

Session-2023-24
Master of Laws
LL.M. III & IV Semester
LL.M. (General)

Semester-III (LL.M.)

S.no	Sub. Code	Course Title	Course Category	Contact Hour per week			Distribution of marks			Mini.pass. marks		EOSE Duration Hrs.	
							Int. Ass.	Sem. Ass.	Total Marks	Int. Ass.	Se m. Ass.		
				L	P	C						Theory	P
1.	LL.M -3011	Corporate Law – Allied Laws	DCC	6		6	50	100	150	20	40	3	
2.	LL.M -3012	Principle of Contract	DCC	6		6	50	100	150	20	40	3	
3.	LL.M 3013	Law of Contractual Transactions or	DSE	6		6	50	100	150	20	40	3	
	LL.M -3014	Company Law and Management											
4.	LL.M-3015	Law of Corporate Finance or	DSE	6		6	50	100	150	20	40	3	
	LL.M-3016	Law Relating to Negotiable Instruments and Bankruptcy Intellectual Property Laws Law Relating to Right to information											
5.	LL.M-3017	Intellectual Property Laws Or Law Relating to Right to Information		2		2	50	-	50	20	-	-	
Total				26		26	250	400	650	100	160		

Semester-IV (LL.M.)

S.no.	Sub. Code	Course Title	Course Category	Contact Hour per week			Distribution of marks			Mini.pass. marks		EOSE Duration Hrs.	
							Int. Ass.	Sem. Ass.	Total Marks	Int. Ass.	Sem. Ass.		
				L	P	C						Theory	P
1.	LL.M 4011	Law of Specific Contract and E- Contracts	DCC	6		6	50	100	150	20	40	3	
2.	LL.M 4012	Law of Export and Import Regulations	DCC	6		6	50	100	150	20	40	3	
3.	LL.M 4013	Practical: Dissertation and viva-voce	DPR	6		6	50	100	150	20	40	3	
4.	LL.M 4014	Insurance Law or	DSE	6		6	50	100	150	20	40	3	
	LL.M 4015	Banking Law											
Total				24		24	200	400	600	80	160		

Department of Law, University of Kota, Kota
MASTER OF LAWS
(Semester Scheme)

LL.M. III Semester Course Detail Subject-wise
LL.M. Semester III (Syllabus)
Business Law Group
DCC-Paper- I
Corporate Law – Allied Laws

Total Marks	Theory	Internal Assessment
150	100	50

UNIT – I Highlights and basic features of New Indian Companies Act, 2013.

UNIT – II SEBI Act, 1992.

UNIT – III FEMA Act, 1999.

UNIT – IV Multinational Corporation

- A The Problems of Definition and various Legal Forms a MNC may have
- B The Regulation of MNCs through Company Law
- C Taxation Problems Associated with MNCs
 - a) International double Taxation
 - b) The Transfer Pricing Problem
 - c) The Indian Tax Law and the Incomes of Non-Resident Indians

UNIT – V

- D Domestic Laws on Foreign Shareholdings in National Companies: The Relevant Provisions of the FEMA
- E Corporate Governance and MNCs
- F The Environmental Issues and MNCs
 - a) Exporting Environmental Hazards through MNCs
 - b) Industrial Accidents and the Problem of Corporate Veil
- G International Standards and the Foreign Investors: The Draft UN

Suggested Readings:

1. Thomson and Palmer : Company Law.
2. Eillies Ferran : Company Law and Corporate Finance.
3. S.C. Kuchhal : Corporate Finance : Principal and Finance.
4. S.M. Shah : Lectures on Company Law.
5. L.C.B. Gower : Principal of Modern Company Law.
6. Avtar Singh : Company Law.
7. Avtar Singh : Principal of Mercantile Law.
8. S.C. Sen : The New Frontier of Company Law.
9. Arya : Company Directors.
10. Dutta and Kaushik : Corporate Governance.
11. P.S. Sagal : National and Multinational Companies.

DCC-Paper- II
Principle of Contract (Sec. 1 to 75)

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I Formation of Contract: A critical study of offer and acceptance
Doctrine of Consideration and Privity of Contract

UNIT-II Capacity to contract: Nature of minor's agreements and the
doctrine of restitution.

Consent: Meaning, importance and the factors vitiating free consent
with special reference to Fraud and Misrepresentation.

UNIT-III Standard form Contracts.

Void Agreements: With special reference to agreements relating to
restraint of trade and wagering agreements.

UNIT-IV Discharge of contracts with special reference to the doctrine of
frustration.

Relations resembling those created by contract.

