

Paper No. 1.1

SEMESTER – I

JURISPRUDENCE

UNIT – I

Analytical Views of Law :- Austinian Theory of Law, Criticism of Command Theory: Pure Theory of Law, Criticisms of Pure Theory, Implications of the Theory; Historical School of Law; Savigny's View of Law; Theory of Volksgeist, Criticisms of Volksgeist. Henry Maine's view on the development of Law.

UNIT – II

Natural Law Theory; Thomas Aquinas Theory on Law, Natural Law and Social Contract - Thomas Hobbes, John Locke and Rousseau, HLA Hart, John Rawls, - American Realism : Frank's rule-skeptics and 'fact skeptics'. Llewellyn's Concept of Law.

UNIT-III

Sociological School of Law; Theory of Social Engineering (Roscoe Pound) Criticisms on Social Engineering Theory. Marxian school of law
Concept of Person - Kinds of Legal Persons, Theories of Corporate Personality - Fiction Theory, Realistic Theory, Concession Theory and Purpose Theory.

UNIT – IV

Property - Concept of Property; Kinds of Property, Corporeal property, Incorporeal property; Theories of property - Natural Law Theory, Metaphysical theory, Historical theory and Sociological Theory. Vicarious Liability - Master and Servants Relationship - Legal representatives and dead man's relationship.

UNIT – v

Strict liability – Absolute liability, Mistake of Law, Mistake of Fact and accidents, Mensrea (guilty mind) Exception to mens rea.

Negligence – Theories of Negligence

Prescribed Books:

1. Julius Stone – Province and Function of Law
Part II Chapter VIII Pages 215 – 237
Part I Chapter II Pages 55 – 76
Part I Chapter IV pages 91 – 114
Pages 391 – 414
2. DIAS – JURISPRUDENCE
Chapter 18 – PP 375 – 391
Chapter 21 – PP 447 – 470
Chapter 20 – PP 412 – 445
Chapter 19 – 395 to 419
FOR CONCEPTS
3. Relevant Chapters in Salmond (12Ed) and Dias (1985Ed)

Recommended Reading:

- Julius Stone : Lawyer’s Law and Legal Reasoning
 (Relevant Chapters)
- Boden Heimer - Jurisprudence
 (Relevant Chapters)
- Lloyd – Introduction to Jurisprudence (Latest Edition)
 (Relevant Chapters)

MODERN ANALYTICAL JURISPRUDENCE

Books for References:

1. Julies Stone – Province and Function of Law
(First Indian Reprint – Universal Law Publishing Co Ltd) 2000 Refer Ch II
Austins General Jurisprudence.
Pages 55 – 73
2. Edgar Bodenheimer
Jurisprudence – The Philosophy and Method of the Law
(First Indian Reprint, Universal Book Traders, 1996)
Ch VII PP. 91-99, John Austin and the Analytical school of Law”
3. Julius Stone
Legal System and Lawyers
Reasoning’s (Universal Law
Publishing Co Ch II PP – 62 – 92)
Austin’s General Jurisprudence

NATURAL LAW SCHOOL

Julius Stone

The province and function of law

(First Indian Reprint 2000, Universal Law Publishing Co Pvt Ltd)

Part II Ch VIII Natural Law PP 215 – 237

Edgar Bodenheimer – Jurisprudence

(Universal Book Traders, 1996 First Indian Reprint)

Ch II Legal Philosophy in the Middle ages PP 21 – 31

Ch III The classical Era of Natural Law PP 31 – 59

SALMOND

Jurisprudence

(Indian Reprint, 2004, Universal Law Publishing Co Pvt Ltd)

PP – 15 – 24 – Law as the Dictate of Reason.

RWM Dias

Jurisprudence (VEd) 1985 Butterworths)

Part III Ch 22, Natural Law (470 – 506)

Salmond

Jurisprudence (12 Ed, Fitzgerald)

Indian Reprint, Universal Law

Publishing Co Pvt Ltd

PP 25 – 35 ‘Law as the Command of the Sovereign – Imperative Law

R W M .DIAS

Jurisprudence

(1985 Ed Butter worths, London) Positivism, British theories, PP 331 to 558.

Paper No. 1.2

LAW AND SOCIAL TRANSFORMATION IN INDIA

UNIT - 1

LAW - SOCIETY interaction and Relationship - Evolutionary and Revolutionary Social changes - Law as an instrument of social change in India - Constitution of India as the Supreme document of social change.

UNIT - 2

Factors of resistance to social change - Traditions, Customs, Usage's, religious beliefs and practices - Constitutional ideology of Secularism; A Critical scrutiny - Problem of religious minorities - Problems of Multi-lingualism and social change.

UNIT - 3

Caste as a divisive factor - Constitutional Principles of non-discrimination and Principle of protective discrimination - Problem of Reservation - relevant Constitutional Provisions - A Critical analysis.

UNIT - 4

Regionalism as a divisive factor - Constitutionalism versus regionalism - Newly emerging problems like sons of the soil and regional residential requirements for admission to educational institutions - Social Legislations relating to women and children - A Critical Scrutiny.

UNIT - 5

Modernization and the Law - Fundamental Constitutional duties under Part IV(a) - Agrarian and Family Law Reforms - Reforms in judicial, Industrial and Criminal Law arena - Democratic Decentralization - A Critical appraisal of Sarvodaya Movement, Marxist ideology and Naxalism.

Prescribed Reading:

- 1.W. Friedmann - Law and Social Change (Relevant Chapters)
- 2.Marc Galanter - Law and Society in Modern India (1997 Oxford)
- 3.Robert Lingat - The Classical Law of India Oxford 1998.
- 4.Upendra Baxi -
 1. The Crisis of the Indian Legal System (1982) Vikas, Delhi.
 2. Law and Poverty Critical Essays (1988) Tripathi, Bombay
- 5.H.M. Seervai : Constitutional Law of India (1996)
- 6.D.D. Basu : Shorter Constitution of India (1996)

- 7.Savithri Gunashekar - Children, Law and Justice (1997) Sage
 8.Agnes, Flavia - Law and Gender inequality Politics of Women's Rights in India (1999) Oxford.

Books for References

UNIT – I – W. Friedman – Law in a changing society

- I. R. Myneni – Sociology – pg.223-231
- Kuppaswamy
- Law and social change – Indian Law Institute (pg.43-57)
- Constitution of India- V. N. Shukla – 10th Ed – pg.19-314
- Dr. Durga Basu – pg.no.79-84, 114-152, 405-429
- Report of the National Commission to Review the working of the Constitution pg. no. 192, 57 – 78

UNIT – II

- B. Kuppaswamy – pg. no. 1-18, 79
- c.N. Shankar Rao “Social change in India – Pg no 542-585, 445-446
- Prof. T. K. Oommen and Dr. C. N. Venugopal – Sociology
- S. R, Myneni – pg. no. 206, 214
- M. P. Jain “Indian Constitution” – 1405 to 1427, Articles25, 26 and 27
- Pg. no. 14 – 16, 1201 to 1220, 1672, 1690
- Mahendra P. Singh “Constitution of India – pg. no. 2, 205, 212, 217
- Commission of Inquiry on Communal Disturbances by S. K. Agnihotri – pg. no. 13 to 19
- Oommen and Dr. C. N. Venugopal – pg. no. 288 – 310
- O. C. Gupta – Indian Government and Politics Chapters – 15 pg. no. 537 – 554
- V. N. Shukla – pg. no. 223-235
- Paras Diwan – pg. no. 126-141

