

# *Faculty of Law*

**P.K. University, Shivpuri  
(M.P.)**



**Syllabus**

**Master of Laws (LL.M)**

**Constitutional Law and Criminal Law**

**w.e.f.-session : 2022-23**

# LL.M

## LLM, 1<sup>st</sup> SEMESTER

SR NO	SUBJECT	PAPER CODE	L	T	P	INTERNAL	THEORY	PRACTICAL	CREDIT
01	Law and Social Transformation in India	MLAWALA101	05	00	00	30	70	-	05
02	Indian Constitutional Law : The New Challenges	MINDILA102	05	00	00	30	70	-	05
03	Judicial Process	MJUDILA103	05	00	00	30	70	-	05
04	Project Work	MPROJLA104	00	00	06	-	-	50	03
05	Practical and Viva-Voce	MPRACLA105	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

## LLM, 2<sup>nd</sup> SEMESTER (CONSTITUTIONAL LAW GROUP)

SR NO	SUBJECT	PAPER CODE	L	T	P	INTERNAL	THEORY	PRACTICAL	CREDIT
01	Legal Education and Research Methodology	MLEGALA106	05	00	00	30	70	-	05
02	Mass Media Law	MMASSLA107	05	00	00	30	70	-	05
03	Public Utilities Law	MPUBLLA108	05	00	00	30	70	-	05
04	Project Work	MPROJLA109	00	00	06	-	-	50	03
05	Practical and Viva-Voce	MPRACLA110	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

**LLM, 2<sup>nd</sup> SEMESTER (CRIMINAL LAW GROUP)**

<b>SR NO</b>	<b>SUBJECT</b>	<b>PAPER CODE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>INTERNAL</b>	<b>THEORY</b>	<b>PRACTICAL</b>	<b>CREDIT</b>
<b>01</b>	Legal Education and Research Methodology	MLEGALA106	05	00	00	30	70	-	05
<b>02</b>	Comparative Criminal Procedure	MCOMPLA107	05	00	00	30	70	-	05
<b>03</b>	Penology : Treatment of Offenders	MPENOLA108	05	00	00	30	70	-	05
<b>04</b>	Project Work	MPROJLA109	00	00	06	-	-	50	03
<b>05</b>	Practical and Viva-Voce	MPRACLA110	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

**LLM, 3<sup>rd</sup> SEMESTER (CONSTITUTIONAL LAW GROUP)**

<b>SR NO</b>	<b>SUBJECT</b>	<b>PAPER CODE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>INTERNAL</b>	<b>THEORY</b>	<b>PRACTICAL</b>	<b>CREDIT</b>
<b>01</b>	Union – State Financial Relations	MUNIOLA201	05	00	00	30	70	-	05
<b>02</b>	Constitutionalism : Pluralism and Federalism	MCONSLA202	05	00	00	30	70	-	05
<b>03</b>	National Security , Public Order and Rule of Law	MNATILA203	05	00	00	30	70	-	05
<b>04</b>	Project Work	MPROJLA204	00	00	06	-	-	50	03
<b>05</b>	Practical and Viva-Voce	MPRACLA205	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

**LLM, 3<sup>rd</sup> SEMESTER (CRIMINAL LAW GROUP)**

<b>SR NO</b>	<b>SUBJECT</b>	<b>PAPER CODE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>INTERNAL</b>	<b>THEORY</b>	<b>PRACTICAL</b>	<b>CREDIT</b>
<b>01</b>	Drug Addiction Criminal Justice and Human Rights	MDRUGLA201	05	00	00	30	70	-	05
<b>02</b>	Juvenile Delinquency	MJUVELA202	05	00	00	30	70	-	05
<b>03</b>	Collective Violence and Criminal Justice System	MCOLLLA203	05	00	00	30	70	-	05
<b>04</b>	Project Work	MPROJLA204	00	00	06	-	-	50	03
<b>05</b>	Practical and Viva-Voce	MPRACLA205	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

**LLM, 4<sup>th</sup> SEMESTER**

<b>SR NO</b>	<b>SUBJECT</b>	<b>PAPER CODE</b>	<b>L</b>	<b>T</b>	<b>P</b>	<b>INTERNAL</b>	<b>THEORY</b>	<b>PRACTICAL</b>	<b>CREDIT</b>
<b>01</b>	DISSERTATION	MDISSLA206	-	-	12	-	-	300	12
<b>02</b>	Practical and Viva-Voce	MPRACLA207	-	-	04	-	-	100	04
		<b>Total</b>						<b>400</b>	<b>16</b>

**FIRST SEMESTER**  
**LAW AND SOCIAL TRANSFORMATION IN INDIA**  
**PAPER CODE - MLAWALA101**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Law and social Change, Law as an instrument of social change, Law as the product of traditions and Culture, Modernization and the law, Reform of court Process

**UNIT-II:** Law Relating to Religion and Community, Religion as a divisive factor, Secularism, Religious Minorities and law, Reservation Policy, Provisions and Commissions.

