

REGULATIONS GOVERNING MASTER OF LAWS (LL.M.) ONE YEAR DEGREE PROGRAMME

(Under Section 49(1)(c) of the *Karnataka State Law University Act, 2009*)

1. Title:

These regulations may be called as the Karnataka State Law University's Regulations governing the Master of Laws (LL.M.) Degree Programme.

2. Extent:

These Regulations extend to all constituent law schools, constituent colleges, Post-Graduate Centres, Departments of Studies in Law within the jurisdiction of the Karnataka State Law University which are accorded permission to administer LL.M. Degree Programme.

3. Commencement:

These Regulations shall come into force from the Academic Year 2014-15.

4. The Programme and Duration:

(1) There shall be Master of Laws (LL.M.) Degree Programmes in the following specializations. The University may operate all or any of the specialisations and introduce other specialisations from time to time:

- i. Constitutional and Administrative Law
- ii. International Law and Comparative Law
- iii. Corporate and Commercial Law
- iv. Criminal and Security Law,
- v. Family and Social Security Law,
- vi. Legal Pedagogy and Research.

(2) LL.M. Degree course shall be of one year duration spread over two semesters.

(3) Each Academic Year shall be divided into two Semesters

(4) Each Semester shall consist of 18 weeks of teaching/ research/ practicals.

(5) The courses shall be as given in the Schedule appended. The syllabus for each of the course shall be as notified by the University from time to time.

5. Course Structure:

(1) The LL.M. Programme shall have 24 credits with three foundation/ mandatory courses of 3 credits each (making a total of nine credits), six optional/ specialization courses of 2 credits each (making a total of 12 credits) and a dissertation of 3 credits.

(2) The allocation of courses over two semesters shall be as under.

I Semester:

- i. Foundation Course-I: Research Methods and Legal Writing
- ii. Foundation Course-II: Comparative Public Law
- iii. Foundation Course-III: Law and Justice in a globalizing World.
- iv. Specialisation course-I
- v. Specialisation course-II

II Semester:

- i. Specialisation course-III
- ii. Specialisation course-IV
- iii. Specialisation course-V
- iv. Specialisation course-VI
- v. Dissertation

6. Instruction and Training:

(1) A course of 3 credits shall be conducted for 6 hour every week and a course of 2 credits shall be conducted for 4 hours per week including class room teaching, library work, seminars, project work and tutorials.

(2) The medium of instruction and examination shall be English.

7. Admission Procedure:

(1) Admission to LL.M. Programme shall be through an All India Admission Test conducted by the Karnataka State Law University which shall be designed to test the aptitude for (i) teaching/ research, (ii) comprehension, (iii) basic legal knowledge and (iv) legal reasoning. The question paper shall contain objective type questions, short answer questions and one essay type question.

(2) The admission test will be for 70% of total marks of the test and the remaining 30% will be distributed on the basis of work experience (moot courts, clinical experience, research

projects undertaken, other simulation exercises), publications, and legal knowledge. This component shall be assessed through a *viva- voce* conducted by a committee under the chairpersonship of the Dean or heads of post graduate centers, and two experts nominated by the Vice Chancellor who shall be Professors in Law. In case of necessity an additional committee consisting of three experts may be constituted. As far as possible, *viva-voce* shall be conducted on the day or the following day of the admission test itself.

(3) The question paper for the admission test shall be prepared by a committee consisting of a chairman and 4 other members nominated by the Vice Chancellor.

(4) The committee shall prepare three sets of papers and submit the same to the Registrar (Evaluation) of the Karnataka State Law University.

(5) The answer scripts shall be assessed by such of the experts as decided by the Vice Chancellor.

(6) The admission test shall be conducted at the Karnataka State University Main campus.

(7) There shall be a common application for admission test. However, the applicant shall mention the order of preference of their choice of the Law School or P.G. Departments for admission.

(8) The Admission Test shall be of two and a half hours duration for 70 marks. It shall be conducted between 9-00 am and 11-30 am on the day notified by the University. The *viva-voce* shall be conducted for 30 marks on the same day from 12-00 noon onwards.

(9) The final list of candidates eligible for admission shall be prepared by the Admission Committee consisting of the Dean, Director of Law School, Heads of P.G. Departments, Director Students Welfare and Coordinator SC/ST Cell based on merit after consolidating the marks obtained in the admission test and *viva-voce* and following the prevailing rule of Karnataka Government relating to reservations within five days from the date of admission test.

8. Eligibility Criteria for Admission Test:

(1) An applicant who has graduated in law from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a Deemed to be University or a foreign University recognized as equivalent to the status of an Indian University by the Equivalence Committee of Karnataka State Law University competent to declare equivalence, may apply for LL.M. degree course.

(2) Minimum percentage of marks in qualifying examination shall not be below 45% of total marks in case of general category applicants and 40% of total marks in case of SC and ST applicants.

9. Intake:

- (1) No School/ College or P.G. Department of Studies in Law authorised to impart education in the LL.M. degree course shall admit more than 20 students in each Branch.
- (2) The University shall reserve the right to prescribe the number of Branches in each Law School/ College or the Department of Studies in Law.

10. Tuition and other fees:

Candidate seeking admission to the LL.M. Degree Programme shall pay the tuition and other fees as prescribed by the University from time to time.

11. Attendance:

- (1) No student shall be permitted to appear for the end-of-semester examination in a given course unless he/she has, to the satisfaction of the course teacher, fulfilled the course requirements and has put in not less than 75% attendance in the course concerned.

Provided that a student who has attended not less than 65% of classes in each of the subjects prescribed may be permitted to keep the term for reasons to be recorded in writing and to the satisfaction of the Chairman of the P.G. Department/ Director of Law School as the case may be.

- (2) A student who fails to keep the necessary attendance in first semester shall lose his studentship. A student who fails to keep the necessary attendance in the second semester shall repeat the semester with the next batch of students by paying the fees as prescribed by the University.

12. Examination and Evaluation of Students:

- (1) Unless otherwise provided for by the University, a student shall be evaluated for 100 marks in every course of which 50 marks shall be for the end-semester examination and 50 marks shall be for continuous evaluation by course teacher/ teachers.
- (2) Marks for continuous assessment shall be apportioned as under:
 - (a) Two tests of 15 marks each adding to 30 marks.
 - (b) Assignment/ project to be written and submitted for 15 marks.

(c) Seminar based on assignment/ project for 5 marks.

(3) Tests shall be written in the booklets kept for the purpose at the Law School/ P.G.Department.

(4) Assignments/ projects shall be neatly typed or written on one side of A-4 size sheets and bound.

(5) A student has to secure a minimum of 40% of marks both in continuous assessment and end-semester examination.

(6) There shall be 100 marks for dissertation. The dissertation will be valued for 75 marks and for presentation of a seminar and viva-voce based on dissertation there shall be 25 marks. The dissertation shall be evaluated at the evaluation centre by the guide and an external examiner. If there is a difference of more than 15% of marks between the awards of two examiners, the dissertation shall be evaluated by a third examiner and the mean of nearest of the two awards shall be taken as the marks awarded.

(7) There shall be a coordination committee, appointed by the Vice chancellor, to moderate the marks assigned by way of continuous assessment. It shall have the power to vary the marks assigned up to 15 percent.

(8) Each answer script shall be evaluated by two examiners independently. The mean of two shall be taken as the marks awarded. If there is a difference of more than 15% of marks between the awards to two examiners, the answer script shall be evaluated by a third examiners and the mean of nearest of the two awards shall be taken as the marks awarded.

13. Promotion, Marks and Grades:

(1) For the purpose of passing each course, a student shall secure minimum of 40% of the marks allotted to each component for evaluation of the course (i.e., end semester examination and continuous evaluation) and the minimum aggregate of 50% in each course. A candidate who secures less than 50% of marks or the equivalent grade D, in a course, shall be deemed to have failed.