UNIT – III

- T. K. Oommen and C.N. Venugopal
- Upendra Baxi “Law and Poverty Critical Essays” – pg.no 132-164 and 165-174
- B. Kuppaswamy – pg no 186-212
- Justice M. Rama Jois “Ancient Indian Law”
- V. N. Shukla – pg. no. 37 – 97
- Websites

UNIT – IV

- S. R. Myneni – pg. no 351 to 356
- G. R. Madan “Indian Social Problems- pg. no. 446 to 464
- Prof. Narendra – Constitution Law of India – pg. No 121 to 13, 156 to 157, 345 to 348

- Savithri Gunashekar- Article on Women and Children
- AgnesFlavia – Law and Gender inequality Politics Womes’s Rights in India (1999) oxford

UNIT – V

- constitution of India – U. N. Shukla
- Article 51-A of the Constitution.
- Dr. P. Ishwara Bhat “Alternatives to Legal Strategy, Gandhism, Sarvodaya Marxism and Naxalism pg. no 19 to 57 – Kare law Journal
- S. R. Myneni – Marxism Theory

Paper No. 1.3

FOUNDATIONS OF CONTRACTUAL LAW

1. Contract as private law obligation – basis of enforcing contractual rights – theories of contractual liabilities – historical evolution of contract law
2. Concept of freedom of contract – limitations of freedom of contract o decline and revival of the freedom of contract.
3. Contract by public and private law limitation at contractual capacity of governments – contractual capacity of corporation.
4. Contractual terms – representations – conditions – warranties and innominate obligations.
5. Exclusion and limitation of contractual liability – Common law limitations on exclusion clause – statutory controls on exclusion clauses.

Suggested Reading:

1. P. S. Atiyah, An introduction to the law of contract, clarendon Press, Oxford (1995)
2. G. H. Treitel, Law of contracts, Sweet and Maxwell (1995)
3. “Chitty on Contracts” Vol. 1, Sweet and Maxwell
4. P. S. Atiyah, ‘The Rise and fall of freedom of Contract’
5. Pollock and Mulla, “Indian Contracts and Specific Relief Act” N.M. Trpathi (1994).
6. M. P. Furmston, “Cheshire Fifoot and Furmston’s Law of Contract” Butterworths (1991)
7. Cheshire and Fifoot, “Cases on the law of Contract”, Butterworths
8. “Sutton and Shannon on Contracts”, Buterworts, London
9. J. C. Smith & JAC Thomas, “A casebook on Contract”, Sweet & Maxwell, London
10. J. Beatson, “Ansons’s Law of Contract” Oxford University Press (1998).

Paper No. 1.4

CONTRACTUAL REMEDIES

UNIT – I

Types of Remedies (Specific Relief and Law of Injunction and Rectification of Instruments)

- Types of remedies – basis for deciding compensation – remedies for breach of terms in contract. Distinction from tort based remedies
- Remedies for misrepresentation, mistake undue influence and fraud – effect of vitiating elements on contract remedies.
- Specific remedies – specific performance – injunction – rectification and cancellation of instruments.

UNIT – II

Contractual Remedies – Damages

- Damages for breach of contract – qualification of damages – remoteness of damage – damage and penalty
- Quasi – contractual remedies – concept quantum – merit, unjust enrichment under public and private law.

UNIT III

Sale and Supply of goods

- Essential features of contract of sale – subject matter of sale – supply of goods other wise than by sale – bailment – hire purchase – gift – exchange – Terms in sale and supply contracts – Express and Implied – Performance of the contract – Breach and remedies – Government – regulation on sale and supply of goods – safety of products – protection of economic interest a regulation to promote competition – Control over pricing of goods – Administrative fixation of price control by competition – control over misleading and false claims.

UNIT – IV

Law of Agency

- Meaning of agency – Nature of the relationship between agent and principal – distinction from the relationships – Creation of agency and type of agents Right powers and duties of agent and Principal – contract by

agents, torts committed by agents – right of third parties – termination of agency – Agency in partnership law and company law.

UNIT - V

Law of Partnership

Partnership firm as a business association – salient features – foundation – distinction from other business organizations – incoming and outgoing partners – authority of partners – relationship between partners inter se and third parties dissolution of firm – registration and effects.

Prescribed books/ References

UNIT – I - Anson's Law of Contract – edited by J. Beatse 28th Edition

UNIT – II Chapters – Part V page 589 to 642

UNIT – III – Sale of Goods – Dr. Avtar Singh and Atiyah
R/W Indian Contract

UNIT – IV – Law of Agency – Indian Law of Contract
Part – VI

Page – 663 to 693

R/W Indian Contract Act,

For **UNIT – V** – Law of Partnership – Dr. Avtar Singh – Law

Pollock Mulla Law of Contract

Books for Reference:

1. Law of Contract – Cheshire, Fifoot and Firmstor
2. Indian Contract A
3. Sale of Goods – Benjamin

Books

1. Edward Fry, A treatise on the specific performance of contracts
2. Pollock and Mulla, Indian contract and specific relief acts
3. MC Sarkar, Specific relief act
4. Harvey Megregor, Damages
5. Kemp and Kemp, The Quantum of damages
6. Pollock and Mulla, The sale of goods act
7. Benjamin, Sale of Goods
8. Brian W. Harvey, “The Law of Consumer Protection and Fair Trading”
9. Bowstead and Teynolds, Agency
10. “Chitty on Contracts” Vol. 2
11. Fridman's Law of Agency
12. Lindley and Banks on Partnership
13. Geoffrey Morse, Partnership law
14. Avtar Singh, Law of Partnership

Paper No.1.5

FORMATION OF COMPANIES & CAPITAL STRUCTURE

UNIT – I

Evolution & Incorporation of the Modern Corporation

- Categories of business associations and significance of corporate bodies as vehicles of business activities
- Stakeholders of the modern corporation members, creditors, consumers, employees, society, state, etc., and their respective position
- Incorporation of Companies (Law and Practice)
- Constitutional documents of a registered company - co-relation between the two
- Obligatory provisions in the Memorandum of Association
- Amendment of the Provisions in the MoA & AoA
- Contractual effect of the MoA & AoA
- Shareholder's agreement
- e-governance under MCA 21 - CFC and PFO
- DSC
- SRN
- CIN, DIN
- Eforms and on-line filing and inspection of documents.

Assignments:

- Visit to CFC/PFO;
- Preparation of MOA and AOA
- Filing of DIN application by the student

UNIT – II

A. Capital Structure

- Nature of liability of members – limited by shares, guarantee and unlimited companies
- Private and Public companies
- Section 25 companies
- Different modes of meeting the financial requirements of a company and the regulatory regime - an overview.
- Issue of securities, debt capital, leasing and hire purchase etc.

B. Corporate Securities

- kinds of securities
- legal nature of shares and debentures
- classes of shares and debentures
- anomalous characteristics of preference shares
- shares and debentures as property - significance and implications
- secured debentures
- mortgages & charges - fixed and floating charges - crystallization of floating charges - effect of negative covenants
- Registration of charges and effect of non-registration.
- Debenture trusts
- Rules governing the issue and maintenance of capital- rationale and scope.