UNIT-V Remedy in the form of compensation

Suggested Readings:

1. Atiyah, P.S. : An introduction to the law of contract.
- 2 Pollock: Principles of the law of contract.
3. Pollock & Mulla: Indian Contract & Specific Relief Act.
4. V.O. Ramobandra: The law of contract and Specific Relief Act.
5. T..R. Desai: Principles of law of contract.
6. Avtar Singh : Law of contract.
7. Avtar Singh : संविदा विधि
8. I.C. Saxena & R.I. Nawalakha: संविदा विधि

DSE-Paper-III **Law of Contractual Transactions**

Total Marks	Theory	Internal Assessment
150	100	50

1. Sale of Goods Act- 1930:

UNIT-I

- (a) Sale - Meaning Definition and elements.
- (b) Agreement to sell, hire-purchase agreements and a contract for work and labour - meaning and distinctions from sale.
- (c) Goods - existing future and contingent.
- (d) Condition and warranties.

UNIT-II

- (a) Passing of property and risk from seller to buyer.
 - (b) Sale by unauthorised person.
 - (c) Law relating to performance of sale.
 - (d) Rights of unpaid seller.
5. Contract of Partnership:

2. Partnership Act-1932:

UNIT-III

- (a) Meaning definition, formation and the characteristics of contract of partnership.
- (b) Distinction between:

- (i) Co-ownership and partnership
- (ii) Joint Hindu Family firm and partnership ; and
- (iii) Company and partnership

UNIT-IV

- (a) Position of Minor
- (d) Relations interest of partners and relation of partners with third parties.
- (c) Registration of partnership firm
- (d) Dissolution of partnership and of firm.

UNIT-V

3. Limited Liability Partnership Act,2008:

Salient Features of the Act, Distinction between LLP and Partnership, LLP and Company, LLP Agreement, Nature of LLP, Partners and Designated Partners in an LLP, Incorporation document, incorporation by Registration, registered office of LLP and change therein- change of name, change of partners and their relations, extent and limitation of liability of LLP and Partners.

4. Negotiable Instrument Act, 1881 :

- (a) Definition and Features of Negotiable Instruments
- (b) Promissory Note
- (c) Bill of Exchange & Cheque
- (d) Holder & Holder due course
- (e) Crossing of Cheque
- (f) Types of Crossing, Negotiation
- (g) Dishonor & Discharge of Negotiable Instruments.

Suggested Readings:

1. Atiyah P.S. : An introduction to the law of contract.
2. Pollock : Principles of the Law of contract.
3. Pollock & Mulla: Indian Contract and Specific Relief Acts.
4. V.G. Rarnchandran : The law of Contract in India.
5. V.G. Ramchandran : Law of Agency.
6. Desai S.T. : The law of partnership in India and Pakistan.
7. Avtar Singh: Law of contract (English & Hindi)
8. Avtar Singh: Law of partnership (English & 1-lindi)
9. Kapoor N. D. : Mercantile Law.

10. Tulsian, P.C. (2011), Business Laws, Tata McGraw Hill Education, 2nd Edition.
11. Kuchhal, M.C., (2010), Business Laws, Vikas Publishing House, Noida, 2nd Edition.
12. Sulphrey, Bashe (2011), Business Laws, PHI Learning Pvt. Ltd., New Delhi.
13. Kuchhal, M.C, Kuchhal, Vivek, (2012), Business Law, 6th edition, Vikas Publishing House.
14. Sharma, J.P. (2011), Easy Approach to Business Laws, Ane Books Pvt. Ltd.
15. Maheshwari, S.N. (2008), Business Laws, Himalaya Publication House (P) Ltd.

Or

Company Law and Management

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I

Meaning and Concept of Company Law : its past, present and future.
History of Company Legislation in India.

UNIT-II

Concept of Corporate Personality and Limited Liability.
Kinds of Companies and other Business Organization.

UNIT-III

Registration and incorporation.
Company Law Board.

UNIT-IV

Prospectus.
Articles and Memorandum of Association.

UNIT-V

Meeting of share holders and various controls over the
management of company.
Directors and managerial body of Company and their remuneration.
Winding up of the company.

Suggested Readings:

1. Thomson and Palmer : Company Law.
2. Eillies Ferran : Company Law and Corporate Finance.
3. S.C. Kuchhal : Corporate Finance : Principal and Finance.
4. S.M. Shah : Lectures on Company Law.
5. L.C.B. Gower : Principal of Modern Company Law.

