

# **University of Kota, Kota**

(Maharao Bhim Singh Marg, Kabir Circle, Kota)

## **MASTER OF LAWS**

***(Semester Scheme)***

### **LL.M. Course Subject wise Revised Scheme**

#### **LL.M. Semester I (2015-16)**

#### **Innovation & Employability of LL.M. Course :**

The course is essential for the following jobs :

- a. Judicial Services:- RJS, RHJS and other states also.
- b. Legal Services :- such as – LA, APP, Law Officer, Law advisor and expert in various institutions etc..
- c. Practice in Law as an Advocate.
- d. Part-time law teaching by practicing lawyer.
- e. Arbitrators, Mediator, Conciliators' etc..
- f. Teaching law classes.

Certain new concepts and law have been incorporated in law courses such as :

- a. Human Rights & Practice.
- b. Alternative Dispute Resolution.
- c. Information Technology.
- d. Right to Information Law.
- e. Copy Right, Patent, Trade Mark etc..

As per directions of the Academic Council of University of Kota, Kota, the BOS- Law in its meeting held on 28.6.2014, unanimously resolved to form the syllabus of LL.M. in accordance with the new guidelines of the UGC. As the scheme of Papers of LL.M. I Semester has already been approved by the BOS in the meeting dated 2013 and have been implemented the paper scheme of LL.M. Semester-II is considered by the BOS and propose to approve by the Academic Council. The scheme is as mentioned hereafter:

<b>Paper No.</b>	<b>Name of subject</b>	<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
I	Legal Theory- I	100	80	20
II	Indian Constitution Law : New Challenges- I	100	80	20
III	Law and Social Transformation in India	100	80	20
IV	Legal Education & Research Methodology	100	80	20
V	Principles of Human Rights	100	80	20

**LL.M. Semester II**

<b>Paper No.</b>	<b>Name of subject</b>	<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
VI	Legal Theory- II	100	80	20
VII	Indian Constitution Law : New Challenges- II	100	80	20
VIII	Company Law and Management	100	80	20
IX	I.T. Act, 2000 and R.T.I Act 2005	100	80	20
X	Interpretation of Statutes and Legal Process	100	80	20

**LL.M. Semester III**

**(A) Business Law Group:**

<b>Paper No.</b>	<b>Name of subject</b>	<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
XI	Corporate Law and Allied Laws	100	80	20
XII	Principle of Contract	100	80	20
XIII	Law of Contractual Transactions	100	80	20
XIV	Law of Intellectual Properties	100	80	20
XV	Law of Corporate Finance	100	80	20

**LL.M. Semester IV**

<b>Paper No.</b>	<b>Name of subject</b>	<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
XVI	Law of Specific Contract and E- Contracts	100	80	20
XVII	Law of Export and Import Regulations	100	80	20
XVIII	Banking Law	100	80	20
XIX	Insurance Law	100	80	20
XX	Practical – Dissertation and Viva – voce	100	80	20

**(B) Criminal Law Group :**  
(Course Contents to be given later)

**Note :-**

- (1) The Theory papers of each subject will be of 80 marks and 20 marks will be internal assessment. The bifurcation of given 20 marks relating to internal assessment will be constituted as follows :-
  - (A) Term Paper - 10 Marks ( each paper)
  - (B) Internal Viva-Voce - 10 Marks ( each paper)
- (2) There shall be a practical paper of 100 marks in fourth semester of the scheme, as a paper number XX, which will consist a dissertation and viva-voce examination which will be of 20 marks, conducted by an external examiner appointed by university and one internal examiner appointed by the H.O.D. (or Co-ordinator).
- (3) Actual marks obtained by a candidate for the paper or papers in which he re-appears shall be taken into account and the marks obtained earlier in the paper in which he has not re-appeared will be carried forward for working out his result.

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

**LL.M. I Semester Course Detail Subject-wise**  
**LL.M. Semester I (Syllabus)**

**Note :**

1. The all papers of LL.M. should be encouraging postgraduate student to comparative study, analyse, and articulate essential feature and principles (if any) of the subject.
2. New developments, amendments and latest case law in any concerned field shall be part of the syllabus.
3. Duration of each theory paper for exam: Three Hrs.
4. The Theory papers of each subject will be of 80 marks. The all Question Paper for theory exam contains eight questions. Student will be attempting any four questions. Each question carries twenty marks.