UNIT – III

Primary & Secondary market

- Public issue and other issues - Initial public offer of securities – legal requirements - Role of SEBI, other regulatory agencies and intermediaries
- Issues through 'book building' process
- Pricing of securities offered
- Prospectus requirements
- Liabilities in relation to prospectus and issue of securities
- Issue of debentures - debenture trust deed - legal position, rights and liabilities of trustees
- Issue of GDR and ADRs - regulatory regime.

UNIT – IV

Issue of Securities – Regulatory framework

- Regulatory Authorities - SEBI - Stock Exchanges - Ministry of Corporate Affairs,
- SCRA, Depositories Act
- Intermediaries in the Primary and Secondary Market
- Insider Trading
- Listing Agreements,
- Demutualisation of Stock Exchanges
- SEBI Guidelines relating to Issue of Securities

UNIT – V

A) Company deposits and rules governing acceptance of deposits by

- Non-banking financial companies
- Non-banking non-financial companies

B) Dealings in Corporate Securities

- Shares and debentures as property - legal nature of share certificate - shareholders entitlement to share certificate - Transfer of shares and debenture - Restrictions on transfer of shares and debentures - validity and effect.
- Procedural requirements for transfer of shares and debentures
- Rights and liabilities of transferor and transferee before registration
- Transfer of shares of listed public companies - Impact of the Depositories Act, 1996
- Buy back of securities by companies
- Rights in *re aliena'* over corporate securities - scope of S. 153 of Companies Act, 1956

Essential Texts

L.C.B Gower and Paul L.Davis, Principles of Modern Company Law

Geoffery Morse, Parmer's Company Law

Lord Millentt Gore Brown on Companies

Robert R. Pennington, Company Law

John H. Farra.al, Company Law

L.S.Sealy, Casel and Materials in Company Law

Brenda Harmgan, Company Law

Brain Chefins, Company Law: Theory Structure and Operation

Stephen Mayson et.al Mayson, French and Ryan on Company Law

Standard Commentaries on the Indian Companies Act (Ramaiyya and Sethna)

Concerned Acts and Regulations.

II SEMESTER

Paper –2.1.

JUDICIAL PROCESS

UNIT – I

Judicial Process as an instrument of ordering - Nature of judicial process - Judicial creativity and dynamism in keeping with the needs of stability and change - Tools and Techniques of judicial Legislation - Doctrine of precedents.

UNIT – II

New dimensions of Judicial Process in matters of constitutional adjudication and interpretation Public Interest Litigation in India - Varieties of Judicial and Juristic Activism in India - A study of their scope and extent.

UNIT – III

A Critical Scrutiny of the Constitutional directive of Independence of judiciary - Theories of Justice - various theoretical bases of Justice; the liberal contractual tradition, Utilitarian Tradition and Moral Tradition.

UNIT – IV

Indian Constitutionalism and a critical appraisal of the role of the Supreme Court of India - Concept of Social Justice and its implementation in India.

UNIT – V

Law - Justice Relationship - Theories of Justice - Equivalence Theories - Justice as the positive law of stronger class - Dependency Theories - Justice depends on Law - Justice - Law Dichotomy - Independence of Justice Theories in Indian Constitutional Context.

Prescribed Books:

1. Julius Stone:
 1. Province & function of Law Part II Chs 1, 8-16 (2000 Edn)
 2. Precedent and the Law: Dynamics of Common Law Growth
 3. Legal System and Lawyers' Reasonings (1999)
2. Benyamin Cordozo: Nature of Judicial Process (1995) Universal New Delhi.
3. Henry 1. Abraham - The Judicial Process
4. John Rawls-- A Theory of Justice (Universal Delhi)

5. Rajeev Dhavan - The Supreme Court of India : A Socio-Legal Critique of Its Juristic Techniques (1977) Tripathi, Bombay
6. W. Friedmanun - Legal Theory (1960) Stevens, London.
7. Bodenheimer Jurisprudence: The Philosophy and Method of the Law (1997) Universal, Delhi

READING MATERIALS-CHAPTER WISE SYLLABUS

UNIT - I

1. Julius Stone: Legal System and Lawyer's Reasoning's (II Indian Reprint 2004)

Chapter I – pg 21 – 28

Chapter VI – pg 209 – 229

Chapter VII pg 235 – 278

2. Benjamin Cordozo – Nature of Judicial Process – Full Book
3. Rupert Cross – Precedents in English Law
Chapter – I English Doctrine of Precedent
II Ratio Decidendi and Obiter Dietuh

UNIT – II

Constitutional Development

Through Judicial Process (Asia Law House I edition 2006)

- | | | |
|---------------------------|----|-----------|
| 1. Article of S. P. Sathe | pg | 1 – 25 |
| Prof. A. Laxminath | | 43 – 96 |
| Prof. R. Jaganmohan | | 181 – 187 |
| Dr. E. Vijayakumar | | 187 – 194 |
| Dr. Abhimanya Behora | | 219 – 228 |
| V. Satyanarayana | | 208 – 214 |

UNIT – III

Julius stone province and function of law

Ch – X pg 267 – 295

Ch – IX pg 241- 256

John Rowls – Theory of Justice

Chapter I Justice as Fairness

Chapter II Principles of Justice

UNIT – IV

Constitutional Development through Judicial Process

Article

- | | | |
|----|------------------|-----------|
| 25 | P.B. Shankar Rao | 322 – 329 |
| 27 | Jagadeswara | 352 – 361 |
| 29 | Ms. Anuradha | 368 – 377 |

UNIT – V

Relation between law and justice – Natural law theory – Utilitarianism – Neo Hegelian civilization theory of justice law, Justice and social reality.

Books for Reference:

Julius Stone – Province and Function of Law (First Indian Reprint – 2000)

Resented Reading

Ch VIII pp. 215 – 237 Natural Law

Ch XIII pp 331 – 339 Neo Hegelian Civilization Theory of Justice.

Ch XVI 371 – 375 – Law, Justice and social reality.

Paper –2.2

RESEARCH METHODOLOGY

UNIT -I

Reflective Thinking, Science and Research; Meaning of Research; Pure and Applied Research; Research Traits and abilities of eminent researchers -Research Problem - Origin, selection, definition and evaluation of research problem.

UNIT - II

Evaluation of previous research - Working Bibliography, Research Reading - Pertinent Selected and annotated bibliography - Agendum of Procedures and collection of evidence - Doctrinal and Non-Doctrinal Legal Research - Law and Behavioural studies - Pure and Applied Research.

UNIT-III

Socio-Legal Research- Legal Research and Law Reform- Descriptive, Experimental and Historical Methods of Research - Basic Elements of Scientific Method - Hypothesis - Function of Hypothesis - Formulation of Hypothesis - Types of Hypotheses - Characteristics of Hypothesis Research Design.

UNIT - IV

Collection of Data - Types of Data, Analysis of Data - Method of observation - Questionnaire, Mailed Questionnaire - The Interview - sampling - Scaling Techniques.

