Vidyasagar University

Faculty of Arts

Post Graduate Syllabus in

LL.M

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COURSE STRUCTURE

FOR TWO YEAR LL.M DEGREE

COMPULSORY PAPERS

SEMESTER-I		FULL MARKS
PAPER – LL.M 101	JURISPRUDENCE	100
PAPER – LL.M 102	LAW & SOCIAL TRANSFORMATION IN INDIA	100
PAPER – LL.M 103	THE INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES	100

SEMESTER– II		FULL MARKS
PAPER – LL.M 201	JUDICIAL PROCESS	100
PAPER – LL.M 202	LEGAL EDUCATION & RESEARCH METHODOLOGY	100
PAPER – LL.M 203	a) DISSERTATION (On any one of the above papers taught at Semester I & II)	100 (50+50)
	b) VIVA VOCE	

SEMESTER– III

SPECIALIZATION PAPERS

ENVIRONMENTAL LAW (COMPULSORY SPECIALIZATION PAPER)		FULL MARKS	BUSINESS LAW (COMPULSORY SPECIALIZATION PAPER)		FULL MARKS
LL.M 301	ENVIRONMENT AND DEVELOPMENT- LAW AND POLICY	100	LL.M 301	LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY	100
LL.M 302	PREVENTION AND CONTROL OF POLLUTION	100	LL.M 302	BANKING LAW	100
LL.M 303	BIOLOGICAL DIVERSITY & LEGAL ORDER	100	LL.M 303	INSURANCE LAW	100
*Candidate have to choose one specialization Paper either Environmental Law or Business Law in 3rd Semester and that to be continued in 4th Semester.					

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SEMESTER– IV

SPECIALIZATION PAPERS

ENVIRONMENTAL LAW (COMPULSORY SPECIALIZATION PAPER)		FULL MARKS	BUSINESS LAW (COMPULSORY SPECIALIZATION PAPER)		FULL MARKS
LL.M 401	ENVIRONMENT & INTERNATIONAL LEGAL ORDER	100	LL.M 401	CORPORATE FINANCE	100
LL.M 402	CONCEPT OF HUMAN RIGHTS AND PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA	100	LL.M 402	CONCEPT OF HUMAN RIGHTS AND PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA	100
LL.M 403	a) DISSERTATION (On any one of the above papers in environmental law specialization taught at Semester III & IV) b)VIVA VOCE	100 (50 + 50)	LL.M 403	a)DISSERTATION (On any one of the above papers in Business Law specialization taught at Semester III & IV) b)VIVA VOCE	100 (50 + 50)
*Candidate have to choose one specialization Paper either Environmental Law or Business Law in 3rd Semester and that to be continued in 4th Semester.					

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COURSE OBJECTIVE:

The aim of the Course is to develop the capacity of the students to face the challenging task ahead of them by a structural and legal way.

1. Total Marks of 2 Yrs. LL.M Course 1200 Marks.

2. Pass Marks for each subject 40 Marks.

3. Aggregate for passing LL.M examination 50 percent of total marks.

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DETAILED SYLLABUS OF LL.M

SEMESTER – I

PAPER– LL.M 101: JURISPRUDENCE **Full Marks-100**

1.1 Nature of Jurisprudence, Concept of Legal Theory
1.2 Meaning of Law: Law, Justice, Ethics and Morality
1.3 Theories of law: Historical, Positive, Realism, Natural and Sociological
1.4 (i) Basis of justice
(ii) The relation between Law and Justice
(iii) Law and Morality.
1.5 Classification and Categorization of Rights
(i) Constitutional
(ii) Rights Protected by IPC and Cr.P.C
(iii) New Rights generated is case Laws: A-21 of the Constitution of India.
(IV) Types of Rights

Selected Bibliography

1. W W Friedmann – Legal Theory
2. R.W Dias – Jurisprudence
3. Lon L Fuller – Mortality of Law
4. John Austin – Lectures on Jurisprudence
5. W W Friedmann – Law is a changing society
6. Roscoe – Ideal Element of Law (CU) TL
7. W W Friedmann – Law and Morals
8. John Rawls – Theory of Justice
9. H L A Hart – The Concept of Law
10. Dennie Lloyd – On Jurisprudence
11. J. Stone – Law and Justice
12. Salmond – Jurisprudence

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PAPER – LL.M 102: LAW & SOCIAL TRANSFORMATION IN INDIA

Full Marks-100

1.1 Law and Social Change

1.2 Law as an Instrument of Social change

1.3 Law as the product of traditions and culture criticism and evaluation in the light of Colonization and the introduction of common Law system and institutions in India and its impact on further development of Law and Legal institutions in India.

