



KARNATAKA STATE LAW UNIVERSITY'S LAW SCHOOL

**Navanagar, Hubballi– 580 025
Accredited with 'A' Grade by NAAC**



**REGULATION AND SYLLABUS DETAILS OF
ONE YEAR POST GRADUATE PROGRAMMES
OF
KSLU'S LAW SCHOOL**

ONE YEAR LL.M PROGRAMME

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

(Under Section 48(1)(b) 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 teaching/ research, legal reasoning, and comprehension/basic legal knowledge.
- (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 committee/ committees under the chairpersonship of the Dean or heads of post graduate centers, and two experts nominated by the Vice Chancellor.
- (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 and such other centres as decided by the University.
- (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 30marks 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.

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 foreign University recognized as equivalent to the status of an Indian University by an authority 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.

9. 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.

10. 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 has been detained due to shortage of attendance shall not be allowed to be promoted to the next semester.

11. 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) 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.

(6) 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.

(7) 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.

12. 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
≥ 65 < 70	A	6
≥ 60 < 65	B+	5
≥ 55 < 60	B	4
≥ 50 < 55	C	3
< 50	D	0

≥ 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.

(13) 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.

(14) 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.

(15) 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: Educational Law

III. 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

7.

**SYLLABUS OF
ONE YEAR LL.M. PROGRAMME
(CONSTITUTIONAL AND
ADMINISTRATIVE LAW)**

FIRST SEMESTER:

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 characterisation; 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.

Books Prescribed:

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).
4. Terry Hutchinson, *Research and Writing in Law*, (Sydney: Lawbook Co., 2009).

Foundation Course-II: Comparative Public Law

Objectives:

This paper is designed to sensitize the students towards a regime that is of relevance to every one 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.

Books Prescribed:

M.P.Jain, *Constitution of India*,

Cauper, *Constitution of USA*,

Nowak, Ruthunda & Young, *Constitutional Law*

Whade and Phillips, *Constitutional Law*

Hood Phillips, *Constitutional Law*

Bailey, Harris & Jones, *Liberty*

Jain and Jain, *Administrative Law*

Whade, *Administrative Law*

De Smith, *Judicial Review*

Kenny, *Outlines of Criminal Law*

Glanville Williams, *Criminal Law*

Elias T.O., *Modern Law of Treaties*

Mc Nair Arnold, *Law of Treaties*.

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

Foundation Course-III: Law and Justice in a Globalising 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 globalised 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-

Allen Watson, *Nature of Law*

Dennis Lloyd, *Idea of Law*

Lloyd, *Introduction to Jurisprudence*

Freedman, *Law and Social Change*

P.Ishwar Bhat, *Law and Social Transformation*

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.

Selected Bibliography

Dr. P. Ishwara Bhat, *Fundamental Rights – A Study of Their Interrelationship*
H. M. Seervai, *Constitutional Law of India – Vol. I & II*
D. D. Basu, *Commentaries on Constitutional Law of India*
M. P. Jain, *Indian Constitutional Law*
Tope T. K., *Constitutional Law of India*
V.N. Shukla, *Constitution of India*
Pylee M. V., *Our Constitution Government and Politics*
Subhash C. Jain, *The Constitution of India*

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

1. Seervai H.M., *Constitutional Law of India*, Vol. I, II & III, 4th ed. (Mumbai: Universal Law publishing, 2013).
2. V. D. Sebastian, *Indian Federalism: The Legislative Conflicts* (Trivandrum, Academy of Legal Education 1980).
3. Chandrapal, *Centre-State Relations and Cooperative Federalism*, (New Delhi: Deep and Deep 1983).
4. D. T. Lakadwala, *Union-State Financial Relations* (Mumbai: Lalvani Publishing House 1967).
5. Wheare K. C., *Federal Government*, (Pennsylvania: Greenwood Press 1980).
6. K. P. Krishna Shetty, *The Law of Union-State Relations and the Indian Federalism* (Origin: University of Michigan, Sai Naga Publications 1981).
7. Singhvi L.M. (ed.), *Union-State Relations in India*, (New Delhi: The Institute of Constitutional and Parliamentary Studies 1969).

SECOND SEMESTER

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 introduces 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; Constructional (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.

Suggested 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).

References:

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 for 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.

Select bibliography:

Friedman, *The State and the Rule of Law in a Mixed Economy*

Dicey, *Introduction to the Law of the Constitution*,

Davis, *Discretionary Justice*

Jain & Jain, *Principles of Administrative Law*, (Tripathi, 1986).

De Smith, *Judicial Review of Administrative Action*, (1995).

M.P. Jain, *Cases and Materials on Administrative Law*, Vol.I, (Wadha, Nagpur.Law 399, 1996).

Bagawati Prosad Banerjee, *Writ Remedies*, (Wadhwa, Nagpur, 1999).

Donald C. Rowat, *The Ombudsman*, (George Allan and Unwin Ltd., Toronto, 1966).

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.