(2) After the evaluation, grades shall be allotted to the students as under:

Percentage of marks	Grade	Grade Value
≥ 80	O+	8
≥ 75 < 80	O	7.5
≥ 70 < 75	A+	7

$\geq 65 < 70$	A	6
$\geq 60 < 65$	B+	5
$\geq 55 < 60$	B	4
$\geq 50 < 55$	C	3
< 50	D	0

\geq Greater than or equal to; $<$ Less than

(3) A candidate who has secured minimum 50% marks or equivalent grade i.e. C is a course will be given 3 credit points for mandatory/ dissertation courses and 2 credit points for the optional courses. The candidates getting minimum of 24 credits shall be declared to have passed the LL.M. Programme and shall be eligible for award of LL.M. Degree.

(4) The cumulative Grade Point Average (CGPA) is arrived at by dividing the sum of the products of Grade Values and the Course Credits in each course by the total number of credits in all the courses.

$$\text{CGPA} = \frac{C_1G_1 + C_2G_2 + \dots + C_nG_n}{C_1 + C_2 + \dots + C_n}$$

(5) A student who has obtained less than 50% of the maximum marks assigned to a or the equivalent grade D shall be declared as fail in that subject.

(6) A student who has failed in a course or who wants to improve the score may be permitted to offer himself for examination in all components with the students of the subsequent batches.

14. Time Limit for completion of degree:

A student who has enrolled for LL.M. degree shall complete it within two years from the enrolment failing which he will lose studentship.

15. Award of Degree:

A student shall be awarded LL.M. Degree if he/she has completed all the courses prescribed and dissertation within the stipulated time and secured the minimum 50% marks or the grade equivalent to that i.e. "C" with a total of 24 credits and obtained CGPA of 3.00 out of 8.00.

16. Award of Ranks and Medals:

(1) There shall be two ranks and medals in each branch of specialisation.

- (2) Ranks and medals shall be awarded to the students who have passed their LL.M. Degree examination in the first attempt and have secured a minimum of "A" grade.

Schedule

The courses prescribed for LL.M. Degree Programme

I Semester:

- i. Foundation Course-I: Research Methods and Legal Writing
- ii. Foundation Course-II: Comparative Public Law
- iii. Foundation Course-III: Law and Justice in a globalizing World.
- iv. Specialisation Course-I
- v. Specialisation Course-II

II Semester:

- i. Specialisation Course-III
- ii. Specialisation Course-IV
- iii. Specialisation Course-V
- iv. Specialisation Course-VI
- v. Dissertation

I. Constitutional and Administrative Law- Specialisation Courses.

1. Specialisation Course-I: Fundamental Rights and Directive Principles
2. Specialisation Course-II: Centre-State Relations and Constitutional Governance
3. Specialisation Course-III: Local Self-Government and Federal Governance
4. Specialisation Course-IV: Administrative Law
5. Specialisation Course-V: Media Law.
6. Specialisation Course-VI: Comparative Administrative Law

II. Corporate and Commercial Law- Specialisation Courses.

1. Specialisation Course-I: Company Law
2. Specialisation Course-II: Banking and Insurance Law
3. Specialisation Course-III: Competition Law
4. Specialisation Course-IV: Laws on Securities and Financial Markets
5. Specialisation Course-V: International Trade Law
6. Specialisation Course-VI: Intellectual Property Law

Foundation Course-I: Research Methods and Legal Writing

Objectives:

All professionals require adequate exposure to research methods to attain greater heights in the professions. Law being a most socially relevant subject, appropriate exposures to research skills and legal writing will make qualitative difference in the services rendered and contribute to social good. The LL.M. students should be trained to undertake research study of any issue, collect relevant data using appropriate tools, analyse the data, employ different methods of research and produce a report, petition, opinion, etc. of great utility. This course is designed in that direction.

Course Content:

Unit-I

Meaning of research; purpose and objectives of legal research; reflective thinking; application of reflective thinking in legal research; scientific method; pure and applied research; doctrinal and non-doctrinal research.

Unit-II

Research problem; hypothesis; research questions; tentative chapterisation; research methodology; Methods of legal research- analytical method, historical method, comparative method and sociological or empirical method.

Unit-III

Experimental method, philosophical type of research, prognostic type of research, descriptive method.

Unit-IV

Research Tools- use of library, observation, questionnaire, mailed questionnaire, interview. Probability and sampling, scaling techniques, analysis of data,

Unit-V

Legal Writing- meaning, Importance, nature of academic research and writing in law. How to start a research paper?- felt difficulties, selection of topic, focusing on specific theme, making notes and paraphrasing, developing independent ideas. Thinkin and writing originally- Reflective thinking, perspectives of legal philosophy and constitutional ideoplogy; law-society perspective. Leterature review. Report writing; writing case comments and book

reviews. Publication of academic work in books, journals and newspapers. Use of technology in legal research.

Prescribed Books:

1. Frederick L. Whitney, *The Elements of Research*, (New York: Prentice Hall, 1950).
2. William J. Goode and Paul K.Hatt, *Methods in Social Science Research*, 1st Ind. Re.pt., (Delhi: Surjeet Publications, 2006).
3. S. N. Jain, et. al., ed., *Legal Research and Methodology*, 2nd ed., 4th Re.pt., (New Delhi: Indian Law Institute, 2010).

Reference Books:

1. Terry Hutchinson, *Research and Writing in Law*, (Sydney: Law Book Co., 2009).
2. Wing Hong Chui, ed., *Research Methods for Law*, (UK: Edinburgh University Press, 2007).
3. David Ibbetson, "Historical Research in Law", in Peter Cane, Mark V. Tushnet ed., *The Oxford Handbook Legal Studies*, (Oxford: Oxford University Press, 2003).
4. Anwarul Yaqin, *Legal Research and Writing Methods*, (Nagpur: LexisNexis Butterworths Wadhwa, 2008).
5. Pauline V. Young, *Scientific Social Surveys and Research*, (USA: Prentice-Hall, 1956).

Foundation Course-II: Comparative Public Law

Objectives:

This paper is designed to sensitize the students towards a regime that is of relevance to everyone in a state. The concept of welfare state under a constitutional order, the doctrines used to tame the state power to protect individuals, the basic principles against abuse of power are all common to developed and developing states. Same is the case with criminal justice system. The students should be introduced to these uniformities obtaining in public law in different legal systems to equip them well to undertake the study of other specialized subjects. The students may undertake a comparative study of American, British and Indian constitutions and refer to other constitutions wherever necessary.

Course Content:

Unit-I

Meaning of Constitution, constitutionalism, rule of law, separation of powers, welfare state, constitution as a living document,

Unit-II

Guarantee of fundamental rights and freedoms; Restrictions that may be imposed on the rights; when the rights may be suspended; remedies available against violation of rights and their effectiveness.

Unit-III

Principles of Natural Justice- Audi Alteram Partem, Rule against bias, exceptions; judicial review of administrative action; abuse of discretions;

Unit-IV

Constitutional basis to respect international law, treaty making, implementation of treaties, Vienna Convention of Law of Treaties, certain basic principles- *jus cogens*, *pacta sunt servanda*, *rebus sic stantibus*,

Unit-V

Basic principles of criminal law, application of criminal law against abuse of state power, regime against corruption, terrorism, etc., Corporate criminal liability.

Prescribed Books:

1. M.P.Jain, *Indian Constitutional Law*, 6th ed., Re.pt., (Nagpur: Butterworths Wadhwa, 2010).
2. Nowak, Ruthunda & Young, *Constitutional Law*, 3rd ed., (St. Paul. Minn.: West, 1986).
3. Wade & Phillips, *Constitutional Law*, (Longmans Publication, 1946).
4. M.P.Jain & S.N.Jain, *Principles of Administrative Law*, 6th ed., (Nagpur: Butterworths Wadhwa, 2011).
5. Woolf, Jowell, Sueur, Dooelly & Hare, *De Smith's Judicial Review*, 7th ed., (London: Sweet & Maxwell, 2013).
6. Kenny, *Outlines of Criminal Law*, (Cambridge: Cambridge University Press, 1958).
7. Glanville Williams, *Criminal Law*, (Gaunt, 1961).
8. Elias T.O., *Modern Law of Treaties*, (Netherlands: Kluwer Academic Publishers, 1974).

Special laws dealing with modern crimes like terrorism, money laundering, corruption, etc.