6. Avtar Singh : Company Law.
7. Avtar Singh : Principal of Mercantile Law.
8. S.C. Sen : The New Frontier of Company Law.
9. Arya : Company Directors.
10. Dutta and Kaushik : Corporate Governance.
11. P.S. Sagal : National and Multinational Companies.

DSE-Paper- IV
Law of Corporate Finance

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I

Introduction: Meaning, importance and scope of corporate finance. Capital needs- capitalization- working capital- securities-borrowings- deposits debentures,. Objectives of corporate finance- profit maximization and wealth maximization, Constitutional perspectives-the entries 37,38,43,44,45,46,47,52,82,85 and 86 of List I- Union List, entry 24 of List II-State List.

UNIT-II

Equity Finance: Share capital, Prospectus- information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares

Debt Finance: Debenture, Nature, issue and class, Deposits and acceptance, Creation charges, Fixed and floating charges, Mortgages, Convertible debentures.

UNIT-III

Conservation of Corporate Finance: Regulation by disclosure, Control on payment of dividends, Managerial remuneration, Payment of commissions and brokerage, Inter corporate loans and investment, Payback of shares, Other corporate spending.

UNIT-IV

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

UNIT-V

Protection of Investors: Individual share holder right, corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and re-organization of shares, Transfer and transmission of securities. Dematerialization of securities.

Suggested Readings:

1. Gower's Principles of Company Law, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon's Company Law, Pearson Education Ltd., 2009
3. Suman Gupta: Shareholder's Democracy: Fact or Fiction, Publication Division, University of Delhi, 1992
4. Companies Act, 1956
5. Verma J.C., Corporate Merger

Or

Law Relating to Negotiable Instruments and Bankruptcy

Total Marks	Theory	Internal Assessment
150	100	50

UNIT –I

The Negotiable Instrument Act, 1881 with latest amendments
chapter 1 to 6

UNIT-II

Chapter 7 to 12

UNIT –III

Chapter 13 to 17

UNIT-IV

The Insolvency and Bankruptcy code, 2016 with latest amendments
part I to II

UNIT –V

Part III to V

Suggested Reading

1. Byles : Bill of Exchange
2. Chalmers: Negotiable Instrument
3. Sen Gupta : Negotiable Instrument Act
4. Myneni : Law of Insolvency & Bankruptcy (The Insolvency & Bankruptcy Code, 2016)
5. Avtar Singh : introduction to Law of Negotiable Instruments
6. Khergamvala on Negotiable Instruments Act.
7. Daabas : Law Relating to Negotiable Instruments Act, 1881 with Model form.
8. Mulla : The Law of Insolvency in India (Insolvency & Bankruptcy Code, 2016)
9. Jyoti Singh & Shriram : Insolvency & Bankruptcy Code, 2016

CBCS-Paper-2 Credit

Intellectual Property Laws

UNIT I

Historical Back Grounds and Jurisprudence of Intellectual Property Right with International Perspective.

UNIT II

Nature, need, scope and importance of Copy Right, Patent, Trade Mark and Design Laws.

UNIT III

Meaning and definition of Copy Right, Patent, Trade Mark and Design Laws.

UNIT IV

Law and Practice of Copy Right, Patent, Trade Mark and Design Laws.

UNIT V

Application of Patent; Copy Right; Trade Mark and Design Laws.

SUGGESTED READINGS:

1. Copy Right Act, 1957
2. Patent Act, 1970

3. Trade Mark Act, 1999
4. Design Act, 1999
5. Dr. J.P. Mishra, An Introduction to Intellectual Property Rights (IN HINDI), Central Law Publications, 2013
6. V.K. Aahuja, Law relating to Intellectual Property Rights, 2nd Edition (2013) LexisNexis
7. Lionel Bently & Brad Sherman, Intellectual Property Law, Oxford University Press, 3rd Edition, 2008

Or

Law Relating to Right to information

UNIT I

Definition of Information Law and its importance. Historical Background before RTI Act, 2005. Democracy and Right to Information, Provisions of the Constitution of India and Right to Information. Constitutional validity of the Right to Information Act, 2005.

UNIT II

Special feature of the Right to Information Act, 2005 Including Right to Information (Amendment) Act, 2019. Need Importance, Objectives, Definitions, Concept of the Act.

UNIT III

Right to Information, Obligation of the Public authority, Designation of Public Information officers. Request for obtaining Information under the Act and disposal of Request.

UNIT IV

Exemption from Disclosure of Information. Grounds for Rejection to Assess in Certain Cases. Severability of information. Third Party Information.

UNIT V

Appeals and Penalties, Central Information Commission and state Information Commission.