UNIT -V

The Research Report - Levels of discussion and interpretation - Style in research reporting - Evaluation of Research Report - Use of Computers in Legal Research - Electronic Legal Research - use of Internet - Methods of Citation.

Prescribed Books:

- 1.F.L. Whitney - "Elements of Research" (Chapters I, II, III, IV, V, VI, VII, VIII, IX and XVI)
- 2.Goode and Hatt - Methods in Social Research (1981 Edn) (Chapters 6,7,8,10,11,12,13,14,15,16,17 and 21)
- 3.Indian Law Institute - S.K. Vermaxwani - Legal Research and Methodology Part A - Pages 68 to 138)
Part D - PP 644-680

CORPORATE GOVERNANCE

UNIT – I

Conceptual Framework of Corporate Governance

- **Historical Perspective -**
 - The East Asian Crisis of 1997-Crash of the economies of Thailand, Indonesia, South Korea, Malaysia and The Philippines – due to lack of corporate governance mechanisms
 - American corporate crises of 2001-2002 -Collapse of two big corporations: Enron and WorldCom, and the resulting collapse of Accounting Firms such as Arthur Andersen.
 - Collapse of the British Bank of Middle East due to frauds
 - Collapse of large companies like Maxwell Communication Corporation due to weak governance

- **Global Initiatives on Corporate Governance**
 - Sir Adrian Cadbury committee – to address the issues related to corporate governance in united kingdom
 - Directors’ Remuneration & Green bury Committee Report
 - Corporate governance report of Singapore government
 - Sarbanes-Oxley act, 2002 by the American congress which came into effect in July 2002 – to address all the issues associated with corporate failures to achieve quality governance and to restore investors’ confidence

- **Corporate Governance In India**
 - Sri Kumaramangalam Birla Committee
 - Naresh Chandra Committee
 - Narayan Murthy Committee

UNIT – II

Legal and Regulatory Framework of Corporate Governance in India

PART A

- Provisions of Securities Contract (Regulation) Act relating to Corporate Governance.
- Clause 49 of Listing Agreement
- SEBI Act - Rules & Regulations; Disclosure & Investor Protection Guidelines;

- Substantial Acquisition & Takeover Regulations

PART B

- Companies Act - Protection of Minority Interests (sections 397 & 398);
- The Board composition - Appointment, Reappointment, Resignation, Retirement and Removal
- Qualifications and Disqualifications of Directors
- Managing and whole-time directors and manager
- Powers of the Board, Executive and non-executive directors – Independent Directors

UNIT – II

Corporate and Board Management

- Director's duties - Business ethics and Board room ethics - Duty to avoid self dealings - Business judgment rule
- Director's accountability to the company and stakeholders - Minority shareholders' remedies
- Meetings of directors - frequency, convening, and proceedings of Board meetings - tele and videoconferencing of Board; resolution by circulation;
- General meetings - kinds of meetings; law, practice and procedure relating to convening and proceedings at general and other meetings – notice, quorum, proxy, voting including voting through electronic means, resolutions, circulation of members' resolution, etc.; postal ballot; recording, signing and inspection of minutes; role of chairman.
- Distribution of powers of a company - division of powers between Board and general meetings; acts by directors in excess of authority; monitoring and management.
- Minutes

UNIT – III

Board Committees and Role of Professionals

- Committees of the Board and their composition
- Audit committee (Section 292A) - Powers of Audit Committee - Review of information by Audit Committee – Audit Committee Charter
- Remuneration Committee
- Shareholders/Investor Grievance Committee
- The role of committees in Corporate Governance
- Key relationships - Chairperson, CEO, Company Secretary, and the

Board

Key Elements of Corporate Governance

- Role and responsibilities of the board and its committees;
- Role of a CEO/CFO/Company Secretary
- Role of Auditors
- Role of the Regulator

UNIT - IV

Corporate Governance Codes and Practices

- Commonly Accepted Principles
- Code of Conduct for Board of Directors & Senior Management
- Subsidiary Companies
- Disclosures – Related Party Transactions, Proceeds from public issues, rights issues, preferential issues etc.
- Disclosure of Director's interest in transactions;
- Whistle Blower Policy
- Risk Management and Risk Mitigation
- Report on Corporate Governance and Compliance Certificate

UNIT – V

Corporate Social Responsibility and good corporate citizenship.

- Corporate Social Responsibility and the Environment
- Human Rights aspects of Corporate Governance
- The DECD Guidelines for multinational enterprises
- Labour standards and Corporate Social responsibility

Various corporate governance forums

- Common Wealth Association for Corporate Governance (CACG),
- Organization for Economic Cooperation Development (OECD),
- International Corporate Governance Network (ICGN),
- National Foundation for Corporate Governance (NFCG), etc.

Essential Texts and references:

In addition to the standard books on corporate laws, the following books may be used as reference materials:

1. Ramon Mullerat (Ed.) : Corporate Social Responsibility
2. Brian Cheffin : Company Law, Theory Structure and Operation
3. Saleem Sheik & William Rees : (Ed.) Corporate Governance and Corporate Control
4. Xavier Vives (Ed.) : Corporate Governance
5. Prentice & Holland: Contemporary Issues in Corporate Governance

6. Kit Bingham (Ed.) : Corporate Governance Hand Book
7. John Farrar: Corporate Governance in Australia
8. Hopt & Wymeersch (Ed.) : Comparative Corporate Governance
9. Hopt (et al) (Ed.) : Comparative Corporate Governance
10. Mc Cahery (et al): Corporate Control and Accountability
11. CONCERNED COMMITTEE REPORTS.

Note: The course Teacher has to design a detailed reference for each Unit and to prescribe the relevant chapter from different texts.

Paper No.2.4

Environmental Laws

UNIT – I

The Idea of Environment: Modern concept, Conflicting dimensions, recent issues -Environment and sustainable development-National and International Perspectives - Population and Development. Trade and Environment. Development V/S Environment.

UNIT – II

Environmental Policy and Law: Role of International Agencies, WTO and Environment, Committees on Trade and Environment, Trade and Development. The World Trade Organizations (WTO) and Environmental Agreements, Major International Conventions; Stockholm to Johannesburg declaration (Rio+10) and Role of Government - Five year Plans & present scenario. The Special Economic Zone Act (SEZ) and its impact on Environment.

UNIT – III

Forest Policy and Wild life protection, Conservation strategy-Water Policy. Conservation of Natural Resources and its Management. Constitution and Environment: Right to Environment - Role of Judiciary on Environmental issues - Evolving of new Principles - Polluter pays principle - Precautionary principle - Public trust doctrine.

UNIT – IV

Prevention and Control of Pollution: An over view of Green and Brown agreements. Legal Control on Marine Pollution. Disposal of Waste, laws on waste, disposal and its control - Trans-boundary Pollution hazards & Regulation. Biological Diversity and Legal Order: Bio-diversity and Legal regulation - Utilization of flora and fauna - Experimentation on animals - Legal and Ethical issues - Genetic Engineering - Problems in Legal regulation of medicinal plants – Bio-piracy, The plant varieties Act - Wetland Conservation.