1.4 Religion and Law

1.5 Religion as a divisive factor

1.6 Secularism as a solution to the problem

1.7 Reform of the Law on Secular Lines problems

1.8 Freedom of religion and non – discrimination on the basis of religion.

1.9 Religious Minorities and the Law

1.10 Community and the Law

1.11 Caste as a divisive factor

1.12 Non – discrimination on the ground of caste.

1.13 Acceptance of caste as a factor to undo past – injustices.

1.14 Protective discrimination scheduled castes, tribes and backward classes

1.15 Reservation statutory Commissions, statutory provisions.

1.16 Women and the Law

1.17 Crimes against Women, cruelty and Dowry death, Outraging Modesty of woman, offences relating to Miscarriage, sexual offences (only rape).

1.18 Social Political and economic empowerment Reservation policy in parliament and local governments.

2.1 Laws relating Women –

The Dowry Prohibitions Act, 1961

The Immoral Traffic (Prevention) Act, 1956

The Protection of Women from Domestic Violence Act, 2005.

The Maternity Benefit Act, 1961

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Guidelines in VishakaVs State Rajasthan, AIR 1997 SC3011

The Commission for Women:

Modernization as a Value: Constitutional perspectives reflected in the fundamental duties.

Modernization of Social institutions through law.

Civil Law: (ADR) Confrontation vs. consensus, mediation and conciliation, Lok Adalats.

Prison reforms.

SELECTED BIBLIOGRAPHY

1. Mare Galanter (ed.) – Law and Society in Modern India.
2. Duncan Derret – The State, Religion and Law in India.
3. UpendraBaxi – The Crisis of the Indian Legal system
4. H.M. Seervai – Constitutional Law of India
5. D.D. Basu – Constitution of India
6. M.P. Jain – Indian Constitutional Law
7. ILI – Law and Social Change.
8. MohiniGiri– Emancipation and Empowerment of Women in India.

PAPER –LL.M 103: THE INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Full Marks-100

1.1 Federalism: Definition of federalism, Different types of federalism.
1.2. Indian federalism in time of emergency.
1.3 Center's responsibility and internal disturbance.
1.4 Directions of the center to the state under Artical-356 and 365.
2. Right to equality: - Privatization and its impact or affirmative action.
3. Freedom of Press:-
3.1 Freedom of speech and right to broadcast and telecast.
3.2 Right to strike, Hartal and Bandh (with decided cases).
4. New Rights and Remedies:-

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4.1 Compensation Jurisprudence.
4.2 Right to Education and the Right of children to Free and Compulsory Education Act, 2009.
5. Right of Minorities:-
5.1 Right of Minorities to establish and administer educational Institutions and state control.
6. Separation of Powers: - Stress and Strain
6.1 Meaning.
6.2 Judicial activism, over activism.
6.3 PIL: - Implementation.
6.4 Checks and balances.
7. Democratic Process and Election Process:-
7.1 Election and the Representation of the Peoples Act, 1951.
7.2 Election Commission: - Status.
7.3 Electoral Reform if any.
7.4 Decentralization of power at the grass root level and Local Self Government.
7.5 The West Bengal Panchayat Act, 1973.