Reference Books:

1. Fisher Loius, *American Constitutional Law, Powers and Federalism*, 2ND ed., Vol. I&II, (Mc Graw Hill Inc.,1995)
2. U.N. Gupta, *Select World Constitutions*, Vol-I & II (New Delhi: Atlantic Publishers & Distributors (P)Ltd,2009).
3. H.W.R.Wade and C.F. Forsyth, *Administrative Law*, 10th ed.,(New York: Oxford University Press,2009)
4. Hood Phillips, *Constitutional Law and Administrative Law*, (London: Sweet & Maxwell, 2001).
5. M.V.Pylee, *Select Constitution of the World*, 3rd ed, (New Delhi: Universal Law Publishing Co., 2012).

6. Mc Nair Arnold, *Law of Treaties*, (Oxford: Clarendon Press, 1961).
7. Bailey, Harris & Jones, *Civil Liberties: Cases and Materials*, 6th ed., (New York: Oxford University Press, 2009).

Foundation Course-III: Law and Justice in a Globalizing World

Objectives:

The essence of law is to establish and preserve order in society. This is directly related to justice. The concern of the state for justice both domestic and international necessitates that the students be introduced to different theories of justice. This course is designed to engage the students with different theories of justice, the necessity to ensure justice in a globalizing world and the means adopted to achieve the same at domestic and international level.

Course Content:

Unit-I

Schools of Law- Natural Law, Positivism and Critical Legal Thought.

Unit-II

Law and Justice- What is Justice, Theories of Justice- Utilitarianism, Liberalism, Kant's Moral Philosophy, John Rawl's Theory of Justice, Aristotle's theory of Justice.

Unit-III

Sociological theory of Law, Relation between Law and Society.

Unit-IV

Law and Morals- global issues such as abortion, homosexuality, euthanasia, same sex marriage, death sentence, etc.

Unit-V

Critical evaluation of securing basic rights in globalized world- protection of interest of the developing and under developed countries, responsibilities of the international organizations, responsibilities of the developed nations.

Prescribed books:

Relevant chapters from-

1. Allen Watson, *Nature of Law*, (Edinburgh: Edinburgh University Press, 1977).
2. Dennis Lloyd, *Idea of Law*, (New Delhi: Penguin Books Ltd, 1991)
3. Freedman, *Law and Social Change*, 1st ed., (New Delhi: Universal Law Publishing, 2010).

4. P. Ishwar Bhat, *Law and Social Transformation*, 1st ed., (Lucknow: Eastern Book Company, 2009).

Reference Books:

1. M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence*, 8th ed., (London: Sweet & Maxwell, 2008).
2. R. W. M. Dias, *Jurisprudence*, 5th ed., (London: Butterworths, 1985).
3. Julius Stone, *Social Dimensions of Law and Justice*, (USA: Maitland Publications; 1966)
4. John Rawls, *A Theory of Justice*, (Cambridge: Harvard University Press, 1999).
5. H. L. A. Hart, *The Concept of Law*, 2nd ed., (Oxford: Oxford University Press; 1997)

Relevant International instruments

Specialisation Paper-I: Fundamental Rights and Directive Principles

Objectives:

The Indian Constitution envisages to establish egalitarian society by securing fundamental rights in Part III of the Constitution. The concept of welfare state and social justice derive their strength from Part IV of the Constitution. Over the period, through judicial interpretations many un-articulated rights have been added to the bunch of fundamental rights. The status of Fundamental Rights, Directive Principles of State Policy and their interrelationship is studied in detail in this paper.

Course Content:

Unit I

Fundamental Rights - Concept - Nature - Necessity and justification - Definition of State - Other authorities - Enforceability of Fundamental Rights - Judicial Review - Distinctions between pre and post Constitutional laws - Doctrine of eclipse - Doctrine of Severability - Doctrine of waiver - Right to equality - Equality before law and equal protection of laws - Reasonable classification - Absence of arbitrariness - Prohibition against discrimination - Equality of opportunity in Public employment - Concept of protective discrimination - Prohibition of untouchability.

Unit II

Right to Freedom - Freedom of Speech and expression and its territorial Extent - Right to Information - Right to silence - Freedom of Press - Commercial Advertisements - Reasonable restrictions - Freedom to assemble peacefully - to form association and cooperative societies - to move freely throughout the territory of India - to reside and settle in any part of India - to practice any profession or occupation, trade or business - reasonable restrictions - Rights of the accused - *ex post facto laws* - Double jeopardy - right against self Incrimination - right to life and liberty - scope and contents.

Unit III

Protection against arrest and detention - Constitutional validity of Preventive Detention Laws in India - Judicial review of preventive detention laws - Freedom of Religion - Concept of Religion - Freedom of Conscience and right to profess, practice and propagate religion - freedom to manage religious affairs - freedom from payment of tax for promotion of religion - restriction on religious instructions in certain educational institutions - Rights of Minorities

- Right to conserve language, script and culture - Admission to educational institutions - Minorities right to establish and administer educational Institutions.

Unit IV

Right to Property - Constitutional policy before and after the Forty fourth Amendment - Right to Constitutional Remedies – General principles of Writ Jurisdiction under Art. 32 - Concept of *locus standi* - Judicial Activism and Judicial Restraint- Public Interest Litigation – Comparison between Arts. 32 and 226 – Emergency and Fundamental Rights.

Unit V

Directive Principles of State Policy- Nature and Contents - Principles of Governance – Enforcement of directives through judicial interpretation-Importance of Directive Principles of State Policy -Inter relationship between Fundamental Rights and DPSP - Justiceability of Directive Principles of State Policy – Mechanisms for realization of DPSP.

Prescribed Books:

Ishwara Bhat P., *A Study of Their Interrelationship Fundamental Rights*, (Kolkata: Eastern Law House, 2004)

Jain M. P., *Indian Constitutional Law*, 6th ed. (Nagpur: Lexis Nexis Butterworths Wadhwa, 2010).

Shukla V.N., *Constitution of India*, 12th ed. ((Lucknow: Eastern Book Company, 2013)

Reference Books:

Seervai H. M., *Constitutional Law of India*, Vol. I, II & III, 4th ed. (Allahabad: Universal Law Publishing)

Basu D. D., *Commentary on Constitution of India*, Vol. 1 to 10, 8th ed. (Nagpur: Lexis Nexis, 2012)

Tope T. K., *Constitutional Law of India*, 3rd ed. (Lucknow: Eastern Book Company, 2010)

Subhash C. Jain, *The Constitution of India*, (Mumbai: Taxmann, 2000)

Chaudhari and Chaturvedi's, *Law of Fundamental Rights*, 4th ed. (New Delhi: Delhi Law House 2008)

Lakshminath A., *Basic Structure and Constitutional Amendments Limitations and Justiciability*, (New Delhi: Deep and Deep, 2011)

Pylee M.V., *Constitutional Amendments in India*, 3rd ed. (New Delhi: Universal Law Publishing, 2010)

De D.J., *The Constitution of India*, 3rd ed. (Hydrabad: Asia Law House 2010)

Basu D.D. *Shorter Constitution of India*, Vol. 1 & 2, 14th ed. (Nagpur: Lexis Nexis 2009)

Datar Arvind P., *Commentary on Constitution of India*, Vol. I, II & III, 2nd ed. (Nagpur: Wadhwa and Company, 2007)

Specialisation Course-II: Centre-State Relations and Constitutional Governance

Objectives:

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the working of the Constitution has made the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be sensitized to various aspects of federal principles, and their working in the Indian context with a view to ultimately assess the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

Course Content:

Unit I

Federalism – Essentials; Models of Federal Government - U.S.A., Australia, Canada; Difference, Between Federation and confederation; Evolution of federal government in India; formation of new states – alteration of areas, boundaries or names of existing states- factors responsible for subordination of States.