UNIT - V

Environment Protection Coastal Zone Regulation, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing, Regulation on Bio-Medical Waste and E-waste management. Environmental

Disputes and its Redressal agencies: Industrial hazards and legal issues. After math of Bhopal Disaster, Public Liability Insurance, United Nations Initiatives, Role of Non Governmental Organizations and Funding agencies, Future Initiatives.

Prescribed Books:

1. Armin Rosen Crazz - Environmental Law and Its Policy in India.
2. P.Leelakrishnan - Environmental Law in India /Cases.

Reference Books:

1. Simon ball Stuart Bell - Environmental Law.
2. Sanjay Upadhyay and Videh Upadhyay - Handbook on Environmental Laws
3. Introduction to Environmental Law – S. Shantha Kumar
4. Relevant Bare Acts/Notifications

Paper No: 2.5

LAW OF INSURANCE

UNIT – I

Contract of insurance -'basic legal concepts – types of insurance, Insurance agents and brokers –regulation of Intermediaries - regulation of insurance business.

UNIT – II

Insurable interest and insurable, value in different kinds of insurance-good faith- Terms of insurance contracts. conditions and warranties

UNIT – III

Risk-Attachment and duration of risk- excepted perils- exemption clauses-Avoidance of liability by insurers Proximate cause of loss-Recovery of losses-return of premium - subrogation and contribution- double insurance and reinsurance-Protection of the insured against excesses of the insurer - a comparative study

UNIT – IV

Law of averages- general average and particular average.

UNIT - V

Marine insurance- Deviation and change of voyage

Suggested Readings

1. E.R.Hardy Ivamy, “General Principles of Insurance Law” Butterworths
2. Halsbury’s Laws of England, Vol.25
3. B.N. Banerjee, “Law of Insurance”, 2 Vols., Law Book Company, Allhabad (1994)
4. John Birds “Modern Insurance Law”, Sweet and Maxwell.
5. Chitty on Contracts”, Vol.2, Cap 7, Sweet and Maxwell, London
6. Kenneth H. York and John W. Whelan, “Insurance Law – cases, materials and problems”, West publishing Company (1982)
7. Houseman and Davies, “Law of Life Assurance”, Butterworths, London (1984)
8. Macguillvary on insurance law
9. Raul Colinvaux “General Principles of Insurance Law”
10. Arnold on Marine Insurance

Detail syllabus

UNIT – I

Introduction, Contract of Insurance, History of Insurance, Classification and Types of Insurance.

Refer: Modern Law of Insurance by K.S.N. Murthy and K.V.S Sharma
4th edition part- I and Chapter – I (pages 3-11)

Also. Refer: E.K. Hardy Ivamy. General Principles of Insurance law 6th edition Butterworth.

Regulation of Insurance Business

Refer: IRDA chapter II page 13 – 16 (Insurance Law by KSN Murthy)

Insurance intermediaries

Refer:KSN Murthy page 129-133. Chapter 11

Basic Legal concepts – Fundamentals of insurance

Refer: Modern Law of Insurance by KSN Murthy and Dr. KVS Sharma 4th edition

OR Also refer : E.K. Hardy Ivamy General principles of Insurance Law 6th edition Butterworth.

UNIT – II

Insurable interest and insurable value (Existence of insurable interest)

Refer: Modern Law of Insurance by. KSN Murthy and Dr. KVS Sharma
4th edition pg. no 59-67 chapter 6

Also refer: Sec.18 Marine Insurance Act, 1963

Ut Most Good Faith

Refer: Raul Colinvaux's Law of Insurance, 8th edition 2006
Chapter VI page 133-248

Note: Main emphasis on : Non Disclosure and misrepresentation materiality and inducements, duty to disclosure, prudent insurer test.

Terms of Insurance Contract

Refer: Raul Colinvaux's Law of Insurance, 8th edition 2006

Chapter – VII, Main Emphasis on; Warranties, conditions and innominate terms.
(also refer: KSN Murthy, Modern Law of Insurance)

UNIT – III

Liability of Insurance, Causa Proxima, Loss and Recovery of Losses, Return of Premium

Refer: Modern Law of Insurance by KSN Murthy and Dr. KVS Sharma- 4th edition, pg. 176-197 chapter 15 and 16

The Loss

Refer: Macgillivray on Insurance Law part – I, Chapter- 19, pg. 478-515

Risk and duration of risk and causa proxima, recovery of losses, Return of Premium

Refer: Modern Law of Insurance by KSN Murthy and Dr. KVS Sharma 4th edition, page 241-250, chapter 8

Subrogation, Contribution, Double insurance and Reinsurance

Refer: Modern Law of Insurance by KSN Murthy and Dr. KVS. Sharma 4th edition pg. 241-250, chapter 21

Also Refer: For reinstatement, subrogation, Contribution and double insurance topics.

Refer: John Bird's Modern Insurance law Chapter-14, 15, 16 respectively, Pages 287-332

Reinsurance

Refer: MacGillivray on Insurance Law, Part – II, Chapter- 33, page 953-999

UNIT – IV

Law of averages, General and particular average, actual total loss and constructive total loss.

Refer: Arnoulds Law of Marine Insurance and average Volume – II, Page 915-A to 1298

Actual total loss and constructive total loss

Refer: KSN Murthy chapter 27 page 291-303

UNIT – V

Marine insurance – fundamentals, kinds of policy, voyage and perils of the sea

Refer: Modern Law of insurance by KSN Murthy and Dr. KVS. Sharma 4th edition, page 253-278

Arnolds law of Marine Insurance, Volume-1, Chapter-1, page 3 – 53

Deviation and change of voyage

Refer: Arnoulds Law of Marine Insurance and average, Chapter 14, Volume-1, Page 320-501

Also Refer: KSN Murthy Modern Law of Insurance

CONSTITUTIONAL LAW
THE NEW CHALLENGES

UNIT-I

Constitution of India; a Living and dynamic document - Judicial Process of Constitutional Interpretation involving the technique of adapting the law to meet the needs of changing social order the Principle of Federalism - Allocation and sharing of Financial resources between Union and the States - Inter State Disputes - Problems of rehabilitation of displaced persons.

UNIT - II

Center- State relationships - Federal Comity - special status of certain states- Tribunal and Scheduled areas - Need for widening the definition of "State" under Art. in view of Liberalization - Impact of Privatization on affirmative action - Empowerment of Women

UNIT - III

Challenges of new Scientific development and their impact on Freedom of press, Right to strike; Hartals and Bandhs - Emerging regimes of new rights and remedies - Reading directives and duties into Part III (Fundamental rights) Compensation Jurisprudence - Commercialization of education and its impact on Constitutional rights - Problems of Brain drain by foreign education Market

UNIT - IV

Rights of Minorities under the Indian Constitution - Secularism Vis-a-vis Religious fundamentalism - Role and function of Judiciary under a Constitutional framework adopting separation of Powers Principle - Stresses and Strains - Tribunals.

UNIT - V

Challenges to democratic processes - Criminalization of Politics and Politicization of Criminals Politician and Big business nexus - Elections, Election Commission and Electoral Reforms

Prescribed Books:

No specific bibliography 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.