SELECTED BIBLIOGRAPHY

1. HM Sheervai –Constitutional Law (Two Vols)
2. M.P Singh– Constitutional Law
3. M.K.C.J Kagzi– The Constitutional of India
4. DD Basu– The Constitution
5. ILI – Constitutional Development since Independence.
6. A.V Dicey– Constitutional Law
7. Wade & Phillips– Constitutional Law
8. AIR (Publication) – Constitutional Law of India Vol- I &Vol-II
9. V.N. Shukla– Constitution of India, Edited by M.P. Singh
10. R. Pathak– Legislative and Ordinance making Power of the President and the Governor
11. J.N. Pandey– The Constitutional Law of India.

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SEMESTER–II

PAPER– LL.M 201: JUDICIAL PROCESS Full Marks-100

4. **Nature of Judicial Process:-**

4.1 Judicial process as an instrument of social ordering

4.2 Judicial process and creativity in Law: Common Law Model- Legal reasoning and growth of law- change and Stability.

4.3 The tools and techniques of judicial creativity and Precedent.

4.4 Legal development and creativity through Legal reasoning under statutory and codified system.

4.5 Special Dimensions of Judicial Process in Constitutional adjudications:-

4.5.1 Notions of judicial review.

4.5.2 Role in Constitutional adjudicating- various theories of Judicial role.

4.5.3 Tools and techniques in Policy – Making and Creativity in Constitutional adjudication.

4.5.4 Variants of Judicial and Juristic activism.

4.5.5 Problems of Accountability and Judicial Law making.

4.6 **Judicial Process in India:-**

4.6.1 Indian debate on the role of judges and on the notion of judicial review.

4.6.2 The Independence of judiciary and the 'Political' nature of judicial process.

4.6.3 Judicial activism and creativity of the Supreme Court the tools and techniques of creativity.

4.6.4 Judicial process in pursuit of Constitutional goals and values – new dimensions of judicial activism and structural challenges.

4.6.5 Institutional Liability of Courts and judicial activism – scope and limits.

4.7 **The Concept of Justice:-**

4.7.1 The Concept of Justice or Dharma in Indian thought.

4.7.2 Dharma as the foundation of legal ordering in Indian thought.

4.7.3 The Concept and Various theories of justice in the Western thought.

4.7.4 Various theoretical basis of justice:-

The Liberal contractual tradition, the Liberal utilitarian tradition and the Liberal moral tradition.

4.8 **Relation between Law and Justice:-**Judicial Interpretation of enacted laws – Basic Principles

4.8.1 Equivalence Theory- Justice as nothing more than the positive law of the stronger class.

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4.8.2 Dependence theories- For its Realization Justice depends on law but justice is not the same as law.
4.8.3 The independence of justice – the relationship in the context of the Indian Constitutional ordering.
4.8.4 Analysis of selected cases of Supreme Court where the judicial process can be seen as influenced by theories of justice.
4.8.5 Judicial interpretation of enacted Laws- Basic Principles.
4.8.6 Adjudicatory Process.

SELECTED BIBLIOGRAPHY

1. Julius Stone – The Province and Function of Law.
2. Cardozo – The Nature of Judicial Process (1995) Universal, New Delhi.
3. Henry J. Abraham – The Judicial Process (1998) Oxford.
4. J. Stone Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth's.
5. W. Freidmann – Legal Theory (1960) Stevens, London.
6. Bodenheiner, Jurisprudence – The Philosophy and method of Law (1997) Universal Delhi.
7. J. Stone – Legal System and lawersReasoning (1999) Universal Delhi.
8. U. Baxi – The Indian Supreme Court and Politics (1980) Eastern, Lucknow.
9. Rajeev Dhavan,The Supreme Court of India – A Socio – Legal Critique of its Juristic Techniques (1977) Tripathi, Bombey.
10. John Rawls – A Theory of Justice (2000), Universal.
11. Edward H. Levi – An Introduction to Legal Reasoning (1970) University of Chicago.