Unit II

Distribution of Legislative Powers: territorial nexus – Principle of interpretation: Plenary power of the Legislature- Retrospectivity – Harmonious interpretation – Repugnancy between Centre and State Laws - Predominance of union power – Pith and Substance – Colourable legislation- parliamentary legislation in State field –Parliament control over State Legislation (Limitation on State legislative powers under Art. 31 A, B and C, Article 200, Directions regarding Language)

Unit III

Administrative Relations: Distribution of executive power -Centre's Direction to States –All India Services. Co-operative Federalism: Full faith and credit- Inter-State Council- Zonal Councils- Inter State disputes- Appointment and role of governor – Duty of union to protect

States against external aggression and internal disturbance (Art.355) --failure of Constitutional machinery in States.

Unit IV

Distribution of Fiscal Power: Scheme of Allocation of taxing power; Extent of Union power of taxation; Residuary power - inclusion of fiscal power; Restrictions of Fiscal Power; Fundamental Rights: Inter-Government tax immunities; Difference between tax and fee - Distribution of Tax Revenues: Tax-Sharing under the Constitution;- Grants in Aid: Fiscal need grants - Specific purpose grants-Finance Commission.

Unit V

Inter-State Trade and Commerce: Freedom of Inter-State trade and commerce; Restrictions on legislative power of the Union and States with regard to trade and commerce; Planning and Financial Relations: Planning Commission; National Development Council;

Prescribed Books

1. Jain M. P., *Indian constitutional Law* 6th ed. (Nagpur: Lexis Nexis Butterwoths Wadhwa 2010).
2. Basu Durga Das, *Constitutional Law of India*, (Nagpur: Lexis Nexis, Butterworth, 2009).
3. Shukla V. N., *Constitution of India*, 12th ed. (Lucknow: Eastern Book Company, 2013)
4. Subba Rao K., *The Indian Federation*, (Pune: University of Pune, 1969).

Reference Books

5. Seervai H.M., *Constitutional Law of India*, Vol. I, II & III, 4th ed. (Mumbai: Universal Law publishing, 2013).
6. V. D. Sebastian, *Indian Federalism: The Legislative Conflicts* (Trivandrum, Academy of Legal Education 1980).
7. Chandrapal, *Centre-State Relations and Cooperative Federalism*, (New Delhi: Deep and Deep 1983).
8. D. T. Lakadwala, *Union-State Financial Relations* (Mumbai: Lalvani Publishing House 1967).
9. Wheare K. C., *Federal Government*, (Pennsylvania: Greenwood Press 1980).

10. Krishna Shetty K. P., *The Law of Union-State Relations and the Indian Federalism* (Origin: University of Michigan, Sai Naga Publications 1981).
11. Singhvi L.M. (ed.), *Union-State Relations in India*, (New Delhi: The Institute of Constitutional and Parliamentary Studies 1969).

Specialisation Course-III: Local Self Government and Federal Governance

Objectives:

The idea of self-governance is now universally accepted. Through decentralization of power, decision making and service delivery can be brought closer to people. To strengthen decentralization the 73rd and 74th amendments were brought to the Constitution providing opportunities for all sections of the society to participate in governance. The structural changes effected in the legal framework of the States to comply with these amendments have succeeded to provide credibility to the local bodies. This course is designed to introduce the students to the decentralized machinery in place, its functioning and the challenges place.

Course Content:

UNIT-I

Decentralization and Democracy-interrelationship; Conceptual Analysis- Local Self Governance and Federalism; Historical Background of Local Self Governance in India- Brief History – Ancient- Medieval- Pre and Post Constitutional Period; Thoughts on Local Governance- M.K.Gandhi, Jawaharlal Nehru and Dr.B.R.Ambedkar.

UNIT-II

Constitutional Dimensions of Local Self Governance; Constituent Assembly Debates on Self Governance; Constitution and Political Justice; Constitutional (Amendment Act), 1992- Eleventh Schedule; Self Governance- Review of Central Acts- *Panchayath (Extension to Scheduled Area) Act, 1996*; 74th Constitutional Amendment.

UNIT-III

Rural Local Bodies- Panchayth Raj Institutions- Historical Overview of Karnataka; Karnataka Panchayth Raj Act, 1993- Basic features; Ward Sabha and Grama Sabha; Composition, Powers and Functions of Zila Panchayath, Taluk Panchayath, Gram Panchayath; Constitution of Panchayth; Strural issues of Panchayath Raj institutions- Election, finance, Reservation, Personnel Staff.

UNIT- IV

Urban Local Bodies- Urban Self Governance- Historical Overview of Karnataka- The Karnataka Municipalities Act, 1964, Corporation Act 1976- Basic features; Composition, Powers and Functions of Corporation, City Municipalities, Town Municipalities and Town

Panchayats; Structural issues of Urban Local Bodies- Election, Finance, Reservation, Personnel Staff

UNIT- V

Federalism and Democracy; Federalism and Decentralization; Federalism under Indian Constitution; Devolution of Administrative, Legislative, Financial powers to the Local Bodies.

Prescribed Books:

Mathew J and Jain L.C. (Eds), *Decentralisation and Local Governance*, (New Delhi: Blackswan, 2005).

Kuldeep Mathur, *From the Government to Governance*, (New Delhi: National Book Trust , 2009).

Ghosh, Budhadeb and Girish Kumar, *State Politics and Panchayaths in India*, (New Delhi: Monohar Publications, 2003).

Reference Statutes:

The Constitution of India

The Panchayath (Extension to Scheduled Area) Act, 1996

The Karnataka Panchayth Raj Act, 1993

The Karnataka Municipalities Act, 1964,

The Karnataka Corporation Act 1976

UNDP Policy papers on Decentralization

Specialisation Course-IV: Administrative Law

Objectives:

The shift in the philosophy of state from laissez faire to modern welfare came with the concomitant increase and concentration of power in the state. The functions of the state require it to have discretion. As a conferrer of government largess, opportunities for abuse of power increased on the part of the state. Myriad doctrines and principles are tried by the mankind to prevent the abuse of administrative power as also to protect the common man. It is required of every student to have awareness of the organization, structure, powers and functions of the governmental departments and agencies; their relationship with the power addressees; rights available against the administration; channels available for enforcement and the remedies available. In addition the student is exposed to administrative control of administrative action and judicial control of administrative action.

Course Content:

UNIT I

Administrative Law: Evolution of Administrative Law nature, scope and meaning, Constitutional Law and Administrative Law- Conceptual Objections against the Growth of Administrative Law. Administrative Process: Regulation to De-regulation and Control to Decontrol -Globalization and Liberalization. The role of administrative agencies, Tripartite Functions of Administration, Difficulties in Characterisation – Administrative, Legislative and Quasi – judicial, Inter Relations between the Agencies – Principles and procedures – Liability of Authorities – Control of Authorities - Limitations and Rights of People. Rule of Law – Dicey's orthodox view, how far maintainable today - Changing dimensions – Developments in Britain, USA, Australia, New Zealand and India – Doctrine of Separation of powers: From Rigidity to Flexibility – Droit Administratif - Administrative Direction and Discretion.

UNIT II

Legislative Powers of Administration - concept, Factors Leading to the Growth of Delegated Legislation, Restraints on Delegation of Legislative Power – Position in UK, USA India Comparative analysis; Doctrine of Excessive Delegation, Types of Delegated Legislations, Control over Delegated Legislations – Legislative, Judicial - Doctrine of Ultra Virus and procedural control – Sub – Delegation of Legislative Power.

UNIT III

Principles of Natural Justice – Basis of the application of the principles of natural justice - 'Nemo debet, esse judex in propria causa', - Rule against Bias –types of bias - Audi Alteram Partem or the Rule of fair hearing Reasoned decisions or speaking orders - Right to counsel- Institutional decision or one who decides must hear - Rule against dictation. Exceptions to the Principles of Natural Justice – Post – Decisional Hearing – Effect of Breach of the Rules of Natural Justice: Action Void or Voidable - Doctrine of Legitimate expectation: Scope, nature and character. The doctrine of legislative expectation. Comparative analysis in U.K. U.S.A. and India.

UNIT IV

Judicial Control of Administrative Action: Introduction – Need, scope of Judicial review of Administrative action – Methods of Judicial Review - Statutory appeals, Public Interest Litigation. Writs – Practice and Procedure in writ Petitions. Remedies under the ordinary Law – Injunction, Declaration – Suit for Damages, Affirmative action for the enforcement of public duties. Exclusion of Judicial review – Finality Clause - clauses that put acts outside judicial review Doctrine of Legitimate Expectation – Doctrine of Public Accountability - Doctrine of Proportionality. Ombudsman and Central Vigilance Commission Comparative analysis in U.K. U.S.A. and India.

