Hours – 100 Marks	

Objectives of the course

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus :

1. Nature of Judicial Process.

- 1.1. Judicial process as an instrument of social ordering.
- 1.2. Judicial process and creativity in Law – Common law model – Legal reasoning and growth of law – Change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

- 2.1. Notion of Judicial Review.
- 2.2. “Role” in constitutional adjudication – various theories of judicial role.
- 2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 2.4. Varieties of judicial and juristic activism.
- 2.5. Problems of accountability and judicial law-making.

3. Judicial Process in India.

- 3.1. Indian debate on the role of judges and on the notion of judicial review.
- 3.2. The “independence” of judiciary and the “political” nature of judicial process.
- 3.3. Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity.

- 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.
- 3.5. Institutional liability of courts and judicial activism- scope and limits.
4. **The Concepts of Justice.**
 - 4.1. The concept of justice or Dharma in Indian thought.
 - 4.2. Dharma as the foundation of legal ordering in Indian Thought.
 - 4.3. The concept and various theories of justice in the western thought.
 - 4.4. Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.
5. **Relation between Law and Justice.**
 - 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
 - 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
 - 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
 - 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Text Books:

1. Henry J. Abraham, The Judicial Process (1998), Oxford.
2. Cardozo : The Nature of Judicial Process (1995) Universal, New Delhi
3. Cardozo : The Growth of Law, Universal
4. Henry J. Abraham :The Judicial Process (1996), Oxford.
5. John Rawls :A Theory of Justice(2000), Universal, Delhi.
6. Rajeev Bhargava, Michael Dusehe and Helmut Reifeld :Justice, Political, Social, Juridical 2008, Sage.
7. S.P. Sathe : Judicial Activism in India, Oxford
8. S.P. Sathe and SathyaNarayan :Liberty, Equality and Justice; Struggles for New Social order, 2003.
9. U. Baxi : 'Introduction to Justice' in K.K. Mathew's; Democracy Equality and Freedom (1978)

**LL.M. (CBCS)
BUSINESS LAW GROUP**

SEMESTER : III (w.e.f. July., 2020)

Course Code : LM00P301	Course Title : Practical- II
Course Credit : 06	Course Type : Core compulsory
Examination Marking Scheme ---	

Objectives of the course

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

Syllabus :

(A) Classroom Teaching (50 marks - 3 Credits)

Each student will be assigned a topic in advance. He is required to handle Two classes for 30 to 40 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach in the classes of LL.B. students. The students can select any of the methods of teaching. In legal education practical, the LL.M. students will be evaluated by a team of Faculty members as under:

Mode of Evaluation	Marks
Two Classroom Lectures (2 x 15 marks each)	30
Lecture Plan and Teaching Methodology	10
Responses	10
Total Marks	50

(B) Clinical research (50 marks - 3 Credits)

The modalities can be evolved by the law schools. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint with court proceedings, working of a business organization, tackling of labour disputes, family disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him in form of a detailed Report shall be assessed by a team of Faculty members.

LL.M. (CBCS)
BUSINESS LAW GROUP

SEMESTER : III (w.e.f. July., 2020)

Course Code : LM0E301A	Course Title : Corporate Finance
Course Credit : 05	Course Type : Subject Elective
Examination Marking Scheme	
3 Hours – 100 Marks	

Objectives of the course

Industrial revaluation bring world closer, it requires knowing about the corporate laws Investors are becoming smarter day by day. It is necessary to have idea about modernization in investment pattern, fundraising marketing etc.

Syllabus :

1. Introduction

- 1.1. Meaning, importance and scope of corporation finance
- 1.2. Capital needs-capitalization working capital securities - borrowings – deposits debentures
- 1.3. Constitutional perspectives - the entries 37, 43,44,45,46,47,52,82,85 of List - 1, Union List; entry 24 of List - 2 - State List.

2. Equity Finance

- 2.1. Share capital
- 2.2. Prospectus - information disclosure

3. Debt Finance

- 3.1. Debentures
- 3.2. Creation of charges
- 3.3. Mortgages

4. Protection of Investors

- 4.1. Individual shareholder right
- 4.2. Corporate membership right
- 4.3. Derivative actions
- 4.4. Qualified membership right
- 4.5. Conversion, consolidation and re-organization of shares
- 4.6. Transfer and transmission of securities
- 4.7. Dematerialization of securities

5. Corporate Fund Raising

- 5.1. Depositories - IDR (Indian depository receipts), ADR(American depository receipts), GDR (Global depository receipts)
- 5.2. Public financing institutions-IDBI, ICICI, IFC & SFC
- 5.3. Mutual fund and other collective investment schemes
- 5.4. Institutional investment - LIC, UTI and banks
- 5.5. FDI and NRI investment-Foreign institutional investment (IMF and World Bank)

6. Administrative Regulation on Corporate Finance

- 6.1. Inspection of accounts
- 6.2. SEBI
- 6.3. Central government of companies
- 6.4. RBI control

7. **Reconstruction and Amalgamation:** 100 4
 - 7.1. Sanction, duties and powers of the Court
 - 7.2. Reconstruction
 - 7.3. Amalgamation
 - 7.4. Take-over and Acquisition of Minority interests
8. **Conservation of Corporate Finance**
 - 8.1. Regulation by disclosure
 - 8.2. Control on payment of dividends
 - 8.3. Managerial remuneration
 - 8.4. Payment of commissions and brokerage
 - 8.5. Inter-corporate loans and investments
 - 8.6. Pay-back of shares
 - 8.7. Other corporate spending
9. **Prevention of operation and mismanagement**
10. **Protection of creditors**
 - 10.1. Need for creditor protection
 - 10.2. Preference in payment
 - 10.3. Rights in making company decisions affecting creditor interests
 - 10.4. Creditor self-protection
 - 10.5. Incorporation of favorable terms in lending contracts
 - 10.6. Right to nominate directors
 - 10.7. Control over corporate spending
11. **Corporate Winding up :**
 - 11.1. Types of Winding up :
 - 11.1.1.1. Winding up under the order of the court
 - 11.1.1.2. Voluntary winding up Members' voluntary winding up Creditors'
 - 11.2. Voluntary winding up Voluntary winding up under supervision

Text Books:

1. Ramaiya A, Guide to the Companies Act (Latest Edition)
2. S.C. Kuchhal Corporation Finance : Principles and problems(6th ed. 1966).
3. V.D. Kulshreshtha, Government Regulation of Financial Management of Private Corporate Sector in India(1986).