## **Paper- I- Legal Theory- I**

<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
100	80	20

1. Definition, Scope, Importance and nature of Jurisprudence.
2. Purpose and value of Jurisprudence.
3. Various Schools of Jurisprudence, like:
  - i. Natural Law School,
  - ii. Imperative School,
  - iii. Sociological School,
  - iv. Historical School,
  - v. Realistic School, etc.
4. Sources of Law : Custom, Legislation, Judicial Precedents etc.  
(Chief exponents of these schools, background, basic tenets, contribution and Indian context or relevance.)

### **Suggested Readings:**

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in Making
4. Salmond : Jurisprudence
5. Paton : A Text Book of Jurisprudence
6. Julius Stone : The Province and Function of Law
7. Pound : An Introduction to the Philosophy of Law
8. HLA Hart : The Concept of Law
9. Friendmann : Legal Theory
10. Dias : Jurisprudence
11. S. N. Dhyani : Law, Morality and Justice Indian Development
12. Anirudha Prasad : Vidhi Sastra Ke Mool Shidhant (Hindi)
13. John Rawls : Theory of Justice
14. Lluod : Introduction to Jurisprudence
15. Lon Fuller : Morality of Law
16. V.D. Mahajan : Jurisprudence
17. Various relevant Articles, Cases and Law Journals.
18. Fitzgerald : Salmond on Jurisprudence.

## **Paper- II- Indian Constitution Law : New Challenges- I**

<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
100	80	20

1. Historical Background of Indian Constitution, its development and changing system established over decades ago.
2. Characteristics of Indian Constitution, Nature and salient feature of Indian Constitution with changing social order and its adaptability.
3. Preamble of Indian Constitution and its nature.
4. Fundamental Rights, its development and their Judicial Interpretations.
5. Directive Principles, its Judicial Interpretations and their relation with Fundamental Rights.
6. Fundamental Duties.

### **Suggested Readings:**

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain : Constitutional Law.
3. M.C.J. Kagzi : The Constitution of India.
4. VSN Sukla : Commentary on the Constitution of India.
5. D.D. Basu : Commentares on the Constitution of India.
6. Ville Austin : Indian Constitution.
7. Various relevant Articles, Cases and Law Journals.
8. B.K. Sharma : An Introduction to the Constitution of India.

## **Paper- III- Law and Social Transformation in India**

<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
100	80	20

### **Objectives of this Paper:**

This paper is designed to offer the learned teacher and taught with :

- I. Awareness in Indian approaches to social and economic problems in the context of law as a means of social control and change; and
  - II. A sprit of inquiry and exploit law and legal instructions as means to achieve development within the framework of law.
1. Law and Social Change: (i) Relations between Law and Public Opinion  
(ii) Law as an instrument of Social Changes?

2. Religion and the Law: (i) What is religion? (ii) Religion and Secularism (iii) Freedom of Religion and rights of minorities (iv) Reform of the Law on secular lines and judicial approach.
3. Language and the Law : (i) Multi- linguistic culture and its impact on policy on nation (ii) Constitutional guarantee to linguistic minorities (iii) Language policy and the Constitution: official language; multi language system (iv) Non-discrimination on the ground of language.
4. Community and the Law : (i) Caste as a social-cultural reality (ii) Role and effect of caste on the Law (iii) Acceptance of Caste as a factor to undo past injustice (iv) Protection discrimination: Scheduled Castes; tribes and backward classes (v) Reservation: Statutory Commissions, statutory provisions.
5. Women and the Law : (i) Position and the role of women in Indian society (ii) Crimes against women (iii) Gender injustice and its various forms (iv) Women's Commissions (v) Empowerment of women and Indian Constitution.
6. Children and the Law : (i) Child labour (ii) Sexual exploitation of children's (iii) Law of adoption and rights of children's (iv) Children's rights of education.

#### **Suggested Readings:**

1. Dicey : Law and Public Opinion in England.
2. Iibert : Mechanism of Law marking.
3. Upendra Baxi : The Crisis of the Indian Legal System (1982).
4. Upendra Baxi (ed.) : Law and poverty Critical essays.
5. Marc Galanter (ed.) : Law and Society in Modern India (1997)
6. M.P. Jain : Outlines of Indian Legal History (1993)
7. J.B. Kriolani : Gandhi- His, life and though (19700
8. Jawaher Lal Neharu : Discovery of India.'
9. Agnes Flavia : Law and Gender Inequality.
10. Aruna Goel, Kaur and Sultan : Violence against Women (2006).
11. H.M. Seervai : Constitutional Law of India.
12. D.D. Basu : Commentares on the Constitution of India.
13. Various relevant Articles, Cases and Law Journals.

