

ONE YEAR LL.M SYLLABUS

FIRST SEMESTER (CORPORATE AND COMMERCIAL LAW)

COMPULSORY PAPERS

- i. Research Methods and Legal Writing
- ii. Comparative Public Law
- iii. Law and Justice in a Globalizing world

OPTIONAL PAPERS

- i. Competition Law
- ii. Banking and Insurance Law

SECOND SEMESTER

- i. Labour / Employment Law
- ii. Company Law
- iii. Intellectual Property Law
- iv. Cyber Law
- v. Dissertation

The examination, evaluation and other norms of improvement of grades will be governed as per the norms of the credit system of the University Departments.

SUBJECT: RESEARCH METHODS AND LEGAL WRITING

SUBJECT CODE: - LL.M. 1101

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on practical training in conducting research in this course. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

MODULE I: Introduction

- i. The science of research and scientific methodology.
- ii. Interrelation between speculation, fact and theory building-some fallacies of scientific methodology with reference to socio legal research.
- iii. Inter-disciplinary research and legal research models.
- iv. Arm chair research **vis-a-vis** empirical research.
- v. Legal research-common law and civil law legal systems

MODULE II: Research Design

- i. Workable Hypothesis-formulation and evaluation.
- ii. Major steps in research design

MODULE III: Research Techniques

- i. Sampling
- ii. Survey and Case Study method
- iii. Scaling and Content Analysis

MODULE IV: Research Tools and Data Processing

- i. Observation
- ii. Interview and schedule
- iii. Questionnaire
- iv. Socio-metrics and jurimetrics
- v. Data processing (*deductions and Inductions*) analysis and interpretation of data

MODULE V: Legal writing

- i. Report/article writing in legal research
- ii. Use of definitions, maxims, concepts, principles, doctrines in legal research
- iii. Citation methodology
- iv. Book review and case comments

BIBLIOGRAPHY/REFERENCES

1. Robert Watt- Concise book on Legal Research
2. Ram Ahuja-Research Method
3. Good and Hatt- Research Methodology
4. Pauline Young- Research Methodology
5. Earl Babbie- Research Methodology
6. Anwarul Yaqin-Legal Research Methodology
7. Wilkinson Bhandarkar-Research Methodology
8. Selltis Johoda-Research Methodology
9. Stott D.-Legal Research
10. Robert Watt and Francis Johns- Concise Legal Research
- 11.S.K. Verma &Afzal Wani- Legal Research Methodology (And material announced in the Class)

SUBJECT: COMPARATIVE PUBLIC LAW /SYSTEMS OF GOVERNANCE
SUBJECT CODE: - LL.M. 1102

This paper focuses on analytical and theoretical scrutiny of Public Administrative Law, Constitutional Law and Criminal Law and its component in comparative manner to enable the students and develop amongst them the proper understanding of the subject.

MODULE I: Introduction

- i. Meaning and definition of Public Law
- ii. Concept of Public Law
- iii. Globalisation of Comparative Public Law

MODULE II: Tools of Comparative Public Law

- i. Constitutional Law - Common Law, Civil Law
- ii. Legislative Mechanism - Common Law, Civil Law
- iii. Typology of Federalism - USA, India

MODULE III: Public Interest Litigation - US, India

- i. Locus standi
- ii. Judicial Activism
- iii. Judicial Accountability

MODULE IV: Comparative Criminal Law - Common law, Civil law

- i. Domestic Violations - International, National
- ii. Provisions relating to Rape
- iii. Plea Bargaining - US A, India
- iv. White Collar Crimes
- v. Juvenile Justice

MODULE V: Ombudsman

- i. Ombudsman in Scandinavian countries
- ii. International Scenario - Common law and Civil law
- iii. Indian Scenario
- iv. Lokpal (Ombudsman)
- v. Lokayukta

BIBLIOGRAPHY/REFERENCES

1. H. W. Wade - Administrative Law,
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Philips - Constitutional Law
6. Dicey - Introduction to Law of the Constitution.
7. Hood Philips - Constitutional Law and Administrative Law.
8. M. P. Jain, S. N. Jain - Principles of Administrative Law.
9. M. P. Jain - The Evolving Indian Administrative Law.
10. B, Schwartz - An Introduction to American Administrative Law.
11. K. S. Shukla and S. S. Singh - Lokayukta- A socio legal study.
12. Ivor Jennings - Law and the Constitution.
13. K. C. Davis - Discretionary Justice.
14. Neville L. Brown and J. F. Garner - French Administrative Law.
15. Peter H. Schuck - Foundations of Administrative Law.
16. P. P. Craig - Administrative Law.
17. Alex Carol - Constitution and Administrative Law.
18. Neil Hawke and Neil Pap worth - Introduction to Administrative Law.
19. Jaffe - Judicial Control of Administrative Law.
20. K.D.Gaur- A Textbook on The Indian Penal Code.