Select Bibliography:

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. Rashmi Sharma, *Electronic Media: Issues and Innovations*, (New Delhi, Regal Publications, 2007).
4. Sara Hadwin & Duncan Bloy, *Law and the Media*, (London, Sweet and Maxwell, 2007).
5. Pooja Kataria, *Women and the Media*, (New Delhi, Regal Publications, 2007).
6. Umar Sama, *Law of Electronic Media*, (New Delhi, Deep and Deep Publications Pvt Ltd, 2007).
7. Ram Jethmalani & Chopra D.S., *Cases and Material on Media Law*, First edition, (New Delhi, Thomson Reuters, 2012).
8. Peter Carey and Peter Coles, Nick Armstrong and Duncan Lamont, *Media Law*, 4th ed. (London, Sweet and Maxwell, 2007).
9. P. Eric Louw, *The Media and Political Process*, 2nd ed, (Los Angeles, Sage Publications, 2010).
10. Judith Ridgway, *Handling the Media and Public Relations*, First Edition, (Infinity Books, 2005).
11. Andrew Nicol QC, Gavin Millar QC and Andrew Sharland, *Media Law and Human Rights*, 2nd ed, (Oxford University Press, 2009).

12. Bruce Michael Boys, *Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression*, 14 J.I.L.I. 501 (1972).
13. Rajeev Dhavan, *On the Law of the Press in India*, 26 J.I.L.I. 288 (1984).
14. Rajeev Dhavan, *Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission*, 26 J.I.L.I. 391 (1984).
15. Soli Sorabjee, *Law of Press Censorship in India*, (1976).
16. Justice E.S. Venkaramiah, *Freedom of Press: Some Recent Trends*, (1984).

Specialisation Course-VI: Education Law

Objectives:

To make the students aware of the importance of education, to familiarize them with the Constitutional provisions related to education, to acquaint them with the rights of educational institutions and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

Course Content:

Unit I

Human Right to Education: Role of education in Human development; International law and right to education: UDHR; UNESCO: Convention and Recommendation against Discrimination in Education, 1960; Convention on the Elimination of All Forms of Discrimination Against Women, 1981; Convention on the Rights of Persons with Disabilities, 2006; European Convention on Human Rights, 1952; Pune Declaration on Education for Human Rights in Asia 1999.

Unit II

Right to Education as a Fundamental Right: Right to Education under Art. 21; Free and Compulsory Education; Equal opportunity of education; Right to Education under Art.21A, Constitution (Eighty Sixty Amendment) Act. 2002; Right to Education Act, 2009: Salient features.

Unit III

Rights of Educational Institutions: Art.29 and 30: Right to establish educational institutions; Right to administer educational institutions; Private educational institutions and Governmental

Control; Minority educational institutions; Regulations of minority educational institutions; Restrictions on Religious instructions in educational institutions (Art.28).

Unit IV

Other Constitutional provisions regarding Education: Right to work, to education and to public assistance in certain cases (Art. 41); Provision for early childhood care and education to children below the age of six years (Art. 45); Promotion of educational and economic interest of SC, ST and other weaker sections (Art. 46); Fundamental Duties(Art. 51A); Special provision with respect to educational grants for Anglo-Indian Community (Art. 337); Facilities for instruction in mother tongue at primary stage (Art. 350A); Special officer for linguistic minorities (Art. 350B); Development and promotion of Hindi language(Art. 351); Seventh Schedule of the Indian Constitution: Entries related to education in the Union List, State List and the Concurrent List.

Unit V

Educational Laws: University Grants Commission Act, 1956; Karnataka State Universities Act, 2000; Laws related to Professional education: Bar Council of India, Medical Council of India and All India Council for Technical Education; Central Educational Institutions (Reservation in Admission) Act, 2006; National Knowledge Commission-Report to the Nation 2006-2009

Books Prescribed:

1. M.P. Jain, *Indian Constitutional Law*
2. D.D. Basu, *Commentary on the Constitution of India*
3. A.P. Datar, *Commentary on the Constitution of India*
4. H.M. Seervai, *Constitutional Law of India*
5. M.P. Singh, *Constitution of India*
6. H.O. Agarwal, *International law and Human Rights*
7. B.M. Sankhdher, *Encyclopaedia of Education System in India*
8. P.L. Mehta, R.Poonga. *Free and Compulsory Education*
9. R.D. Agarwal. *Law of Education and Educational Institutions*
10. G.S. Sharma. (ed.), *Educational Planning: Its Legal and Constitutional Implications in India.*

SYLLABUS OF
ONE YEAR LL.M. PROGRAMME
(CORPORATE AND COMMERCIAL
LAW)

FIRST SEMESTER

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 characterisation; 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. Literature review. Report writing; writing case comments and book reviews. Publication of academic work in books, journals and newspapers. Use of technology in legal research.

Books Prescribed:

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).
4. Terry Hutchinson, *Research and Writing in Law*, (Sydney: Lawbook Co., 2009).

Foundation Course-II: Comparative Public Law

Objectives:

This paper is designed to sensitize the students towards a regime that is of relevance to every one 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.