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PAPER–LL.M 202: LEGAL EDUCATION & RESEARCH METHODOLOGY

Full Marks-100

5.1 Objective of Legal Education
5.2 Lecture Method of Teaching – Merits and Demerits
5.3 Problem Method
5.4 Discussion Method and its suitability at P.G Level teaching.
5.5 The Seminar Method of Teaching.
5.6 Examination system and problems in evaluation– External and Internal assessment
5.7 Student participation in Law School programmes Organization of Seminars, Publication of Journal and assessment of teachers.
5.8 Clinical Legal Education – Legal Aid, Literacy, Legal Survey and Law Reform
5.9 Research Methods
5.9.1 Socio – Legal research
5.9.2 Doctoral of Empirical Research
Relevance Empirical Research Induction & Deduction
5.10 Identification of Problem of Research:
5.10.1 What is research problem
5.10.2 Survey of available Literature and bibliographical research.
5.10.3 Legislative materials including subordinate Legislation, notification and policy statements
5.10.4 Decisional materials including foreign decisions, methods of discovering the " rule of the case" tracing the history of important cases and ensuring that – these have not been overruled, discovering judicial in the reasons thereof.
5.10.5 Juristic writings to survey of Juristic literature relevant to select problems in India and foreign periodicals.
5.10.6 Compilation of list of reports or special studies conducted relevant to the problem.
5.11 Preparation of Research Design:-
5.11.1 Formulation of Research Problem
5.11.2 Devising tools and techniques for collection of data: - Methodology.
Methods for connection of statutory and case Materials and Juristic Literature.
Use of historical and comparative research material
Use of observation studies

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Use of questionnaires/ interview

Use of case studies

Sampling procedure – design of sample, type of sampling to be adopted.

Use of scaling techniques.

Jurimetrics.

5.11.3 Computerized Research – A study of Legal Research Programmes such as Lexis and West Law coding.

5.11.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data.

5.11.5 Analysis of data.

SELECTED BIBLIOGRAPHY

1. High Brayal, Nigel Dumean and Rechard Crimes, Clinical Legal Education – Active Learning in your law School (1998) Blackstone Press Limited London.
2. S.K. Agrawal – Legal Education In India (1973) Tripathy, Bombay

N. R. MadhavMenon (ed) – A Hand Book of Clinical Legal Education (1998). Eastern Book Company, Lucknow.

3. MO Price, H Bitner and Bysiewiez – Effective Legal Research (1978)

Pauline V. Young – Scientific Social Survey & Research (1962)

4. William J Grade and Paul K Hatt – Method is Social Research, MC Graw Hill Book Company, London
5. H M. Hyman– Interviewing in Social Research (1965)
6. Payne – The Art of asking Question (1965)
7. Evwin E. Surrency, B Field and J. Crea – A Guide to Legal Research 1959.
8. Morris L. Chohan– Legal Research in nutshell. (1996), West Publishing Co, Harvard Law Review Association, Uniform system of Citations, ILI Publication, Legal Research and Methodology.

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PAPER–LL.M 203: DISSERTATIONSAND VIVA-VOCE (*On any one of the above papers taught at Semester I& II*) Full Marks-100 (50 + 50)

Instruction– the Principal / Course Co-Coordinators / HOD of the department will notify the Dissertation title for each student. A candidate shall prepare the Dissertation (minimum 80 pages and maximum 120 pages in A4 size paper and submit his/her soft and hard copies of the Dissertation before seven days the date of examination for Valuation. The students should follow proper legal citation system and Dissertation guideline while preparing the Dissertation. The Viva Voce will be conducted on the dissertation subject. The topic of each student shall be separate. The dissertation should be typed in A4 paper and it should be neatly typed in 1.5 space gap in between two lines. The dissertation record and Viva contain 100 marks. The Viva Voce will be conducted by the external examiner appointed by the Controller of Examinations of Vidyasagar University. The students should consult with his/her guide while preparing the dissertation.