UNIT V

Liability for Wrongs - Tortious and Contractual liability of government – evolution of the principle – latest developments – Evolution of personal accountability principle - Liability of the private individual to the State for committing tort against its servants. Government privilege in legal proceedings-State Secrets - public interest, etc., Right to information and open government - Estoppel and Waiver - Corporations and Public Undertakings - State Monopoly - Remedies against arbitrary action - Liability of public and private corporations and Departmental undertakings - Legal Remedies – Accountability - Committee on Public Undertakings, Estimates Committee, etc. - Control of Statutory Corporations - Parliamentary Control - Governmental Control - Judicial Control - Public Control.

Prescribed Books:

1. K. C. Davis, *Discretionary Justice*, (USA: Greenwood Press, 1980).
2. A. V. Dicey, *Introduction to the Law of the Constitution*, (London: Elibron Classics, 2000).

3. M. P. Jain & S. N. Jain, *Principles of Administrative Law*, 6th ed.(Mumbai: LexisNexis, 2013).
4. M. P. Jain, *Cases and Materials on Indian Administrative Law*, Vol. I and II (Delhi: Universal, 1996).
5. Bagawati Prasad Banerjee, *Writ Remedies*, (Nagpur: Wadhwa & Co., 1999).
6. Donald C. Rowat, *The Ombudsman*, (Toronto: George Allan & Unwin Ltd., 1965)

Reference Books:

1. W. Friedmann, *The state and the rule of law in a mixed economy*, (London: Stevens, 1971)
2. De Smith Stanley A., *Judicial review of administrative action*, 3rd ed. (London: Stevens, 1973).
3. S. P. Sathe, *Administrative Law*, 7th ed., (New Delhi: LexisNexis, 2010).
4. H.W.R. Wade & C.F.Forsyth, *Administrative Law*, 10th ed .(Oxford: Oxford University Press, 2009).
5. Alfred C. Aman. Jr., *Administrative Law and Process*, 2nd ed. (Francisco: Lexis Nexis, 2006)

Specialisation Course-V: Media and Law

Objectives:

In an age dominated by media, media law occupies a prominent place. Mass media such as press, radio, television, films and internet play a vital role in socialization, culturalisation and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as main educators, they are also capable of destructive and harmful effects of promoting criminal and anti-social tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative and harmful potential has to be curbed in public interest. On one hand, the law has to protect the freedom of media and on the other hand, it has to regulate the media so as to avoid possible abuse. This paper will deal with such interaction between law and mass media.

Course Content:

Unit I

Introduction to Mass media, Meaning, Evolution and types of Mass media (Press, Television, Radio, Films,), Patterns of ownership of Mass media, Prasar Bharati Act, 1990, Media Policy, Impact of Mass media on Society (Both visual and non-visual), Role of media in democracy.

Unit II

Media in the Constitutional framework: Evolution of Freedom of Press, Freedom of Press under Article 19(1)(a) of the Constitution of India, Restrictions on Freedom of Press, Films as part of Freedom of speech & expression, Constitutionality of Censorship of Media and Cinematograph Act, Commercial speech, Freedom to telecast under Article 19(1)(a) of the Constitution of India, Privileges of the Parliament and the State Assemblies and the Media, The Parliamentary Proceedings (Protection of Publication) Act, 1977, Trial by media and the Judicial approach.

Unit III

Media and regulatory framework: Media and Criminal Law (Defamation, Obscenity, Blasphemy and Sedition), Press and Registration of Books Act, 1867, Working Journalists

(Conditions of Service) Act, 1955, Press Council Act, 1978, Press Trust of India, Media and Contempt of Court.

Unit IV

Advertisement and Law: Meaning of advertisement, Advertisement and Ethics, Advertisement Council of India, Law relating to advertisements in India, Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954, Comparative Advertisement and Competition Act, Issues of Consumer protection.

Unit V

The New Media and the regulation. Evolution of Internet as New Media, Information Technology Act, 2000, Regulation of social media, Liability of Internet Service Providers, Indian Telegraph Act, 1885, Cable Television Networks (Regulation) Act, 1995, Sports Broadcasting Signals (Mandatory Sharing with Prasar Bharati) Act, 2007, Spectrum allocation and the media, Laws regulating media in U.K. & U.S.A.

Prescribed Books:

1. D. D. Basu, *The Law of the Press*, 4th ed., (Nagpur: Wadhwa & Company, 2002).
2. Madhavi Gordia Divan, *Facets of Media Law*, 2nd Edn., (Lucknow, Eastern Book Company, 2013).
3. Sara Hadwin & Duncan Bloy, *Law and the Media*, (London, Sweet and Maxwell, 2007).
4. Pooja Kataria, *Women and the Media*, (New Delhi, Regal Publications, 2007)
5. Ram Jethmalani & Chopra D.S., *Cases and Material on Media Law*, First edition, (New Delhi, Thomson Reuters, 2012).
6. Rajeev Dhavan, *On the Law of the Press in India*, 26 J.I.L.I. 288 (1984).
7. Rajeev Dhavan, *Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission*, 26 J.I.L.I. 391 (1984).

Reference Books:

1. Rashmi Sharma, *Electronic Media: Issues and Innovations*, (New Delhi, Regal Publications, 2007).

2. Andrew Nicol QC, Gavin Millar QC and Andrew Sharland, *Media Law and Human Rights*, 2nd ed, (Oxford University Press, 2009).
3. Bruce Michael Boys, *Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression*, 14 J.I.L.I. 501 (1972).
4. Judith Ridgway, *Handling the Media and Public Relations*, First Edition, (Infinity Books, 2005).
5. Peter Carey and Peter Coles, Nick Armstrong and Duncan Lamont, *Media Law*, 4th ed. (London, Sweet and Maxwell, 2007).
6. P. Eric Louw, *The Media and Political Process*, 2nd ed, (Los Angeles, Sage Publications, 2010).
7. Umar Sama, *Law of Electronic Media*, (New Delhi, Deep and Deep Publications Pvt Ltd, 2007).

Specialisation Course-VI: Comparative Administrative Law

Objectives:

The quest of mankind to structure the power of the state to secure wellbeing of common man is on-going. Different legal systems have experimented with different principles and doctrines over a period of time. A comparative study of administrative law of leading countries will equip a student to better understand the measures adopted to usher in the modern welfare state and enable him to critically evaluate the functioning different administrative systems. The course is designed to introduce the students to the Administrative Law of France, U.S.A, Australia and England.

Course Content:

Unit-I

Nature and purpose of administrative law

Constitutional foundation of powers of authorities, Rule of Law, Separation of powers, Administrative legality, Administrative liability.

Unit-II

Delegated Legislation- rationale and constitutional concerns- legislative control- consultation- judicial control

Unit-III

Discretion

Need, delegation, surrender, abdication, dictation, fettering; abuse of discretion- justification for review- illegality and irrationality, reasonableness.

Unit-IV

Natural Justice

Hearing- historical development, procedural protection- applicability, contents; bias and independence - types, tests, exceptions.

Administrative adjudication

Unit-V

Remedies- Judicial review of administrative actions, writ remedies, injunction and declaration, statutory appeals, standing in judicial review actions, exclusion of review, public interest immunity; tort and restitution, state liability versus officer liability, liability under contracts.