Books Prescribed:

M.P.Jain, *Constitution of India*,

Cauper, *Constitution of USA*,

Nowak, Ruthunda & Young, *Constitutional Law*

Whade and Phillips, *Constitutional Law*

Hood Phillips, *Constitutional Law*

Bailey, Harris & Jones, *Liberty*

Jain and Jain, *Administrative Law*

Whade, *Administrative Law*

De Smith, *Judicial Review*

Kenny, *Outlines of Criminal Law*

Glanville Williams, *Criminal Law*

Elias T.O., *Modern Law of Treaties*

Mc Nair Arnold, *Law of Treaties*.

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

Foundation Course-III: Law and Justice in a Globalising 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 globalised 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-

Allen Watson, *Nature of Law*

Dennis Lloyd, *Idea of Law*

Lloyd, *Introduction to Jurisprudence*

Freedman, *Law and Social Change*

P.Ishwar Bhat, *Law and Social Transformation*
Relevant International instruments

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.

Select Bibliography:

1. Palmer, Company Law, Stevens, London
2. LGB Grover, Principles of Modern Company Law, Sweet and Maxwell, London
3. Pennington, Company Law, Butterworths, London
4. A. Ramaiya, Guide to the Companies Act, Wadhwa and Co. Agra
5. S K Roy, Corporate Image in India, Shah S M Lectures on Company Law, N M Tripathi, Bombay

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; *Negotiable Instruments Act, 1881*- Kinds – Holder and holder in Due Course- Negotiation and Endorsement Crossing of Cheques -Material Alteration- Paying Banker, its Rights and Duties - Collecting Banker, its Duties and Protection - Dishonour of Cheques - Noting and Protest - Penal provisions.

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- Proxima 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. M.L.Tannan, (2010) – *Law of Banking*.
2. R.K.Gupta, (2012) - *Banking Law and Practice*.
3. Khergamvala, (1988) – *The Negotiable Instruments Act*.

4. Justice Bhagabati Prasad Banerjee, (2002) – *Guide to Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002*.
5. Avtar Singh, (2011) – *Laws of Banking and Negotiable Instruments*.
6. S.K Basu, (1974) – *A Review of current banking theory and practice*.
7. Paget, (2014) – *Law of Banking* (14th edn.)
8. L.C.Goyle, (1995) – *Law of banking and Bankers* – (Eastern Book Co).

Prescribed Books for Insurance Law:

1. John Hanson and Christophals Henly, (1999) - *All risks property Insurance*
2. Peter Mac Donald Eggers and Patric Foss, (1998) - *Good Faith and Insurance Contracts*.
3. Banerjee, (1994) - *Law of Insurance*
4. Birds John, (1997) - *Modern Insurance Law*
5. Edwen. W.Patterson, (1955) - *Cases and Materials on Law of Insurance*
6. K.S.N Murthy and K.V.S Sharma, (2009) – *Modern Law of Insurance in India*
7. M.N. Srinivasan, (2004)- *Principles of Insurance Law*
8. Avtar Singh, (2004)- *Law of Insurance*
9. Andrew Mc Gee, (2006)- *The Modern Law of Insurance*

SECOND SEMESTER

Specialisation Course III: Competition Law

Objective:

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 practice 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.

Books prescribed for reading:

1. S. M. Dugart, *Commentary on the MRTP Law, Competition Law & Consumer Protection Law*, Wadhwa & Co., (Nagpur, 2006).

2. Vinod Dhall, *Competition Law today – Concepts, Issues & Law in practice*, (Oxford University Press, 2008).
3. P. S. Prasad, *Competition Law & Cartels*, The ICFAI University, (Hyderabad, 2007)
4. A. Roy & Jayant Kumar, *Competition Law in India*, Eastern Book Company, (Lucknow, 2008).
5. Valentine Korah, *An introduction Guide to EC Competition Law & Practice*, (Hart Publishers, 2007).
6. D. P. Mittal, *Competition Law and Practice*, Taxman Publications (P.) Ltd, (3rd Edition, 2010).
7. Abbe E.L. Brown, *Intellectual Property, Human Rights and Competition*, (Edward Elgar Publishing, UK, 2012).
8. Mark Williams, *The Political Economy of Competition Law in Asia*, (Edward Elgar Publishing, UK, 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.*

Selected Readings:

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

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.

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.

Books prescribed for reading:

1. BhagirathLal Das, *The World Trade Organization*, (1999).
2. Arun Goyal, *WTO in the new Millennium*.
3. Anil Arora, *International Trade-Theories & Current Trends in the Globalised World*, (2007).
4. John H. Jackson, *The World Trading System*, (1948).
5. P. W. Birnie & A. E. Boyle, *International Law & The Environment*, (2004).
6. Anupam Goyal, *The WTO & The International Environmental Law*,(2006).
7. Erich Vranes, *Trade & The Environment*, (2009).

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:

1. P. Narayanan. Intellectual Property Law, Eastern Law House, New Delhi and Kolkata (2005).
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).

Suggested for Reading:

1. Elizabeth Verkey, *Law of Patent* (Eastern Book Company, Lucknow, 2005).

2. Holyoak and *Torreman*, *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).
12. William Cornish and David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, Sweet and Maxwell, London (2003).
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*
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