Paper No.3.2

CORPORATE RESTRUCTURING AND INSOLVENCY

UNIT – I

Corporate Restructuring

- Introduction
- Meaning of corporate restructuring, need, scope and modes of restructuring,
- Historical background, global scenario, national scenario;

UNIT - II

Mergers and Amalgamations

- Meaning and concept; legal, procedural, economic, taxation and financial aspects of mergers and amalgamations;
- interest of small investors;
- jurisdiction of courts;
- filing of various forms;
- Amalgamation of banking companies and procedure related to Government companies;
- Cross border mergers.

UNIT - III

PART A

Takeovers

- Meaning and concept;
- types of takeovers;
- legal aspects – SEBI takeover regulations;
- procedural, economic, financial, and taxation aspects;;
- payment of consideration;
- bail out takeovers and takeover of sick units;
- takeover defences;

- Cross border takeovers.

PART B

Corporate Demergers and Reverse Mergers

- Concept of demerger;
- Modes of demerger - by agreement, under scheme of arrangement;
- Demerger and voluntary winding up;
- Legal and procedural aspects;
- Reverse mergers – procedural aspects

UNIT - IV

- Corporate Insolvency Introduction
 - Legal background
 - Indian law compared with Insolvency laws in other countries.
- Revival, Rehabilitation and Restructuring of Sick Companies with special reference to the law and procedure relating to sick companies.
- Securitisation Act :
 - Overview of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002; process; participants; Special Purpose Vehicle (SPV), Asset Reconstruction Companies (ARCs), Qualified Institutional Buyers (QIB).
- Debt Recovery Act :
 - Overview of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993; Tribunal, Procedure; compromises and arrangements with banks and creditors.

UNIT - V

Winding up

- Concept;
- Modes of winding up;
- Administrative machinery for winding up.
- Winding up process and procedure;
- Managing stakeholders and parties in liquidation;
- Conducting meetings of shareholders/ creditors etc.;

- Dealing with contracts;
- Managing estate;
- Outsourcing responsibilities to professionals/service providers such as valuers, security agencies, etc;
- Best practices in performing liquidation/administrator functions;
- Accountability and liabilities;
- Role of liquidators and insolvency practitioners.
- Consequences of winding up;
- Winding up of unregistered companies;
- Dissolution.

Books for Reference:

1. Weinberg and Blank - Takeovers and mergers.
2. R.Wish - Competition law (Relevant portions) S. Ramanujam - Mergers et al (2nd edn.)
3. Roy Goode - Principles of Corporate Insolvency Laws.
4. Vanessa Finch - Corporate Insolvency Law - Perspectives and Principles.
Bhandari and Weiss - Corporate Bankruptcy - Economic and Legal Perspectives.
5. Macpherson - Company Liquidation. L.S. Sealy - Insolvency law
6. Standard commentaries on Indian Companies Act. (Relevant portions)
Competition Act 2002
7. Sick Industrial Companies (special provisions) Act 1985
8. SEBI (Substantial Acquisition of shares and takeover) Regulation 1997.
9. Malhotra - Industrial laws - Vol-I (Relevant portions)
10. Kangal & Palkivala - Income Tax Act - Indian Stamp Act.

Paper No.3.3

CORPORATE AUDIT AND TAXATION

UNIT-I

Accounting & Auditing Provisions

In this unit, the provisions in the Companies Act, 1956 and related rules and regulations providing for the maintenance of the accounts of companies in the manner provided by the Act and the scope and ambit of the provisions dealing with statutory auditing are examined. The unit will give emphasis to the following topics:

- Accounting records to be maintained by companies; the form and contents of annual accounts; Disclosure Requirements
- The Directors' Report
- The Auditors' Report
- Qualifications and disqualifications of auditors
- Appointment, termination of the office of Auditors, including termination through removal
- Remuneration of Auditors
- Rights, duties and liabilities of Auditors and the constituencies to which they may be made liable
- Internal Auditing - The role of internal audit and the need for internal audit
- Statutory audit - A critical look at the role of auditors from the perspective of Corporate Governance

UNIT - II

General Framework under the Income Tax Law in India

- Nature and Scope of levy
- Residential Status
- Accrual of Income and other aspects of levy
- Legal and other aspects of incidence of Taxation
- Tax Planning versus Tax Avoidance

- Annual Finance Act and related Constitutional provisions

UNIT-III

Income Tax Law relating to Companies

- Classification and tax incidence
- Corporation tax as per Article 366
- Computation of taxable income and assessment of tax liability considering special provisions relating to companies
- Income assessable under the heads Profits and Gains of Business or Profession
- Income from Capital Gains and from Other Sources with special reference to Corporate Taxation
- Practical Problems on Minimum Alternative Tax (MAT)
- Practical Problems on Tax on distribution of dividends

UNIT-IV

Tax Planning and Tax Management

- Concept of tax planning
- Tax planning with reference to setting up a new business - locational aspects - nature of business - tax holiday, etc.
- Tax planning with regard to specific management decisions such as mergers and takeovers - location of undertaking - introduction of voluntary retirement;
- Tax planning with reference to financial management decisions such as borrowing or investment decisions – re-organisation or restructuring of capital decisions.
- Tax planning with respect to corporate reorganization
- Tax planning with reference to employees' remuneration.
- Return and procedure for assessment
- Special procedure for assessment of search cases, e-commerce transactions
- Collection and recovery of tax - refunds
- Appeals

- Advance ruling.

UNIT-V

Basic Concepts of International Taxation

- Residency issues;
- Source of income;
- Tax havens;
- Unilateral relief and Double Tax Avoidance provisions;
- Transfer pricing law in India/ International transaction/ Associated Enterprises;
- International merger and acquisitions;
- Tax provisions relating to foreign companies

Taxation of Inbound Transactions

- Taxation of passive investments;
- Capital gains & losses;
- Income taxation;
- Property taxation;
- Branch profit taxation.

Taxation of Outbound Transactions

- Foreign tax credit;
- Foreign income exclusions;
- Indirect foreign tax credit (deemed paid system vs. current pooling system);
- Controlled Foreign Corporations;
- PFIC's (Passive Foreign Investment Companies);
- Taxation of Cross border merger, acquisitions and transfers.

Books for References:

Income Tax Act, 1991

Central Excise and Salt Tax Act 1944

Customs Act, 1952

Relevant Acts and Regulations.

Paper No.3.4

INTELLECTUAL PROPERTY LAWS

UNIT-I

Concept of intellectual property, Origins, Policies and Justifications; Philosophy of Copyright and Patent laws; Intellectual property and monopoly - Economic approaches; Constitutional and Human Rights Dimensions of Intellectual Property - TRIPS and its impact on India - World Intellectual Property Organization - Functions and Policy

UNIT-II

Historical perspectives of copyright law - Indian and International; Meaning of Copyright - Its nature, scope, content and duration; Copyrightable works, Authorship, Ownership, Assignment and Licensing; Copyright in computer software; Literal and non-literal copying- Reverse Engineering and decompilation with references to Indian and English law and relevant International Convention on copyright.

Infringement of copyright; Acts not amounting to infringement, Fair use doctrine; Compulsory licensing; control of monopoly; Performer's and broadcaster's right; Moral Rights; sound recording and Video films; Civil and criminal remedies, import of infringing copies; powers, functions and procedures of authorities, relevant International copyright conventions and Indian and English law to be discussed.