SUBJECT: LAW AND JUSTICE IN A GLOBALIZING WORLD
SUBJECT CODE - LL.M. 1103

The main objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to have become familiar with the multiple dimensions of the theoretical literature and be able to critically evaluate the liberal, republican, and discursive democratic attempts to make sense of, and to ameliorate, prevailing instances of injustice in the world. This will be imparted through theoretical and philosophical debates advanced by various scholars and the institutional mechanism that need to be accelerated to achieve the objectives of global justice.

MODULE I: Introduction

- i. Meaning and significance of Globalization
- ii. Concept of Global Justice
- iii. Global Justice and Right to Development

MODULE II: Theoretical Propositions of Global Justice

- i. Realism
- ii. Particularism
- iii. Nationalism
- iv. Cosmopolitanism

MODULE III: Historical and Central Challenges to Global Justice

- i. Global Poverty- Role of International Mechanism
- ii. Armed Conflict
- iii. Nationalist practices
- iv. Crimes against Humanity
- v. Environment and Health
- vi. Oppressive Policies- Threat of Terrorism, Global Politics

MODULE IV: Role and Reformation of Global Institutions

- i. States, sovereignty and Transnational Law
- ii. Economic and Trade Institutions-MNC's
- iii. Structural reforms of United Nations-Security Council
- iv. International Judicial Institutions

MODULE V: Models to Achieve Global Justice

- i. Social Contract and Social Justice
- ii. Sarvodaya Model of Justice
- iii. Multi Culturalism and Cosmopolitanism
- iv. Significance of Human Rights Education
- v. Global Justice and Global Rule of Law

BIBLIOGRAPHY/REFERENCES

1. Springer: Encyclopedia of Global Justice 2012
2. Brian Barry, **Culture and Equality**. Cambridge: Polity, 2001!
3. Duncan Bell (ed.) **Ethics and World Politics**. Oxford 2010.
4. Allen Buchanan. Justice, Legitimacy, and Self-determination: Moral Foundations for International Law. Oxford 2004.
5. Simon Caney, **Justice Beyond Borders**. Oxford:, 2005
6. Martha Nussbaum, **Frontiers of Justice**. Cambridge, Mass.: Harvard University Press, 2006.
7. Thomas Pogge, **World Poverty and Human Rights**. Cambridge: Polity, 2002.
8. John Rawls, **The Law of Peoples**. Cambridge, Mass.: Harvard University Press, 1999
9. Amartya Sen, **Development as Freedom**. Oxford: 1999
10. Amartya Sen: Global Justice

SUBJECT: COMPETITION AND CONSUMER PROTECTION LAWS
SUBJECT CODE: LL.M.1104

In most countries of the world that competition plays a key role to play in ensuring productive, efficient, innovative and responsive markets. 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. In tune 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 (the Act) w. e. f. 14.1.03.

MODULE I: Introduction

- i. Basic economic and legal principles
- ii. Restraint of Trade under Indian Contract Act
- iii. Monopolistic Trade Practices
- iv. Restrictive Trade Practices

MODULE II: Development of law from MRTP to Competition Act 2002

- i. Aims, Objects and Salient features
- ii. Comparison between MRTP Act and Competition Act
- iii. Anti-Competitive Agreement
- iv. Abuse of Dominant Position
- v. Combination
- vi. Protection of consumers

MODULE III: Competition Commission of India

- i. Structure and function of CCI
- ii. Regulatory role

MODULE IV: Competition Appellate Tribunal-

- i. Composition, Functions, Powers and Procedure
- ii. Award Compensation
- iii. Power to punish for contempt
- iv. Execution of orders

MODULE V: Consumer Protection Act, 1986 and its applicability to Competition Law

- i. Definition of Consumer
- ii. Definition of Service
- iii. Deficiency in Services
- iv. Unfair Trade Practices