## **Paper- IV- Legal Education and Research Methodology**

<b>Total Marks</b>	<b>Theory</b>	<b>Internal Assessment</b>
100	80	20

1. Objective of Legal Education, Methods of teaching, (the problem method, discussion method and seminar methods).
2. Student participation in law school/college programmes, organization of seminars.
3. Clinical legal education- legal aid, legal literacy, legal survey and law reforms.
4. Various research methods.
5. Identification of problems, formulation of the research problem and techniques of sampling for research.
6. Collection of relevant historical & comparative materials.
7. Classification and tabulation of data and analysis of these data.
8. Preparation of the research design.
9. Jurimetrics.
10. Presentation.

### **Suggested Readings:**

1. High Brayal, Nigam, Dunean, and Richard Crimes : Clinical Legal Education : Active Learning in your Law School (1998) Blackstine Press Limited, London.
2. S.K. Agrawal (Ed.) : Legal Education in India (1973) Tripathi Pub., Bombay.
3. N.R. Madhava Menaon (Ed.) A Handbook of Clinical Legal Education (1998) Eastern Book Company, Lucknow.
4. M.O. Price : Elective Legal Research (1978)
5. C.R. Kothari : Research Methodology, Methods and Techniques.
6. Jaya Prakash : Research Methodology.
7. Pauling vs Yong : Scientific Social Survey and Research.
8. Erwin C. Surrency : A Guide to Legal Research.
9. ILI Publication, Legal Research and Methodology.
10. R.M. Deepak Kumar : Social Research Methodology. Etc.

## Paper- V- Principles of Human Rights

Total Marks	Theory	Internal Assessment
100	80	20

1. Jurisprudence of Human Rights; Nature, Definition, Origin and Theories of Human Rights.
2. Universal protection of Human Rights; United Nations and Human Rights, Universal Declaration of Human Rights. 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.
3. Protection of Human Rights Laws in India; National Human Right Commission (NHRC); State Human Right Commission (SHRC) and Human Right Courts.
4. Protection of Human Rights at National level; Human Rights and the Constitution, The Protection of Human Rights Act, 1993.
5. Human Rights and Vulnerable Groups; Rights of Women, Children, Disabled, Tribal's, Aged and Minorities – National and International Developments.

### Suggested Readings:

1. Henkin Luis : Rights of Man Today.
2. Nagendra Singh : Enforcement of Human Rights in Peace and War and the future of the Humanity.
3. Related Conventions and Act.
4. S.K. Kapoor : International Law and Human Rights.
5. H.O. Agrawal : International Law and Human Rights. Etc.

## LL.M. II Semester Course Detail Subject-wise

### LL.M. Semester II (Syllabus)

#### Paper- VI- Legal Theory- II

Total Marks	Theory	Internal Assessment
100	80	20

1. Administration of Justice : Civil & Criminal;
2. Legal Concept, State, Sovereignty, Law etc.
3. Legal Rights;
4. Legal Duties;
5. Possession;



6. Ownership;
7. Legal Person;
8. Liability.
9. Obligation.
10. Property

**Suggested Readings:**

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in Making
4. Salmond : Jurisprudence
5. Paton : A Text Book of Jurisprudence
6. Julius Stone : The Province and Function of Law
7. Pound : An Introduction to the Philosophy of Law
8. HLA Hart : The Concept of Law
9. Friendmann : Legal Theory
10. Dias : Jurisprudence
11. S. N. Dhyani : Law, Morality and Justice Indian Development
12. Anirudha Prasad : Vidhi Sastra Ke Mool Shidhant (Hindi)
13. John Rawls : Theory of Justice
14. Lluod : Introduction to Jurisprudence
15. Lon Fuller : Morality of Law
16. V.D. Mahajan : Jurisprudence
17. Various relevant Articles, Cases and Law Journals.
18. Fitzgerald : Salmond on Jurisprudence.

**Paper- VII-Indian Constitution Law : New Challenges- II**

Total Marks	Theory	Internal Assessment
100	80	20

1. Parliament and State Legislatures, Government of Union and States. President of India and Governors in States; Legislative Process and Privileges.
2. Supreme Court of India and High Courts.
3. Center-State Relations.
4. Emergency and President Rule.
5. Amendment of Indian Constitution.

6. Contractual and Tortious Liability.
7. Freedom of Trade and Commerce.
8. Services under Centre and State.
9. Special Provisions.