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SEMESTER– III

SPECIALIZATION: ENVIRONMENTAL LAW

Paper– LL.M 301: ENVIRONMENT AND DEVELOPMENT - LAW AND POLICY

Full Marks-100

1. Idea of Environment
   (i) Development
   (ii)Population Environment and Development
   (iii)Constitutional Perspective

2. STOCKHOLM CONFERENCE (DECLARATION) 1972
   Conference on Human Environment
   UN Environment programme(UNEP) Action Plan
   Responsibility entrusted on states and their polices

3. NAIROBI DECLARATION – 1982

4. **Convention for the protection of WORLD CULTURE AND HERITAGE– 1972**

5. Some Conventions held under WHO, ILO, Etc.

6. VIENNA CONVENTION FOR THE PROTECTION OF OZONE LAYER– 1985.

7. **Rio-de-Janeiro (Rio Conference) 1992**

8. Environment and Development (UNCED) or Earth Summit.

9. Some International cases on the protection of environment and development.

SELECTED BIBLIOGRAPHY

1. C.M. Abraham – Environmental Jurisprudence in India.
2. Kailash Thakur – Environmental Protection– Law and Policy in India.
3. Leelakrishnan P – Law and Environmental
   The Environmental Law in India
4. Chaturvedi and Chaturvel – Law on Protection of Environment and Prevention of Pollution.
5. D. Hughes – Environmental Law.

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PAPER– LL.M 302: PREVENTION AND CONTROL OF POLLUTION

Full Marks-100

1. Meaning of pollution and kinds of pollution and their impact.
2. Pollution of Water, pollution of Air and Noise pollution.
3. Disposal of Water.
4. Sanctions against pollution.
5. Courts and Tribunal.
6. Relevant Legislation (to control the pollution).

(a) The Water (Prevention and control of Pollution Act, 1974)
(b) The Air (Prevention and Control of Pollution) Act 1981.
(c) The Environment Protection Act 1986.
(d) The Indian Forest Act 1927.
(e) The Wild Life Protection Act 1972.
(f) The Forest (Conservation) Act 1980.
(g) The Biological Diversity Act 2002.
(h) The ST and other Traditional Foreign Dwellers (Recognition of forest rights) Act 2006.
(i) The National Environment policy– 2006.
(j) Constitutional Provisions – 42nd (Amendment) Act 1976.
(k) Art– 2, 48A, 51A (g).few relevant cases on Environmental pollution.
(l) Noise Pollution (Regulation and Control Rules– 2000).
(m) Indian Penal Code– Sec– 268, 295.
(n) National Green Tribunal Act– 2010.
(o) The National Environment Tribunal Act– 1995.

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1. C.M. Abraham – Environmental Jurisprudence in India.
2. Kailash Thakur – Environmental Protection– Law and Policy in India.
3. Leelakrishnan P – Law and Environmental

The Environmental Law in India

4. Chaturvedi and Chaturvel – Law on Protection of Environment and Prevention of Pollution.
5. D. Hughes – Environmental Law.
6. S.K. Nanda – Environmental Law.

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PAPER– LL.M 303: BIOLOGICAL DIVERSITY & LEGAL ORDER

Full Marks-100

1. Meaning of Bio- Diversity, Need for protection dependence of Human life on the existence of Flora and Fauna.
2. Significance of wild life, Medicinal Plant and Micro Organism.
3. Bio Diversity and Legal Regulation.
4. Concept of sustainable Development.
5. Legal Frame work for development and Protection of sanctuaries and Medicinal plants.
6. Kyoto Protocol (conference on Global Warming 1997(2005–2012).
7. World summit on sustainable development (WSSD) in Johannesburg, 2002.
8. (a) Bali Action Plan 1999 (13^{th} conference held on Decemember–2007).

(b) REED and REED PLUS – Reduction of Emissions due to deforestations and Environmental degradation.

9. U.N Frame work Convention on climate change (Rio Conference 1992).
10. Copenhagen Convention, 2009.
11. Cancun Conference–2010.
12. Convention on Biological Diversity Act, 1992.
13. The Biological Diversity Act, 2002. (Clear Develop mechanism).
14. The Antarctic Treaty 1959.

SELECTED BIBLIOGRAPHY

1. A.P. Nagone – Biological Diversity and Environmental Law.
2. M.P. Swaminarthan – Genetic Conservation etc.
3. P.N Bhat – The Biological Diversity Act, 2002.
4. Johannesburg Deliberation on sustainable Development, 2002.
5. S.K. Nanda – Environmental Law – Central Law Publication.