UNIT-III

Historical Perspectives of Patent Law - Indian and International - Objectives of Patent Law; Balance of Interests - Requisites for Obtaining Patent - Patentable subject matter - Grant of Patents - formalities and Procedures, English, Indian and American law to be discussed.

Rights of Patentees - Assignment, Licensing, Compulsory Licensing, Scope for governmental intervention - Infringement of Patents - Remedies - Patenting of Life forms and Plant varieties - Plant breeder's rights - International Conventions on Patents. English, Indian and American law to be discussed.

UNIT- IV

Purpose of protecting trade marks - Basic principles - Trademark functions - Historical development of trade mark law - Indian and International - Trade

Mark protection under international law - Impact of TRIPS - Definition, Kinds and use of Trade Mark - Property in trade mark - Certification Trade Mark Textile Trade Marks, Collective Marks - Domain Name.

Registration of Trade Marks - Opposition, Procedure - Powers of Registrar - Concept of distinctiveness What marks are registrable and what marks are not registrable - Similarity - Near Resemblance and Deceptive Similarity - Effect of Registration - Rectification.

Infringement of Trade Mark - Action for infringement - Passing off Actions - Offences and Penalties Cyber Equating - Fraud - Evidence in Trade Mark Proceedings - Authorities - Registrar - Appellate Board - Resolution of domain name disputes - Emerging trends.

UNIT- V

Industrial Designs - Background - Registered Designs - Unregistered Designs - Geographical appellations - Integrated Circuits - Emerging trends.

Confidential Information; Historical development and conceptual basis - When is information confidential Obligation of confidence - Good faith, Fiduciary duty, employee in which ex-employee; unauthorized use, Remedies - confidential information on property - Trade secret misuse - privacy.

Books for References:

1. W.R. Cornish - Intellectual Property Rights, 4th edn Sweet & Maxwell, 1999.
2. Paul Torremans and Jan Holyoak - Intellectual Property Law, 2nd edn. Butterworths, 1998.
3. Catherine Colstone - Principles of Intellectual Property Law, Cavendish, London, 1999.
4. R.G, Chaturvedi (ed.). Iyengar's The Copyright Act '957, 6th edn. Butterworths India, 2000.
5. A.S. Srivastava (ed.) Lal's Commentary on Law of Copyright, 3ed edn. 1999. Delhi Law House.
6. Copinger & Skone James - Copyright, 13th edn. Sweet & Maxwell, London.
7. Donald S. Chishum, CA Nard H.F. Schwartz et. Al., Principles of Patent Law; Cases and Materils, Foundation Press, new York, w998.
8. P. Narayanan - Patent Law, 3rd, end, Eastern Law House.
9. K.V. Swaminathan - Guiding Principles in the Decisions on Patent Law,

- Bahari Brothers, Delhi, 2000.
10. N.R. Subbaram - Patent Law.
 11. Bibek Debroy (ed.) - Intellectual Property Rights.
 12. David I Brain Bridge -Intellectual Property 5th Edn. Pearson Edges 2000
 13. Rodneg D. Rayder - Intellectual Property and the Internet, lexus nexus, Butterwards 2000
 14. P.Narayanan· Intellectual Property Law, Eastern Law House, Calcutta.
 15. P. Narayanan - Law of Trade Marks (Trade Marks Act 1999) and Passing-off, Eastern Law House, Calcutta, 2000.
 16. P. Narayanan - Trade Mark Trade Name and Passing of Cases, Eastern Law House, Calcutta 1977.
 17. J.S. Sarkar - Trade Marks; Law and Practice, Kamal Law House, Calcutta, 2000.
 18. S. Venkateswaran - The Law of Trade Marks and Passing-off, Reprint 1999.
 19. Kailsam K.C., Law of Trade Marks & Geographical Indications 2nd edn, Wadhva & Co., Nagpur 2005
 20. Phillip Cullet, Intellectual Property Protection and sustainable Development, lex us nexus, Delhi 2005
 21. Mittal P.K. & Chadha, Supreme Court on Trade Marks, Copy Right, Patent & Design 1985-2004, Om Law Book House, New Delhi, 2004

Paper No.3.5

Choice Based Scheme/ papers

Choice Based Scheme.(Any One of the following)*

- Intellectual Property Laws offered by the College for non – Law students.
- 1) Socio-psychological Issues and Social work Intervention.
 - 2) Hormones and their Biotechnological applications.
 - 3) Biomolecules.
 - 4) Biochemistry of Nutrition.
 - 5) Theory and practice of international trade
 - 6) Strategic Management

Paper No.4.1**SEMESTER-IV**

Dissertation Paper for 200 Marks

(Dissertation Submission - 150 marks, 15+15 marks for two presentations & 20 marks for viva)

Paper No. 4.2.**ALLIED CORPORATE LAWS AND PRACTICE****UNIT – I****FEMA – Law and Practice**

Objectives and definitions under FEMA., Current account transactions, Capital account transactions, Foreign direct investment in India and abroad, Acquisition and transfer of immovable property; Establishment in India of branch, office etc; Export of goods and services; Realisation and repatriation of foreign exchange, Authorised person, penalties and enforcement. Foreign contributions and hospitality; Exemptions, powers of Central Government, Adjudication and appeal; Offences and penalties.

UNIT – II**Consumer Protection Act**

Rights of consumers; Nature and scope of remedies; Duties of the Corporate sector in protecting the consumer interest, Appearance before Consumer Dispute Redressal Forums.

Competition Act - Law and Practice

Concept of competition, Development of competition law, Overview of MRTP Act; Competition Act, 2002 - anti competitive agreements, abuse of dominant position, combination, regulation of combinations, Competition Commission of India; Appearance before Commission, Compliance of Competition Law.

UNIT – III

MSME-ACT

Foreign Trade Policy and Procedures

Main features; Served from India scheme; Export promotion council; Vishesh krishi and gram udyog yojana; Focus market scheme; Duty exemption and remission schemes; Advance authorisation scheme and DFRC, DEPB, EPCG, etc; Eous, ehtps, stps, bpts and sezs.

* Foreign Trade (Development and Regulation) Act, 1992

UNIT-IV

Law and Human Resources- Welfare and security of workers as policies of development- collective bargaining- role of trade union.

Dispute settlement machinery and mechanism under Industrial Dispute Act- State Intervention in Industrial Disputes- industrial sickness and rehabilitation.

UNIT – V

Managerial prerogatives – extent and limitation – lay-off, lock-out, retrenchment, closure- provisions relating to safety, welfare, cleanliness – working conditions in industrial establishment, Factories Act.

References:

1. Relevant Acts and rules.
2. Consumer Protection law in India by; D.N.Saraf
3. Law of Consumer Protection. By; Dr. Avtar Singh
4. Relevant Acts and regulations.
5. Relevant Government Policies and Schemes.
6. O.P. Malthora Industrial Disputes Act. Vol. I & II
7. Srivastva, Factories Act, 1948.

Unit - I.

Evolution of Banking System – Banking and the economy – Banking Companies and NBFCs – Regulatory Framework – Central Banking function – its aims and objectives – Reserve Bank control over banks in India – Powers and functions of RBI.

Unit- II

Banker – customer relationship – bank as borrowers – customer accounts – confidentiality – duties of paying and collecting bankers – transactional and advisory liability – Lending by banks – RBI control over loans and advances. Securities for loans – Recovery of Loans – Securitization.