BIBLIOGRAPHY/REFERENCES

1. K.S. Anantaraman : Lectures on Company Law and MRTP
2. Dr. R.K. Singh : Restriction Trade Practices and Public Interest
3. Suzan Rab- Indian Competition Law- An International Perspective
4. S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
5. Report of the Monopolies Inquiries Commission, Govt, of India 1965 (**Dr. Hazari** Report)
6. 1980 and other related work
7. A.E. Rodrigues, Ashok Menon- The limits of Competition Policy, the shortcomings of Economics
8. Taxmann's competition Law and Practice

SUBJECT: BANKING AND INSURANCE LAWS
SUBJECT CODE: LL.M.1105

MODULE I:

A. Introduction

- i. Nature and Development of Banking.
- ii. Functions of Banking

B. Global Banking Institutions

C. The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.

MODULE II:

- i. Central Bank, Evolution, Characteristics and functions.
- ii. Reserve Bank of India and Its Role.
- iii. Securitization and Reconstruction of Financial assets.
- iv. Cash reserve and Statutory Liquidity ratios in Bank..
- v. Bank as borrowers.
- vi. Forms of borrowing
- vii. Types of Deposit,
- viii. Accounts, Electronics, Withdrawal, Money Transfer and e-Banking.
- ix. Deposit Insurance Corporation Act, 1962.

MODULE III:

- i. Bank and Customer Relationship,
- ii. Banking Operations: Lending by Banks, Collection and Payments of Cheques, Negotiable Instrument & their characteristics, Cheques, Dishonor of Cheques, and Appropriation of payments.
- iii. Interference by third parties.
- iv. Attachment, Mareva Injunctions, Bank and Garnishee, set off.

MODULE IV:

- i. Social Banking
- ii. Basel II norms
- iii. Letter of Credit
- iv. Recovery of Debts Due to Banks.
- v. Banking Ombudsman Scheme 2002. Debt Recovery Tribunal Act.
- vi. Recent Trends of Banking System in India.

MODULE V:

- i. The Evaluation of Banking Services and its History in India
- ii. History of Banking in India
- iii. Bank nationalization and social control over banking.
- iv. Various types of Banks and their functions.
- v. Contract between banker and customer: their rights and duties.
- vi. Role and functions of Banking Institutions

MODULE VI: Lending by Banks and Recent Trends of Banking System in India

- i. Advances, Loans and Securities.
- ii. Direct, collateral and miscellaneous Securities.
- iii. Default and recovery.
- iv. Bank Debt Recovery Tribunals.

- v. The Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (Definitions, Section 13 - Enforcement of security interest, Section 17 Right to appeal.)

MODULE VII: General Principles of Law of Insurance

- i. Definition, nature and history.
- ii. Contract of insurance and principles.
- iii. The Risk - commencement, attachment, assignment.
- iv. Types of insurances.
- v. Policy and its Legal Status.

MODULE VIII: Recent Trends in Insurance

- i. Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.)
- ii. Liability Insurance.
- iii. Consumer Protection and Banking and Insurance Services
- iv. The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act. (IRDA), 2000.
- v. Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

BIBLIOGRAPHY/REFERENCES

1. Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Miilan
2. M. Hapgood (ed.): Paget"s law of Banking (1989) Butterworths, London
3. R. Goode : Commercial Law,(1995) Penguin, London
4. Ross Cranston : Principles of Banking Law (1997) Oxford
5. L.C. Goyle : The Law of Banking and Bankers (1995) Eastern
6. M.L. Tannan : Tamnan's Banking Law and Practice in India (1997), India Law House. New conti and Hamauai (eds.) : Financial Markets Liberalization and the Role of Banks'
7. Cambridge University Press, Cambridge (1993)
8. J. Dermine (ed.) : European Banking in the 1990's (1993) Blackwell, Oxford
9. K. Subrahmanyam Banking Reforms in India (1997), Tata McGraw Hill, New Delhi
10. R.S. Narayanna : The Recovery of Debts due to Banks and Financial Institution Act, 1993 (51 of 1993), Asia Law House, Hyderabad
11. M.A. Mir : The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New Delhi
12. Mitra : The Law Relating to Bankers' Letters of Credit and Allied Laws (1998), University Book Agency, Allahabad