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SEMESTER-III

SPECIALIZATION: BUSINESS LAW

PAPER – LL.M 301: Law of Industrial and Intellectual Property

Full Marks-100

1. IPR and International Perspective.
2. Trademark and Consumer Protection (Study of UNCTAD report on the subject).
3. The Legal Regime of Unfair Trade Practice and Intellectual Industrial Property.

3.1. United Nation Approaches (UNCTAD, UNCITRAL, WIPO – Convention).
3.2. EU approaches
3.3. Position in U.S.
3.4. The Indian situation, Competition Act.

4. Special Problems of the statues of computer software, Copyright and Patent Law: A comparative study.
5. Biotechnology Patents:

5.1. Nature and types of Biotechnology Patents.
5.2. Patent over new forms of life: TRIPS obligation.
5.3. Plant Patenting.
5.4. Sui generis protection for plant Varieties.
5.5. Multinational Ownership.
5.6. Regulation of environment and health hazards in biotechnology patenting.
5.7. Indian Policy and position.

6. Intellectual Property and Human Rights

6.1. Freedom of speech and expression as the basis of the regime of intellectual property right – Copyright protection on internet – WCT (WIPO Copyright Treaty, 1996).
6.2. Legal Status of hazardous research protected by the regime of Intellectual Property Law.
6.3. Human Right of the impoverished masses Intellectual property protection of new products for Health care and food security
6.4. Traditional knowledge – protection, biodiversity convention, right of indigenous people.

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Special attention should be given to literature of the U.N. System, WIPO and the UNESCO Terrenee P Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986– 1994) the end. Game (part– 1) (1999), Kluwer.

Iver P Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.

David Bainbridge, Software Copyright Law (1999), Butterworths.

Sookman, Computer Law (1998),Carswell

Carios M Correa (ed.), Intellectual Property and International Trade (1998), Kluwer

Patent Co-Operation Treaty Hand Book (1998), Sweet and Maxwell.

Christopher Wadlow, The Law of Passing– off (1998), Sweet and Maxwell.

W.R. Cornish, Intellectual Property Law (1998), Sweet and Maxwell.

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PAPER– LL.M 302: BANKING LAW **Full Marks-100**

1. INTRODUCTION

1.1. Nature and Development of Banking.

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

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

2. LAW RELATING TO BANKING COMPANIES IN INDIA

2.1. Control by Government and its agencies.

2.1.1. On Management

2.1.2. Reconstruction and reorganization

2.1.3. Suspension and winding up.

2.2. Banking Regulation Act, 1949. (Amendment 2007).

3. DEPOSIT INSURANCE

3.1. The Deposit Insurance Corporation Act 1961: objects and reasons

3.2. Establishment of capital of DIC

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

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

4. THE CENTRAL BANK

4.1. Evolution of central bank.

4.2. Characteristics and functions

4.3. Economic and Social objectives

4.4. The Central bank and the State – as banker's bank.

4.5. The Reserve Bank of India and Central Bank

4.5.1. Organizational structure

4.6. Functions of RBI

4.6.1. Regulation of monetary mechanism of the economy

4.6.1.1. Credit control

4.6.1.2 Exchange control

4.6.1.3 Monopoly of currency issue

4.6.1.4 Bank rate policy formulation.

4.7. Control of RBI over Non – Banking companies

4.7.1 Financial Companies

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4.7.2 Non Financial Companies

5. RELATIONSHIP OF BANKER AND CUSTOMER

5.1. Legal character
5.2. Contract between banker and customer
5.3. Bankers lien
5.4. Protection of bankers
5.5. Customer
5.5.1. Nature and type of accounts
5.5.2. Special classes of customer– lunatics, minor, partnership and corporation, local authorities.
5.6. Banking duty to customers
5.7. Consumer protection: banking as service

6. NEGOTIABLE INSTRUMENTS

6.1. Meaning and kinds
6.2. Transfer and negotiations
6.3. Holder and holder in due course
6.4. Presentment and payment
6.5. Liabilities of parties.