**Suggested Readings:**

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain : Constitutional Law.
3. M.C.J. Kagzi : The Constitution of India.
4. V.N Sukla : Commentary on the Constitution of India.
5. D.D. Basu : Commentares on the Constitution of India.
6. G Austin : Indian Constitution.
7. Various Relevant Articles, Cases and Law Journals.
8. B.K. Sharma : An Introduction to the Constitution of India.
9. J.N. Pandey : The constitution n of India (English & Hindi)

**Paper- VIII-Company Law and Management**

Total Marks	Theory	Internal Assessment
100	80	20

1. Meaning and Concept of Company Law : its past, present and future.
2. History of Company Legislation in India.
3. Concept of Corporate Personality and Limited Liability.
4. Kinds of Companies and other Business Organization.
5. Registration and incorporation.
6. Company Law Board.
7. Prospectus.
8. Articles and Memorandum of Association.
9. Meeting of share holders and various controls over the management of company.
10. Directors and managerial body of Company and their remuneration.
11. 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.

### **Paper- IX- I.T. Act, 2000 and R.T.I Act 2005**

Total Marks	Theory	Internal Assessment
100	80	20

#### **The Information and Technology Act, 2000 :**

1. Aims and Objectives of the I.T. Act, 2000, Definition, Authentication of Electronic records.
2. Introduction to Development of Science and Technology and its impact on Human Rights and Duties.
3. Definitions of Information Technology and its scope.
4. Electronic Governance; Digital Signature & its legal perspective.
5. Cyber Crimes; Obscenity, Defamation, Hacking and Cracking, Crime through Mobile Phones, Regulations of Certifying Authorities cyber crime, Penalties and Adjudication, Cyber Regulations Appellate Tribunal.
6. Regulating Authorities & penalties.

#### **The Right To Information Act, 2005:**

1. Definition of important terms of RTI Act, and its importance; Historical Background; Significance in democracy; Constitutional basis of this Act.
2. Type of Information; Restricted Information.
3. Application to seek information & its formalities.
4. Obligation of public authorities.
5. Appeal and penalties.

#### **Suggested Readings:**

##### **Act :**

- a. The Information and Technology Act, 2000.
- b. The Right of Information Act, 2005.

**Books :**

1. Prof. S.R. Bhansali, Information Technology Act, 2000
2. Gerald R. Ferrera, Cyber law (Text and Cases)
3. Vikul Sharma, Cyber Crime.
4. J.N. Barowalia; Commentary on the RTI Act.
5. S.V. Joga Rao; Law Relating to RTI.
6. Dr. P.M. Bakshi and Dr. R.K.Suri; Hand book of Cyber & E- Commerce Laws.

**Paper- X- Interpretation of Statutes and Legal Process**

Total Marks	Theory	Internal Assessment
100	80	20

1. General Principal of Interpretation (Part A):
  - I. Literal or Grammatical Rule,
  - II. Harmonious Construction Rule,
  - III. Golden Rule,
  - IV. Beneficial Rule,
  - V. Mischief Rule,
  - VI. Statues should be read as a whole,
  - VII. Statutes in Pari-meteria.
2. Part B: Latin Doctrines
  - I. Ejusdem Genenris,
  - II. Noscitur a SOCIIS,
  - III. Ut ras magis valeat quam pereat,
  - IV. Expressio unius est exclusion atterius,
  - V. Stare decesis,
  - VI. Contemporne exposio,
  - VII. Interpretation of penal, fiscal, remedial statutes and Constitution,
3. Internal Aids to interpretation :  
Short title, Long title, Preamble, Marginal note, Definition, Proviso, Illustration, Explanations, Schedules, Punctuations, Presumption, Non-obstante clause, Henery VIII clause.
4. External Aids to interpretation:  
External Aids to Interpretation, Dictionaries, Text Books, Historical Background, Legislative History.

**Suggested Readings:**

1. Bentham : Theory of Legislation.
2. Maxwell : The Interpretation of Statutes.
3. Ilbert : Machanism of Law Making.
4. Dicey : Law and Public Opinion in England.
5. Baid : Rule of Interpretation.
6. Odges : Interpretion of Statutes.
7. P.M. Bakshi : Legislative Drafting.
8. G.P. Singh : Interpretation of Statutes.
9. V.P. Sarathi : Interpretation of Statutes.
- 10.T. Bhattacharya : Interpretation of Statutes.
- 11.S.L. Shakhdar : Parliamentary Procedure.
- 12.Grawford : Statutory Constitution.