Unit - III

Agency services by banks – banks and capital markets – trade financing – letters of credit – bank guarantees – Consumers of banking services – protection against deficiency in banking services.

Unit - IV

New avenues of banking law – international banking – electronic banking – credit cards – money laundering – bank assurance – its regulatory framework

Unit - V

Negotiable instruments – negotiability – Promissory note – Bills of exchange – Cheques Drawer – Drawee – holder – holder in due course – holder for value – crossing negotiation – endorsement – presentment – Discharge from liability – cheque as security – noting – reasonable time – dishonor – liability

Suggested Readings:

- 1 M.L. Tannan, "Tannan's Banking Law and Practice in India", India Law House, New Delhi.
- 2 S.N.Gupta, "The Banking Law in theory and Practice" Vol. I & II, Universal Law Publishing Co.
- 3 Ross Cranston, "Principles of Banking Law", Second edition (2001) oxford University Press, Oxford
- 4 Chorley and Smart, "Leading cases in the Law of Banking" Sweet and Maxwell
- 5 M.S.Parthasarathy, "Banking Law – Leading Indian Cases"
- 6 L.C.Goyle, "Law of Banking and Bankers", Eastern Law House (1995)
- 7 R.R.Pennington et.al' "Commercial Banking Law", Macdonald and Evans Ltd.
- 8 S.N.Gupta, "Dishonour of Cheques Liability Civil and Criminal", Universal Book Traders, (1992)
- 9 Lord Chorley, "Law of Banking", Sweet and Maxwell
- 10 Paget, Law of Banking
- 11 Sheldon and fiddler, law of banking
- 12 BYLES on Bills of Exchange
- 13 O.P.Faizi "Khergamwala's Negotiable Instruments Act" BUTTER WORTHS
- 14 Chalmer's Bills's of Exchange
- 15 Adiga, Negotiable Instruments Act (2000), Bharat law house

Paper No. 4.4

COMMERCIAL TRANSACTIONS

UNIT – I

Introduction to International Commercial Transactions

Definition, Nature and Scope of International Commercial Transactions.

Approach to International Commercial Transactions- Unification
Conventions 1979 Hague Convention

Model Law- UNCITRAL Model on International Commercial Arbitration
1985

UNIT – II

Transportation of Goods Act I

- The Carrier Act of 1865
(India)
- Indian Bill of Lading of 1856
- Indian carriage of goods by sea Act 1925

UNIT III

The York Antroup rules 1950

The UN convention on the Carriage of Goods by Sea 1978 (also called as
Hamburg Rules)

UN convention on International Multi-Modal Transaction
of goods The multi-Modal Transportation of Goods Act
1993.

UNIT-IV

National And International Sale of Goods

UN Convention on International Sale of Goods

1980 Select Provisions of Sale of Goods Act

International Trade Terms - Inco Terms

UNIT- V

Settlement of International Trade disputes

Nature of Trade Disputes

UNCITRAL Model on International Commercial arbitration 1985

Indian Arbitration and Conciliation Act - 1196
 The Newyork Convention on Recognition and Enforcement of foreign
 Arbitral Award 1958.

Annexure - II

Implementation of the choice based Scheme:

It was proposed to implement the choice based scheme as per the directions of the University of Mysore. In this regard, a separate P.G Dept. Chairman's meeting was called, and all the P.G. Department of the JSS Autonomous Colleges are agreed to implement CBS Scheme in the III Semester in their P.G. Programme. Hence, JSS Law College has prepared a syllabus and resolved to offer Intellectual Property Law to the Students of other P.G. Course. (Non-law students).

Subjects offered	---	P.G.Department
1. Intellectual Property law	---	P.G.Dept of law, J.S.S. Law College, Mysore.
2. Theory and Practice of International Trade-		P.G.Dept, of Economics J.S.S.College,S.S puram.Mysore.
3. Strategic Management		P.G. Dept Of Commerce. J.S.S.College,S.S puram.Mysore.
4. Hormones and their Biotechnological applications	-	P.G.Dept of Bio-technology J.S.S. Maim College,OotyRoad,Mysore.
5. Socio – psychological Issues and Social work	-	P.G.Dept of Master of Social Welfare J.S.S. Maim College,OotyRoad,Mysore.
6. BioMolecules	-	P.G.Dept of Bio-Chemistry J.S.S. Maim College,OotyRoad,Mysore.
7. Bio Chemistry of Nutrition	-	P.G.Dept of Bio-Chemistry

CBS Scheme:

III SEMESTER

INTELLECTUAL PROPERTY LAW **[Offered by the JSS Law College for the non- Law students]**

UNIT – I

The meaning of Intellectual Property and Industrial Property - Historical evolution of Intellectual Property law – Juridical nature of the rights – The forms of Intellectual Property: Copyright, Trademarks, Patents, Designs, Geographical Indications, Integrated Circuits – Rationale for protection of rights in copyright, trademarks, patents, designs - International legal development.

UNIT – II

Meaning of Patent. Historical evolution of the concept of patent; TRIPs provisions on patent and impact there of on Indian Law - Acquisition and loss of the right to the patentee - Grounds of opposition – Limited locus standi, -Wrongfully obtaining the invention - Prior publication - Obviousness or lack of inventive step - insufficient description. Rights conferred by patents and obligation of patentee- Patents as chose in action - Duration of patent - Use and exercises of rights, right to secrecy - Abuse of patent rights - Compulsory licensing. Utility models - Employee's inventions - Transfer of technology patents. Biotechnology and Law-Patenting Biotechnological Inventions -Plant varieties protection-Geographical Indicators -Protection of Traditional Knowledge.

UNIT - III

Historical evolution of Trademark Law - TRIPs provisions on Trademark and impact there of on the Indian Law. Definition of trademarks - Registration of trademarks – Rights conferred - Registered user - Assignment and transmission -Well-Known Trademarks, domain name, collective trademark

UNIT – IV

Historical evolution of Copyright law- TRIPs provision on copyright and its impact upon India Law-Definition of copyright-Copyright in literary, dramatic and musical works, cinematograph films, computer software, etc-Ownership of copyright-Author's Special rights-Infringement-Fair use provisions

UNIT – V

Significance of remedies in Intellectual Property Law; Civil remedies – Injunctions, account of profit, damages Criminal remedies-Remedies for infringements of patents,

onus of proof, defences, Action for Passing off and infringement of trademark-Remedies for infringement of copyright-Legal Practice in IPR.

* * *

Prescribed Books:

P. Narayanan - Intellectual Property Law

B. L. Wadehra – Intellectual Property Law Handbook

Reference Books:

WIPO Reading Material on Intellectual Property Law

Brainbridge, David – Cases and Materials in Intellectual Property Law, 2nd ed. London, Pitman Publishing 1999.

Cornish W.R. - Cases and Materials in Intellectual Property Law, 3rd Ed, Sweet & Maxell 1999.

Patents (Amendment) Act, 2002

Copy Right Act, 1957

Trade Marks Act, 1999.

The Biological Diversities Act, 2002

The Protection of Plant Varieties and Farmers' Right Act, 2001

Geographical Indications of Goods (Registration and Protection Act, 1999).