7. LENDING BY BANKS

7.1. Good lending principles
7.1.1. Lending to poor masses
7.2. Securities for advances
7.2.1. Kinds and their merits and demerits
7.3. Repayment of loans: rate of interest, protection against penalty
7.4. Default and recovery
7.4.1. Debt recovery tribunal

8. RECENT TRENDS OF BANKING SYSTEM IN INDIA

8.1. New technology
8.2. Information technology
8.3. Automation and legal aspects
8.4. Automatic Teller Machine and use of internet
8.5. Smart Card
8.6. Use of expert system
8.7. Credits Cards/Debits Cards

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PAPER– LL.M 303: INSURANCE LAW Full Marks-100

1. 1.1. Nature of Insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, and indemnity.

   1.2. Insurance policy, law of contract and law of torts – future of insurance: need, importance and place of insurance.

   1.3. Constitutional perspectives – the entries 24, 25, 29, 30, 47 of list 1 union list, 23, 24, of list III

2. **Indian Insurance Law: General**

   2.1. History and development

   2.2. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000

   2.3. Mutual Insurance Companies and cooperative life insurance societies

   2.4. Double Insurance and re–insurance

3. **Life Insurance**

   3.1. Nature and Scope

   3.2. Event insured against life insurance contract

   3.3. Circumstances affecting the risk

   3.4. Amounts recoverable under life policy

   3.5. Persons entitled to payment

   3.6. Settlement of claim and payment of money

4. **Marine Insurance**

   4.1. Nature and Scope

   4.2. Classification of marine policy

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4.2.1. The Marine Insurance Act, 1963
4.2.2. Marine Insurance
4.2.3. Insurable interest, Insurable value
4.2.4. Marine insurance policy – condition. – express, warranties construction of terms of policy.
4.2.5. Voyage – deviation
4.2.6. Perils of the sea
4.2.7. Assignment of policy
4.2.8. Partial Laws of ship and freight, salvage, general average, particular charges
4.2.9. Return of premium

5. **Property Insurance**

5.1. Fire Insurance
5.2. The Emergency Risk (Factories) Insurance
5.3. The Emergency Risk (Goods) Insurance
5.4. Policy covering risk of explosion
5.5. Burglary and theft policies

6. **Insurance against Third Party Risk**

6.1. The Motor Vehicles Act, 1988

6.1.1. Nature and Scope
6.1.2. Effect of insolvency or death on claims of insolvency and death parties, certificate of Insurance.
6.1.3. Claims tribunal constitution, functions, application for compensation, procedure, powers and award.

6.2. Liability Insurance

6.2.1. Nature and kinds of such insurance
6.2.2. Public liability insurance
6.2.3. Professional negligence insurance

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SEMESTER – IV

SPECIALIZATION: ENVIRONMENTAL LAW

PAPER – LL.M 401: Environment And International Legal Order

Full Marks-100

1.1 Internal obligations towards sustainable development.

1.2 Marine Environment.

1.3 Control of Multinational Corporations and containment hazards.

1.4 Disposal & Dumping, hazardous wastes Transnational Problem and Control.

SELECTED BIBLIOGRAPHY

1. Indian Law Institute ILI – Legal Control of Environment Pollution.
2. PriyaRanjan Trivedi – International Environmental Law (1996) APH Publishing Corporation, New Delhi.
3. Sir Elworthy and Jane Holder – Environment Protection Text and Materials (1997) Butterworth
4. Nathali L.T.J. Horbacw Contemporary Development is Nuclear Energy Law (1999) Kluwer.
5. British Institute of International and Comparative Law selected documents on International Environmental Law (1975) London.
6. Richard L Reverszetal (eds) Environmental Law the Economic and sustainable Development Zoo, Cambridge.
7. HenrickRingbom (ed) Competing norms in the law of Marine Environmental Protection (1997).