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BUSINESS LAW GROUP**

SEMESTER : III (w.e.f. July., 2020)

Course Code : LM0E301B	Course Title : Insurance Law
Course Credit : 05	Course Type : Subject Elective
Examination Marking Scheme	3 Hours – 100 Marks

Objectives of the course

As early as in 1601 one finds an excellent exposition of the insurance idea expressed in these words of an Act of British Parliament "the loss lighted rather easily, upon many than heavily upon few". The insured person transfers from his own shoulders to the insurers, who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some of the losses, they insure against will in fact occur within any given period. They calculate, therefore, that they will be left with a profit. The insurer, on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, shipwreck, will not cause him to lose his investment. The insurance idea is an old-institution of transactional trade. The age old form of insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance covers for accidents, motor Vehicles, glass, livestock, crop, burglary and various other disasters. Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigorous and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons. 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.

Syllabus :

1. General Principles of Insurance Law , schemes & New Dimensions

- 1.1. History and development
- 1.2. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity.
- 1.3. Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance
- 1.4. Constitutional perspectives - the Entries 24, 25, 29, 30, 47 of List I Union List; 23, 24, of List III.

- 1.5. The Insurance Act 1938 and the Insurance Regulatory Authority Act, 2000
- 1.6. Mutual insurance companies and cooperative life insurance societies
- 1.7. Double Insurance and re-insurance
- 1.8. Consumer Protection Act 1986
- 1.9. General insurance Business (Nationalization) Act 2002
2. **Life Insurance**
Life insurance Act 1956 –
 - 2.1. Nature and scope
 - 2.2. Event insured against life insurance contract
 - 2.3. Circumstances affecting the risk
 - 2.4. Amounts recoverable under life policy
 - 2.5. Persons entitled to payment
 - 2.6. Settlement of claim and payment of money
3. **Marine Insurance**
 - 3.1. Nature and Scope
 - 3.2. Classification of marine policies
 - 3.3. The Marine Insurance Act, 1963
 - 3.4. Marine Insurance
 - 3.5. Insurable interest, insurable value
 - 3.6. Marine insurance policy - condition - express warranties construction of terms of policy
 - 3.7. Voyage – deviation
 - 3.8. Perils of the sea
 - 3.9. Assignment of policy
 - 3.10. Partial laws of ship and of freight, salvage, general average, particular charges
 - 3.11. Return of premium
4. **Fire insurance**
 - 4.1. Nature of Fire Insurance Contract
 - 4.2. Meaning of the word ‘fire’ – Scope of Fire Policy
 - 4.3. Principle of Reinstatement
 - 4.4. Double insurance and reinsurance
 - 4.5. Doctrine of Approximation

Text Books:

1. Manual of Insurance law 14th ed. (2011) edited By Ravi Puliani , Bharat Law House Pvt . Ltd ,New Delhi
2. J. V. N Jaiswal , Law of Insurance , Eastern Book Company , lucknow
3. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
4. Mitra B.C., Law Relating To Marine Insurance (1997) Asia Law House, Hyderabad
5. Birds, Modern Insurance Law (1997), Sweet & Maxwell
6. Colinvaux's Law of Insurance (1997), Sweet & Maxwell
7. O'Mary on Marine Insurance (1993), Sweet & Maxwell
8. Edwin W. Patterson, Cases and Materials on Law of Insurance (1995)
9. M.N. Sreenivasan Law and the Life Insurance Contract (1914)
10. M.N. Srinivasan, Principles of Insurance Law (1997),
11. Ramaiya Publishers, Bangalore
12. Avatar Singh : Law of Insurance , Eastern Book Company, Lucknow
13. K.S.N. Murthy and KVS. Sharma: Modern Law of Insurance in India, (2002), Butterworths, Delhi

14. Haring and Eevenly : General Principles of Insurance
15. BrijNandanSingh : Insurance Law , University Book Agency, Allahabad.
16. B.C. Mithra : The Law relating to Marine Insurance, The University Book Agency, Allahabad
17. J.V.N. Jiaswal: Law of Insurance, Eastern Book Company, Lucknow

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SEMESTER : IV (w.e.f. January, 2021)

Course Code : LM00C401	Course Title : Dissertation
Course Credit : 20	Course Type : Core Compulsory
Examination Marking Scheme ---	

With the objective to make LL.M. Programme a research oriented programme each student shall write a thesis selecting any topic from the subjects/courses/papers taught in the first three semesters applying appropriate research method and methodology, and shall submit the same, normally for external evaluation and shall have also to appear for Viva-Voce. The dissertation shall have to be submitted not later than 20th April of the respective academic year. The written thesis will be evaluated Internally and Externally followed by Pre-Viva Presentation and Viva-Voce to be conducted Externally by the examiners who assessed written thesis. The total marks for Dissertation will be 200 marks calculated as under:

Component	Marks	Credits
Dissertation (Dissertation/ Project Report Writing / Colloquium)	150	15
Presentation (Pre-Viva Presentation)	10	03
Viva Voce	40	03
TOTAL Marks	200	20