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

Total Marks	Theory	Internal Assessment
100	80	20

1. Highlights and basic feathurs of New Indian Companies Act, 2013.
2. SEBI Act, 1992.
3. FEMA Act, 1999.
4. 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
  - 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 Code of Conduct on Transnational Corporation and the OECD Guidelines

**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.

**Paper- XII**

**Principle of Contract (Sec. 1 to 75)**

Total Marks	Theory	Internal Assessment
100	80	20

1. Formation of Contract: A critical study of offer and acceptance
2. Doctrine of Consideration and Privity of Contract
3. Capacity to contract: Nature of minor's agreements and the doctrine of restitution.
4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
5. Standard form Contracts.
6. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements.

7. Discharge of contracts with special reference to the doctrine of frustration.
8. Relations resembling those created by contract.
9. 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

**Paper- XIII**  
**Law of Contractual Transactions**

Total Marks	Theory	Internal Assessment
100	80	20

**1. Sale of Goods Act- 1930:**

- (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.
  - (e) Passing of property and risk from seller to buyer.
  - (f) Sale by unauthorised person.
  - (g) Law relating to performance of sale.
  - (h) Rights of unpaid seller.
5. Contract of Partnership:

## **2. Partnership Act-1932:**

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

## **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.

**Paper- XIV**  
**Law of Intellectual Properties**

Total Marks	Theory	Internal Assessment
100	80	20

**(A) COPY RIGHT: NATIONAL AND INTERNATIONAL PERSPECTIVE**

- 1 Aims, Objectives and Range of Copy Right
- 2 Works in which Copy Right Subsists
- 3 Infringement of Copy Right
- 4 Property Rights and Exploitation
- 5 Copy Right: particular cases
- 6 Statutory Laws in India
- 7 International Conventions.

**(B) TRADE MARKS, DESIGNS AND GEOGRAPHICAL INDICATIONS**

1. Underlying Themes
2. Historical Development
3. The purpose of protection
4. Common Law Liability
5. Registration, its procedure, its implications
6. Statutory Laws in India
7. International Conventions

## **(C) PATENTS AND PROTECTION OF PLANT VARIETIES AND FARMERS' RIGHT**

1. Growth and Purpose
2. Grant and Content
3. Validity
4. Scope of Monopoly
5. Property Rights and Exploitations
6. Statutory Laws in India
7. International Conventions

### **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. Sulphey, 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.
16. J.K.Das (2011) Intellectual Property Rights, Kamal Law House, Kolkata
17. Bhansali, Intellectual Property Rights
18. Prof.A.K.Avasthi (ed.) Spotlight on Intellectual Property Rights, 2005

### **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

**Paper- XV**  
**Law of Corporate Finance**

Total Marks	Theory	Internal Assessment
100	80	20

1. 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.
2. Equity Finance: Share capital, Prospectus- information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares
3. Debt Finance: Debenture, Nature, issue and class, Deposits and acceptance, Creation charges, Fixed and floating charges, Mortgages, Convertible debentures.
4. 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.
5. 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.
6. 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

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

Total Marks	Theory	Internal Assessment
100	80	20

1. Contract of Indemnity.
  - (a) Definition and nature of contract of indemnity
  - (b) Extent and commencement of liability
2. 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
3. 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.
4. 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.
5. 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.

## Paper- XVII

### Law of Export and Import Regulations

Total Marks	Theory	Internal Assessment
100	80	20

1. Introduction: State control over import and export of goods from rigidity to liberalization. Impact of regulation on economy.
2. The Basic needs of Export and Import Trade goods, Services, and Transportation.
3. 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.
4. 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.

5. Control of Exports: Quality control. Regulation on goods. Conservation of foreign exchange, Foreign exchange management. Currency transfer, Investment in foreign countries.
6. 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.
7. 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.
8. 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.
9. 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

### **Paper- XVIII** **Banking Law**

Total Marks	Theory	Internal Assessment
100	80	20

1. 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.

2. 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.
3. Social Control over Banking: Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.
4. 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.
5. 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.
6. 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.
7. Negotiable Instruments: Meaning and kind, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.
8. 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.
9. 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.
10. Reforms in Indian Banking Law: Recommendations of committees: a review.

**Suggested Readings:**

1. Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Millan
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

**Paper- XIX**  
**Insurance Law**

Total Marks	Theory	Internal Assessment
100	80	20

1. 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.
2. 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
3. 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
- 4. The Insurance Regulatory and Development Authority:
  - (a) Establishment
  - (b) Composition
  - (c) Duties, powers and functions.

**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).

**Paper- XX**

**Practical: Dissertation and viva-voce**

**Total Marks:- 100**