Public corporations- privatisation and regulation- Judicial control, legislative control

Books Prescribed

1. Bernard Schwartz, *Administrative Law*, (Boston: Little Brown & Co, 1976).
2. S.A. De Smith, *Judicial Review of Administrative Action*, (London: Stevens & Sons, 1973).
3. Kenneth Culp David, *Administrative Law and Government*, (St. Paul Minn. West publication Co.1969).
4. H.W.R. Wade & C.F.Forsyth, *Administrative Law*, 10th ed .(Oxford: Oxford University Press, 2009).
5. B.L.Jones, ed., *Garner, Administrative Law*, 7th ed. (London: Butterworths, 1989).
6. Davis Foulkes, *Administrative Law*, 7th ed. (London Butterworths, 1990).
7. Brown L. Neville, & Garner J.F., *French Administrative Law*, 2nd ed. (London Butterworths, 1973).
8. D.G.Benjafield & H. Whitemore, *Principles of Australian Administrative Law*, 4th ed. (Sydney: The Law Book Co, 1971).
9. Craig Paul, *Administrative Law*, (London: Sweet and Maxwell, 2008)
10. Beatson, Matthews and Elliott, *Administrative Law Text and Materials*, 4th ed. (Oxford University Press, 2005).
11. Alfred C. Aman. Jr., *Administrative Law and Process*, 2nd ed. (Francisco: Lexis Nexis, 2006)

Specialisation Course I: Company Law

Objectives:

The course is designed to understand the concept and advantages of company over other forms of business set up available. There have been prominent and important developments in the regulatory aspects of companies which are dealt with in detail. Important regulations pertaining to the issue of shares and the capital raising along with corporate management and control form part of this course. Students are required to also study abuse of powers of company, the remedies available and the government regulation of corporate business and winding up of companies.

Course Content:

UNIT-I Concept of Company:

Historical Evolution – nature and characteristics of Company –forms of Company Corporate personality – advantages and disadvantages limited liability and lifting of corporate veil promoters – duties and liability of promoters

UNIT – II Company formation:

Incorporation and certificate of incorporation, Procedure of registration - Corporate Constitution – MOA – AOA –legal status of constitution, Doctrine of indoor management

UNIT – III Management and Control of Companies:

Corporate Agency problem, basic distribution of decision making powers, Directors: appointment – qualifications – position of directors – types of directors – powers and duties of directors–remuneration – removal

Meetings: Meetings of Board and Committees - Kinds of Meetings – Procedure Relating to Convening and Proceedings at General and Other Meetings – Resolutions – Prevention of Oppression and Mismanagement, Distribution of Powers of a Company

UNIT – IV Corporate Finance:

Nature and classification of shares , allotment and transfer of shares, share buy backs, rights and privileges of shareholders, dividends – declaration and payment of dividends Prospectus

Issuance and transfer of debentures , floating charge and its enforcement, appointment of debenture trustees and their duties, remedies of debenture holders, redemption of securities

UNIT – V Restructuring and winding up:

Reconstruction and amalgamation: concept – Jurisdiction and powers of Court – vesting of rights and transfer of obligations – takeover and acquisition of minority interest, Winding up: Concept – modes of winding up – who can apply – procedure under different modes.

Prescribed Books:

Singh Avtar, *Company Law*, Latest Edn., (Lucknow: Eastern Book Company)

Majumdar A K, *Company Law & Practice*, Latest Edn., (New Delhi: Taxmann Publications Ltd.,)

Reference Books:

Devies Paul L, *Principles of Modern Company Law*, 8th Edn., (London: Sweet & Maxwell, 2008)

Kershaw David, *Company Law in Context*, (New York: Oxford University Press Inc., 2009)

Ramaiya A., *Guide to Companies Act*, 17th ed., Pt.1 to 4, (Nagpur: Lexis Nexis Butterworths Wadhwa, 2010).

Taxmann's *Companies Act, 2013*, Vols.1 to 3 (New Delhi: Taxman Publications, 2013)

Specialisation Course II: Banking and Insurance Law

Objectives:

Banking Institutions play a pivotal role in the growth of industry, trade and commerce and thereby, lead to economic development of the nation. In order to cope with the economic needs and developments, Ministry of Finance and Reserve Bank of India has initiated various policy and legislative measures to change the role of banks from mere economic institutions towards a vehicle of social change. Likewise, insurance sector in India is also one of the booming sectors which accelerate economic growth by providing conducive climate. The law relating to contracts of insurance is part of the general law of contract and also includes regulations to control the operations of the insuring body, investment of funds entrusted to its care, returns it has to submit and matters incidental thereto. This course is designed to acquaint the students with the conceptual and operational parameters, recent trends and emerging dimensions of both banking and insurance law.

Course Content:

UNIT I

History and evolution of Banking laws in India- *Reserve Bank of India Act, 1934* - *Banking Regulation Act, 1949*; Nationalisation and social control over banks; Types of banks and their functions -State Bank of India- Co-operative banks -Regional rural banks- Local area banks- Development banks (UTI and IDBI)

UNIT II

Employment of funds by banks- Loans and advances- Guarantees- Modes of creating charge on securities- Default and recovery; The Recovery of Debts due to Banks and Financial Institutions Act, 1993; *The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002*

UNIT III

Banker and Customer Relationship- their rights and duties; Information technology in banking industry-IT and computerization-E Banking and I Banking; Legal framework for electronic transactions-IT Act 2000- Technology for digital signature and electronic

signature-Types of online services of leading banks-Advantages of corporate internet banking- Security features embedded- Virtual banking in India- ATM-NEFT-RTGS- Universal Banking, Banking Ombudsman.

UNIT IV

History and Development of Insurance in India- Insurance Act, 1938 -Insurance Regulatory and Development Authority Act, 1999; Contract of insurance and its principles- Contract of indemnity- Contract of utmost good faith -Contract of subrogation and contribution- Insurable interest- Proximate Cause - Premium and Risk

UNIT V

Recent trends in Insurance - Life Insurance - Fire insurance - Marine insurance -Motor Vehicle Insurance; Banking and Insurance Services

Prescribed Books for Banking Law:

1. Tannan, M.L, *Law of Banking*, 25th Edn.,(New Delhi : Oriental Law House, 2014).
2. Gupta, R.K, *Banking Law and Practice*, 2nd Edn., (New Delhi: Modern Law Publications, 2008).
3. Khargamvala, J.S, *The Negotiable Instruments Act*, 21st Edn.,(New Delhi:Lexis Nexis Butterworths India 2013).
4. Pulani, Ravi and Mahesh Pulani ed., *The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002*, (New Delhi: Bharat Law House, 2008).
5. Singh, Avtar, *Introduction to Law of Negotiable Instruments*, 7th Edn.,(Lucknow: Eastern Book Company 2012).

Reference Books for Banking Law:

1. Basu, S.K, *A Review of current banking theory and practice*, (Madras: Mc Millan 1974).
2. Paget, *Law of Banking*, 13th Edn., (UK : Lexis Nexis Butterworths, 2007)
3. Goyle, L.C, *Law of banking and Bankers*, (New Delhi :Eastern Book Co,1995).
4. Naik, S.A, *Law of Securitisation & Enforcement of Security Interest, Law, Practice and Procedure, A Commentary on the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002*, 1st Edn.,(New Delhi : Lexis Nexis Butterworths Wadhwa Nagpur 2008).

Prescribed Books for Insurance Law:

1. Srinivasan, M.N, *Principles of Insurance Law*, 9th Edn., (New Delhi: Lexis Nexis Butterworths Wadhwa Nagpur, 2009).
2. Murthy, K.S.N and K.V.S Sharma, *Modern Law of Insurance in India*, 4th Edn., (New Delhi : Lexis Nexis Butterworths, 2002).
3. Singh, Avtar *Law of Insurance*, 7th Edn., (Lucknow: Eastern Book Company, 2008).
4. Banerjee, *Law of Insurance*, (Hyderabad: Asia Law House, 1994).
5. Birds, John, *Modern Insurance Law*, (London: Sweet & Maxwell, 1997).
6. Merkin, Robert, *Colinvaux's Law of Insurance*, 8th Edn., (London: Sweet & Maxwell, 2009).