SUGGESTED READINGS:

1. Right to Information Act, 2005 Including Right to Information (Amendment) Act, 2019
2. P.K. Das, The Right to Information Act, Universal Law Publishing
3. Prof. Anand Paliwal, Dr. Krishna Kishor Trivedi, Right to Information Act and Good governance, Himanshu Publication Ed. 2017
4. J.N. Barowalia; Commentary on the RTI Act.

LL.M. IV Semester Course Detail Subject-wise
LL.M. Semester IV (Syllabus)
DCC-Paper- I
Law of Specific Contract and
E- Contracts

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I

Contract of Indemnity.

- (a) Definition and nature of contract of indemnity
- (b) Extent and commencement of liability

UNIT-II

Contract of Guarantee

- (a) Meaning and Essentials of Contract of Guarantee
- (b) Extent of Surety's Liability
- (c) Discharge of Surety's Liability
- (d) Rights of Surety

UNIT-III

Contract of Bailment & Pledge

- (a) Meaning and Essentials of Contract of Bailment.
- (b) Duties of Bailer and Bailee
- (c) Rights of Bailee
- (d) Meaning and Essentials of Pledge and persons entitled to pledge.

UNIT-IV

Contract of Agency

- (a) Nature and Essentials of Contract of Agency.
- (b) Creation of Agency: Implied Agency and Agency of Necessity.
- (c) Agency by Ratification
- (d) Termination of Agency.

UNIT-V

Meaning and Definition of electronic contracts, Law relating to electronic contracts and e-commerce; Formation of electronic contracts; Legality of electronic contracts.

Suggested Readings:

1. Atiyah, P.S. : An introduction to the law of contract.
2. Pollock: Principles of the law of contract.
3. Pollock & Mulla: Indian Contract & Specific Relief Act.
4. V.O. Ramobandra: The law of contract and Specific Relief Act.
5. T..R. Desai: Principles of law of contract.
6. Avtar Singh : Law of contract.
7. Avtar Singh : संविदा विधि
8. Simon Blount : Electronic Contracts
9. I.C. Saxena & R.I. Nawalakha: संविदा विधि
- 10.Desai, T.R. : Law Relating to Tenders and Government Contracts : Universal Law Pub.
11. Nilima Bhadabhade: Contract Law in India.

DCC-Paper- II

Law of Export and Import Regulations

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I

Introduction: State control over import and export of goods from rigidity to liberalization. Impact of regulation on economy.

The Basic needs of Export and Import Trade goods, Services, and Transportation.

UNIT-II

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

UNIT-III

General Law on Control of Imports and Exports: General Scheme, Legislative control, Power of control: Central Government and RBI, Foreign Trade development and Regulation Act 1992, Restrictions under customs law, Prohibition and penalties, Export-Import formulation: guiding features, Control under FEMA, Foreign exchange and currency, Import of goods,

export promotion councils. Export oriented units and export processing zones.

UNIT-IV

Control of Exports: Quality control. Regulation on goods. Conservation of foreign exchange, Foreign exchange management. Currency transfer, Investment in foreign countries.

Exist Policy: Changing Dimensions: Investment Policy: NRIs, FIIs (foreign institutional investors), FDIs, Joint venture, Promotion of foreign trade, Agricultural products, textile and cloths, Jewellery, Service sector.

Law Relating to Customs: Prohibition on import and export of goods, Control of Smuggling activities in export-import trade, Levy of an exemption from customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods.

UNIT-V

Regulation on Investment: Borrowing and lending of money and foreign currency, Securities abroad- issue of, Immovable property- purchase abroad, Establishment of business outside, Issue of derivatives and foreign securities-GDR (global depositories receipts), ADR (American Depository receipts) and Euro, Investment in Indian banks, Repatriation and surrender of foreign securities.

Technology Transfer: Restrictive terms in technology transfer agreements, Automatic approval schemes.

Suggested Readings:

1. Foreign Exchange Hard Book – H. P. Bhandari
2. Annual Report (Recent Years) Ministry of Commerce, Government of India
3. India Balance of Payments, RBI Bombay
4. Economic Survey Ministry of Finance Government of India
5. Foreign Exchange Management - H.P. Bhardwaj
6. International Financial Management - P. G. Apte
7. International Financial Management - V. K. Bhalla
8. Multinational Finance - K. C. Bulter
9. International Financial Management - A. K. Seth

DPR-Paper- III

Practical: Dissertation and viva-voce

Total Marks:- 100+50

Dissertation:-Assessment by the External Examiner = 100 Marks

Viva voce:-By department (Internal Examiner) = 50 Marks

DSE-Paper- IV
Insurance Law

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I

Nature and definition of Contract of Insurance

- (a) Definition of Contract of Insurance
- (b) The nature of the Insurance Contract
- (c) Contract of utmost good faith
- (d) Contract of indemnity
- (e) Contract of Wager.