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PAPER – LL.M 402: Concept of Human Rights And Protection And Enforcement of Human Rights in India

Full Marks-100

4.2.1 Concept of Human Rights

4.2.2 Constitutional Philosophy Preamble, Fundamental Rights, DPSP and Fundamental Duties.

4.2.3 Development of Human Rights Jurisprudence.

4.2.4 Enforcement of Human Rights: Mechanism, the Supreme Court, High Court, Civil and Criminal Courts.

4.2.5 Role of India in Implementing International Norms and Standard.

SELECTED BIBLIOGRAPHY

1. M.P. Jain – The Constitutional Law in India.
2. J.N. Pandey – The Constitutional Law India.
3. Lalit Parmer – Human Rights.
4. Ramajoris – Human Rights

Krishna Iyer –The Dialectics and Dynamics of Human Rights in India.

5. B.P. Sing Seghal – Judiciary and Justice in India.
6. P. Advani – Indian Judiciary – A tribute.
7. Venkantaramiah – Human Rights in the changing World.
8. Venkantaramiah – Books of Human Rights & Law.
9. P. Alston & M. Rabinson– Human Rights and Development – towards mutual Reinforcement.

PAPER – LL.M 403: Dissertation &Viva Voce (On any one of the above papers in environmental law specialization taught at Semester III & IV)

Full marks-100(50 + 50)

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SEMESTER– IV

SPECIALIZATION: BUSINESS LAW

PAPER– LL.M 401: CORPORATE FINANCE Full Marks-100

1. Introduction

1.1. Meaning, Importance and Scope of Corporate finance.

1.2. Capital needs – capitalization – working capital – Securities – Borrowings – deposit – debentures

1.3. Objective of corporate finance – profit maximization and wealth maximization.

1.4. Constitutional perspective – the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of list 1 – Union List: entry 24 of list II – State list.

2. Equity Finance

2.1. Share capital
2.1.1. Prospectus – information disclosure
2.1.2. Issue and allotment
2.1.3. Share without monetary consideration
2.1.4. Non – Opting equity shares.

3. Debt Finance

3.1. Debentures
3.2. Nature, issue and class
3.3. Deposits and acceptance
3.4. Creation of charges
3.5. Fixed & Floating Charges.
3.6. Mortgages
3.7. Convertible debentures

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4. Conservation of Corporate Finance

4.1. Regulation by disclosure
4.2. Control on payment of dividends
4.3. Managerial remuneration
4.4. Payment of commissions and brokerage
4.5. Inter – corporate loans and investments
4.6. Pay – back of shares
4.7. Other corporate spending

5. Protection of creditors and Investors

5.1. Transfer and transmission of securities
5.2. Dematerialization of securities
5.3. Rematerialisation of Securities
5.4. Ultra Vires Borrowings
5.5. Protection of investors and Doctrine of Indoor Management
5.6. Power and duties of Directors in Management of corporate funds.

6. Corporate fund Raising

6.1. Depositories – IDR (Indian Depository Receipts). ADR (American Depository Receipts), GDR (Global Depository Receipts).
6.2. Public financial institutions – IDBI, ICICI, IFC and SFC.
6.3. Mutual funds and other collective investment schemes
6.4. Institutional investments – LIC, UTI and Banks.
6.5. FDI and NRI investments – Foreign institutional investments (IMF and World Bank).

7. Administrative Regulation on Corporate Finance

7.1. SEBI Act
7.2. Central government control
7.3. Control by registrar of companies
7.4. RBI control

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PAPER – LL.M 402: Concept of Human Rights And Protection And Enforcement of Human Rights in India

Full Marks-100

4.2.1 Concept of Human Rights.

4.2.2 Constitutional Philosophy Preamble, Fundamental Rights, DPSP and Fundamental Duties.

4.2.3 Development of Human Rights Jurisprudence.

4.2.4 Enforcement of Human Rights: Mechanism, the Supreme Court, High Court, Civil and Criminal
Courts.

4.2.5 Role of India in Implementing International Norms and Standard.

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15. P. Advani – Indian Judiciary – A tribute.
16. Venkantaramiah – Human Rights in the changing World.
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18. P. Alston & M. Rabinson – Human Rights and Development – towards mutual Reinforcement.

PAPER – LL.M 403: Dissertation & Viva Voce (On any one of the above papers in Business Law specialization taught at Semester III & IV) **Full marks-100 (50 + 50)**

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