Reference Books for Insurance Law:

1. Hanson, John and Christopals Henly, *All risks property Insurance*, (Hong Kong: LLP Asia, 1999).
2. Eggers, Peter Mac Donald and Patric Foss, *Good Faith and Insurance Contracts*, (Hong Kong: LLP Asia, 1998).
3. Dalzell, John, "Cases and Materials on Law of Insurance by Edwen W. Patterson", (1947) 47 *Columbia Law Review* 1087-1090.
4. Mc Gee, Andrew, *The Modern Law of Insurance*, 2nd ed., (UK: Lexis Nexis Butterworths), 2006.
5. Hardy Ivamy E.R., *General Principles of Insurance Law*, 6th ed. (London: Butterworths 1993)
6. Colinvaux's, *Law of Insurance*, 9th ed. (London: Sweet and Maxwell, 2013)

Reference Statutes:

1. The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002
2. The Securitisation and Reconstruction of Financial Assets and Security Interest Act, 2002 with latest amendments
3. The Recovery of Debts Due to Banks and Financial Institutions Act, 1993
4. The Reserve Bank of India Act, 1934
5. The Banking Regulation Act, 1949
6. The Insurance Regulatory and Development Authority Act, 1999
7. The Insurance Act, 1938

Specialisation Course III: Competition Law

Objectives:

The competition plays a key role in ensuring productive, efficient, innovative and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. But if the anti-competitive practices take precedence in the market, the consumers and the economy of the nation both will be adversely affected. Hence, to prevent such situation from occurring and to ensure fair competition in the market the *Competition Act, 2002* was enacted. This Course is designed to give the students an insight into the *Competition Act, 2002*. It enables the students to understand how law curbs the anti-competitive practices and ensures fair play in the market.

Course Content:

Unit-I

Introduction to Competition Law, Evolution of Competition Law (USA, UK, India) relevant provisions of Sherman's Act, An overview of MRTP Act, 1969, Monopolistic Trade Practices, Restrictive Trade Practices, Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, Raghavan Committee Report, Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report), Basic economic and legal principles, Restraint of Trade under Indian Contract Act.

Unit-II

Development of law from MRTP to Competition Act 2002, aims, objects and salient features, comparison between MRTP Act and Competition Act, Anti-Competitive agreement - appreciable adverse effect, horizontal and vertical agreements, effects doctrine; prohibition of anti-competitive agreements, concerted practices and parallel behavior, cartel and cartelisation, bid rigging and collusive bidding, Tie-in-arrangements, exclusive supply agreement, resale price maintenance agreement, protection of consumers.

Unit-III

Abuse of dominant position -relevant market, predatory behavior, predatory pricing, discriminatory practices, combination - value of assets, turnover, acquisition, conglomeration, joint venture, merger and amalgamation, notification, interface between intellectual property laws and Competition Laws -principle of international exhaustion -*Samsung Electronics v. Kapil Wadhwa* case

Unit-IV

Competition Commission of India - structure and function of CCI, regulatory role, Competition Appellate Tribunal- composition, functions, powers and procedure, award of compensation, power to punish for contempt, execution of orders.

Unit-V

International competition law issues, the need for and benefits of international cooperation; international cooperation and agreements, efforts toward a multilateral agreement; trade and competition policy in the WTO, TRIPS, **the Doha Declaration**, etc.

Prescribed Books:

1. Mittal D. P., *Competition Law and Practice*, 3rd ed., (New Delhi: Taxmann Publications (P.) Ltd, 2010).
2. Dhall Vinod (ed.), *Competition Law today – Concepts, Issues & the Law in Practice*, (New Delhi: Oxford University Press, 2007).
3. Prasad P. S., *Competition Law & Cartels*, (Hyderabad: The ICFAI University, 2007).
4. Roy Abir & Jayant Kumar, *Competition Law in India*, (Kolkata: Eastern Book House, 2008).
5. Whish Richard & David Bailey, *Competition Law*, 7th ed., (New York: Oxford University Press, 2012).

Reference Books:

1. Dugar S. M., *Commentary on the MRTP Law, Competition Law & Consumer Protection Law*, Vol. I & II, 4th ed., (Nagpur: Lexis Nexis Butterworths Wadhwa , 2006).
2. Korah Valentine, *An Introduction Guide to EC Competition Law & Practice*, 9th ed., (London: Hart Publishing, Oxford, 2007).
3. Brown Abbe E.L., *Intellectual Property, Human Rights and Competition*, (UK: Edward Elgar Publishing Ltd, 2012).
4. Williams Mark, *The Political Economy of Competition Law in Asia*, (UK: Edward Elgar Publishing, 2013).

Specialisation Course IV: Law on Securities and Financial Markets

Objectives:

This course is designed to give an understanding of different securities available in the market. It is imperative for a student to know about issue of securities, listing and de listing, regulatory compliances and disclosure norms. It is necessary to have an overview of different markets available, role of regulators in regulating trade with an insight into insider trading and takeover code form part of the course.

Course Content:

UNIT I. An introduction to securities markets

Role of Capital in business, issue and allocation of capital, various types of securities through which capital can be raised. Financial Markets in India, Institutions in operation, Role of Regulators, idea of market intermediaries. Types of markets: Primary market, secondary market, equity, debt, commodities and derivatives market

UNIT II. Issue of Securities

Public and non – public offer of shares, terms of issue, prospectus, listing and de-listing, allotment of securities, Disclosure of Information, listing agreement. *SEBI (Issue of Capital and Disclosure Requirements) Regulations, 2009.*

UNIT III. Financial Market Regulation

Role and functions of market regulators: RBI as a regulator. *Securities & Exchange Board of India Act; Securities Contract (Regulation) Act. Depositories Act.*

UNIT IV. Financial Market Mechanism

Market Intermediaries: Merchant Bankers, Brokers, Underwriters, Bankers to an issue, Portfolio Managers, Credit Rating Agencies, Foreign Institutional Investors, Venture Capital, Custodians

UNIT V. Takeover and Insider Trading

Law relating to insider trading. *SEBI (Prohibition of Insider Trading) Regulations, 1992.* SEBI Takeover Code. *The SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003; SEBI (Substantial Acquisition of Shares and Takeover) Regulations, 2011*

Prescribed Books:

Desai Vasant, *Fundamentals of the Indian Financial System*, 6th edn., (Mumbai: Himalaya Publishing House Pvt. Ltd., 2008)

Desai Vasant, *The Indian Financial System & Financial Market Operation*, (Mumbai: Himalaya Publishing House Pvt. Ltd., 2012)

Dr. S Gurusamy, *Financial Markets and Institutions*, 2nd edn., (Chennai: McGraw-Hill Education (India) Pvt. Ltd., 2008).

Dr. V.A.Avadhani, *Investment and Securities Markets in India*, 8th revised edn., (Mumbai: Himalaya Publishing House Pvt. Ltd., 2008)

Reference Books:

Vayttaden Shishir, *SEBI's Takeover Regulations*, 10th edn., (Nagpur: Lexis Nexis, 2010).

Manual of SEBI, Vol. I and II, 16th edn., (New Delhi: Bharat Law House Pvt. Ltd, 2009)

Specialisation Course V: International Trade Law

Objective:

The Course is designed to give the students an insight into International Trade Law with a view to help them understand the basic principles and contemporary dimensions of International Trade Law. It will familiarize the students with the nature and structure of international rights and obligations in the field of international trade and investment, the terms & conditions of international trade, the relationship between municipal law and international rules. This course also deals with the agreements that form part of the World Trade Organization such as agreements relating to tariff, subsidies, anti-dumping and countervailing duties, trade-related investment measures, trade-related intellectual property rights, etc. The course will examine how conflicts in the interpretation and implementation of these agreements are resolved through dispute resolution mechanisms built into the agreements

Course Content:

Unit – I

Introduction to and evolution of International Trade, Theories of International Trade (Mercantilist Theory, Comparative Advantage Theory, etc.), Free trade and fair trade, Balance of Payment, Globalization and its impact on trade in India, *Foreign Trade (Development and Regulation) Act, 1992*.

Unit-II

Introduction to International Trade Law- Definition, scope, sources and subject matter of International Trade Law, Basic principles of international trade law-Most Favoured Nation Treatment, National Treatment, etc.; General Agreement on Trade and Tariff, Evolution of WTO- Structure of the organization, power and objectives, Sanitary and Phyto-sanitary measures, Anti-dumping measures, WTO & Agriculture, Agreements pertaining to trade barriers.

Unit –III

Trade & IPR issues – General Agreement on Trade in Services (GATS), Trade Related Investment Measures (TRIMS), Trade Related Intellectual Property Rights (TRIPS), Trade and Environment issues – WTO Appellate Body decisions, Sustainable development, Doha round of Negotiations.