UNIT-II

Insurable interest:

- (a) Nature of insurable interest
- (b) Time or duration of interest
- (c) Insurable interest and Life insurance
- (d) Insurable interest and Fire insurance

UNIT-III

The Risk:

- (a) Meaning of risk
- (b) Scope of risk
- (c) Application of rule in various classes of insurance
- (d) The elements of risk
- (e) The alteration of the risk

UNIT-IV

The Insurance Regulatory and Development Authority:

- (a) Establishment
- (b) Composition
- (c) Duties, powers and functions.

UNIT-V

Marine Insurance Act, 1963

Suggested Readings:

1. Srivastava, Baichand: Elements of Insurance.
2. Dravid & Joshi: Bima Siddhant Evam Vyavahar.
3. Life Insurance Act. 1956.
4. General Insurance Business (Nationalisation)Act. 1972.
5. Marine Insurance Act. 1963
6. John Hanson and Christopais Henly : All Risks Property Insurance (1999), LLPAsia Hongkong
7. Peter Mac Donald Eggers and Patric Foss : Good faith and Insurance Contracts (1998) LLPAsia, Hongkong
8. Banjeree : Law of Insurance (1994). Asia Law House, Hyderabad Mtra, B.C. : Law Relating toMarine Insurance (1997), Asia Law House, Hyderabad
9. Brides : Modern Insurance (1997), Sweet & MaxwellInternational Labour Office, Administration Practice of Social Insurance(1985)
- 10.M.N. Sreenivasan : Law and the Life Insurance Contract (19 14)
- 11.Surendra Yadav : Beema Vidhi (Hindi)
- 12.Mamata Sharma : Beema Vudhi (Hindi).

Or

Banking Law

Total Marks	Theory	Internal Assessment
150	100	50

UNIT-I

Introduction: Nature and development of banking. History of banking in India and elsewhere-indigenous banking, evolution of banking in India, different kinds of banks and their functions, Multi-functional banks-growth and legal issues.

Law relating to Banking Companies in India: Controls by government and its agencies, on management, on accounts and audit, Lending, Credit policy,

Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer: their rights and duties.

UNIT-II

Social Control over Banking: Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.

Deposit Insurance: The Deposit Insurance Corporation Act 1961: Objects and Reasons, Establishment of Capital of DIC, Registration of banking companies, insured banks, liability of DIC to depositors, Relations between insured banks, DIC and the Reserve Bank of India.

UNIT-III

The Central Bank: Evolution of Central Bank, Characteristic and functions. Economic and social objectives. The Central Bank and the state as banker's bank. The Reserve Bank of India as the Central Bank, Organizational structure, Functions of the RBI, Regulation monetary mechanism of the economy, Credit control, Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies & Non-financial companies.

UNIT-IV

Relationship of Banker and Customer: Legal character, Contract between banker and customer, Banker's lien, Protection of bankers, Customers, Nature and type of accounts, Special classes of customers-lunatics, minor, partnership, corporations, local authorities, Banking duty to customers, Consumer protection: banking as service.

Negotiable Instruments: Meaning and kind, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.

UNIT-V

Lending by Banks: Good lending principles, Lending to poor masses, Securities for advances, Kinds and their merits and demerits, Repayment of loans, rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal.

Recent Trends of Banking System in India: New technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards.

Reforms in Indian Banking Law: Recommendations of committees: a review.

Suggested Readings:

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 Delhi, 2 Volumes
7. K.C. Shekhar : Banking Theory and Practice (1998), UBS Publisher Distributors Ltd.. New Delhi
8. M. Dasesse, S. Isaacs and G, Pen ; E.G. Banking Law..(1994), Lloyds of London Press,5 London
9. V. conti and Hamaui (eds.) : Financial Markets Liberalization and the Role of Banks' Cambridge University Press, Cambridge (1993)
10. J. Dermine (ed.) : European Banking in the 1990's (1993) Blackwell, Oxford
11. K. Subrahmanyam Banking Reforms in India (1997), Tata McGraw Hill, New Delhi
12. R.S. Narayanna : The Recovery of Debts due to Banks and Financial Institution Act, 1993 (51of 1993), Asia Law House, Hyderabad
13. M.A. Mir : The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New Delhi
14. Mitra : The Law Relating to Bankers' Letters of Credit and Allied Laws (1998), University Book Agency, Allahabad