Unit-IV

International sale of goods, formation of contract of Sale, Indian Law of Contract and Sale of Goods Act, Trade terms in international sales, effects of the contract- rights & obligations of the seller & the buyer, frustration of contract, unification of international sales law, export & import licensing.

Unit-V

International transport of goods-carriage of goods by Sea, carriage covered by Bills of Lading, Hague & Visby Rules, Hamburg Rules, Charter Parties, *The Indian Carriage of Goods by Sea Act, 1925*, Carriage by Air, *The Carriage by Air Act, 1972*. Settlement of disputes – International commercial Arbitration, Recognition & Enforcement of Foreign Arbitral awards, UNCITRAL Model Law on International Commercial Awards, UNCITRAL Arbitration rules, Conciliation, UNCITRAL Conciliation Rules.

Prescribed books:

1. Bhagirath Lal Das, *The World Trade Organisation: A Guide to the New Framework for International Trade*, (New York: Zed Books Ltd., 2000)
2. Andrew Guzman & Joost H.B. Pauwelyn, *International Trade Law*, 2nd ed. (New York: Wolters Kluwer Law & Business, 2012)
3. Anil Arora, *International Trade-Theories & Current Trends in the Globalised World*, (New Delhi: Deep & Deep Publications Pvt. Ltd., 2007)
4. B. C. Mitra, *Law Relating to Bills of Lading, Charter Parties, & Contract of Affreightment*, 4th ed. (New Delhi: Universal Law House, 2014)
5. Carole Murray, David Holloway and Ors., *Schmitthoff's The Law and Practice of International Trade*, 12th ed. (UK: Sweet & Maxwell, 2012)
6. Anupam Goyal, *The WTO And International Environmental Law: Towards a Conciliation*, (New Delhi: Oxford University Press, 2006)

Reference books:

1. Eugen Langen, *Transnational Commercial Law*, (Netherlands: A.W. Sijthoff International Publishing Co., 1973)
2. John H. Jackson, *The World Trading System-Law & Policy of International Economic Order*, 2nd ed. (Massachusetts: MIT Press, 1997)

3. Erich Vranes, *Trade and the Environment: Fundamentals Issues in International Law, WTO Law and Legal Theory*, (New York: Oxford University Press, 2009)
4. P. W. Birnie & A. E. Boyle, *International Law & The Environment*, 3rd ed. (New York: Oxford University Press, 2009)
5. Arun Goyal, *WTO in the New Millennium: Commentary, Case Law, Legal Texts*, 5th ed. (Bombay: Academy of Business Studies, 2001)

Specialisation Course VI: Intellectual Property Law

Objectives:

Intellectual Property law has assumed great importance in contemporary times. The creations of human brain require protection in the interest of the creator and also society. The domestic legislations have undergone tremendous change to harmonise with the changing needs and global requirements. A modern lawyer should be well equipped with the legal regime applicable to intellectual property. He should have a vast field of knowledge varying from conceptual clarity to the skills of drafting to the processual intricacies involved. The course is designed to equip the students accordingly.

Course contents:

Unit I

Introduction to Intellectual Property Rights: Concept and kinds; Justifications for legal protection; Intellectual Property and monopoly; TRIPs and IPR Regime; TRIPs and its Impact on India; World Intellectual Property Organization: functions and policies; WTO and Dispute Settlement Mechanism

Unit II

Law of Copyright (Copyright Act, 1957): Meaning and nature of copyright; Subject matter of copyright; Registration of copyright; Rights of copyright owner and licensee; Infringement of copyright and remedies; Neighboring Rights: right of performing artists, broadcasting organizations, broadcasting rights including satellite and cable distribution; Salient Features of International Conventions and Agreements for the Protection of Copyright: WTO/TRIPS Agreement 1993, The Berne Convention, Universal Copyright Convention, The Rome Convention, WIPO Copyright Treaty 1996 and WIPO Performances and Phonogram Treaty, 1996.

Unit III

Law of Trade and Merchandise Marks (Trade Marks Act, 2000): Meaning and nature of trade mark; Registration of Trade Marks: procedure and effect of registration, limitation, prohibition against registration. Certification of Trade Marks, foreign trade mark; Licensing and Assignment: Passing of and infringement, rights of owner, rights of licensee, remedies of infringement of trade mark; Salient Features of International Conventions and Agreements for Protection of Trade Mark : Paris Convention for the Protection of Industrial

Property 1883, Madrid Agreement 1891, Nice Agreement 1957 and WTO/TRIPS Agreement 1993.

Unit IV

Law of Patent (The Patents Act, 1970): Basic concepts of patent, meaning, nature and kinds of patent; Procedure for registration of patents, patent agents, patent of addition, international patents; Rights and obligations of a patentee, assignment and surrender, notion of abuse of patent rights; Enforcement of patent, government use of invention, compulsory licences, licences of right and revocation for non-working, grounds of revocation of a patent; Infringement of patent, remedies for infringement, threat of infringement; Patents Amendments; Salient Features of International Conventions and Agreements for Protection of Patents: Paris Convention for the Protection of Industrial Property 1883, WTO/TRIPS Agreement 1993, Patent Co-Operation 1970.

Unit V

Law of Designs: Basic concept, nature of rights, process of registration, transfer of interest or rights, action for infringement and reliefs and remedies. **Geographical Indication of Goods Act, 1999:** Salient Features; **Confidential Information:** Historical development and conceptual basis, unauthorized use and Remedies; **Trade secrets:** Technical know-how, misuse and piracy. **Semiconductor Integrated Circuits Layout-Design Act, 2000:** Salient Features.

Book Prescribed:


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2. W. R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co, Pvt. Ltd., Delhi (2001).
3. P. Narayana, Copyright and Industrial Design, 3rd Edn., Eastern Law House, New Delhi and Kolkata (2002).
4. P. Narayanan, Patent Law, 4th Edn., Eastern Law House, New Delhi and Kolkata (2006).


Reference Books:

1. Elizabeth Verkey, *Law of Patent* (Eastern Book Company, Lucknow, 2005).
2. Holyoak and Torremans, *Intellectual Property Law* (Oxford University Press, New York, 2010).
3. J.A.L. Sterling, *World Copyright Law* (Sweet and Maxwell, London, 2009).
4. Janice M. Mueller, *Patent Law* (wolters kluwer Law and Business, New York, 2009).

5. Jeremy Philips and Alison Firth, *Introduction to Intellectual Property Law* (Lexis Nexis, Butterworths, UK, 2001).
6. Kailasam and Vedaraman, *Law of Trade Marks and Geographical Indications* (Wadhwa, Nagpur, 2009).
7. Lionel Bentley and Brad Sherman, *Intellectual Property Law* (Oxford University Press, New Delhi, 2003).
8. Mira T. Sundara Ranjan, *Moral Rights* (Oxford University Press, New Delhi, 2001).
9. Richard Arnold, *Performers' Rights* (Sweet and Maxwell, London, 2004).
10. Srikanth Venkataraman, *Understanding Design Law* (Universal Law Publishing Co. Pvt. Ltd, New Delhi, 2008).
11. V.K. Ahuja, *Intellectual Property Rights in India* (Lexis Nexis, Butterworths, Wadhwa, Nagpur, 2009).
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13. Hilary E. Pearson and Clifford G. Miller, *Commercial Exploitation of Intellectual Property*, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).
14. Ranabhir Singh, *Law Relating to Intellectual Property*, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
15. Carlos M. Correa, *Intellectual Property Rights, the WTO and Developing Countries: The TRIPs Agreement and Policy Options*, Zed Books, Third World Network, Penang Malaysia (2000c).
16. B.L. Wadehra, *Law Relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications*
17. Melville B. Nimmer, and Paul Edward Geller, *International Copyright Law and Practice*, Mathew Bender and Co., (1998).
18. Sam Ricketson, *The Berne Convention for the Protection of Literary and Artistic Works: 1886 – 1986*, Kluwer London (1987).
19. Andrew Christie, *Integrated Circuits and their contents: International Protection*, Sweet and Maxwell, London, (1995).


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