**UNIT-III:** Law of Women and Children, Gender injustice and law, Crimes against woman, child Labour and Sexual exploitation, Adoption and education of children

**UNIT-IV:** Alternative Approaches to Law, Jurisprudence of Sarvodaya, and Socialist thought on law and Justice,

**UNIT-V:** Indian Marxist critique of law and justice, Naxalite movement: causes and cure

***Recommended Books:-***

Marc Galanter	- Law and Society in modern India.
Upendra Baxi	- The crises of Indian legal system.
Devican Derret	- The state, Religion and law in India.
Savitri Gunasekhare	- Children law and justice.
Indian Law Institute	- Law and social Changes.
Dr. Saleem Akhtar	- Uniform civil code.
H.M. Seervai	- Constitution law of India
V.N. Shukla	- Constitution of India.
M.P. Jain	- Outlines of Indian legal history.

**INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**  
**PAPER CODE- MINDILA102**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Federalism, Meaning and Scope, Federal Principle, Essential Characteristics, Position in India

**UNIT-II :** Fundamental Rights, State, Right to equality, Empowerment of women, Right to Freedom with reference to freedom of speech and right to broadcast and telecast., Right to Strikes, *Hartal and Bandh*.

**UNIT-III:** Emerging Regime of New Rights and Remedies, Directive Principles and Fundamental Duties, Right to education and commercialization of education, Right to minorities to establish educational institutions, Secularism and religious fanaticism

**UNIT-IV:** Separation of Powers: stresses and Strain, Judicial Activism, PIL implementation, Judicial independence, Tribunals

**UNIT-V:** Democratic Process, Nexus of Politics with criminals and the business, Election and Election Commission, Democracy and Coalition Government.

***Recommended Books:-***

H.M. Seervai - Constitution law of India

V.N. Shukla - Constitution of India.

D.D. Basu- Shorter constitution of India

J.N Pandey – Constitutional of India

**JUDICIAL PROCESS**  
**PAPER CODE- MJUDILA103**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Nature of Judicial Process, An instrument of social ordering, Creativity in Law- Legal Reasoning & Growth of Law- Change and stability, precedent, Development and reasoning under statutory and codified system.

**UNIT-II:** Dimensions of judicial process and adjudications, Aspect of Judicial Reviews, Role and Theories of Constitutional Adjudication, Judicial activism and Varieties. Judicial Law-making and Problems Accountability.

**UNIT-III:** Judicial Process in India, Historical background, Role of Judges and Judicial Review, Judicial Independence and Political Role in Judicial Process, Constitutional Goals, Values and Judicial Activism, Scope and Limits of Courts, Institutional Liability.

**UNIT-IV:** Concept of Justice, Concept in the Indian thought (Justice or Dharma) Various Theories of Justice in India and Western Thought. Theories of Justice-Liberal & Tradition, Utilitarian and Moral Tradition.

**UNIT-V:** Relation between Law and Justice, Equivalence theories, Dependency theories, independence of Justice Theories, Influence of theories of Justice, Judicial process and analysis of Supreme Court Cases.

***Recommended Books:-***

Julius Stone	-	The Province and Function of Law
Cardozo	-	The Nature of Indicial Process
W. Friedmann	-	Legal Theory
J. Stone	-	Legal System
Rajeev Dhawan	-	The Supreme court of India - A Socio Legal Critique of its Juristic techniques
Upendra Baxi	-	The Indian Supreme court and Politics
Edword H. Levi	-	An Introduction to Legal Reasoning

**SECOND SEMESTER**  
**LEGAL EDUCATION AND RESEARCH METHODOLOGY**  
**PAPER CODE- MLEGALA106**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Objectives of Legal Education, Clinical Legal Education- Legal Aid, and Legal Literacy, Legal Survey and Law Reform. Student's participation in Law School , Programmers- Organization of Seminars, Publication of Journals and assessment of Teachers.

**UNIT-II:** Methods of teaching and evaluation system, lecture method of teaching - Merits and demerits, discussion method and its suitability at PG level teaching, the seminar method of Teaching, examination system and problem in evaluation, external and internal assessment

**UNIT-III:** Research methods – socio legal research, doctrinal and non-doctrinal, relevance of empirical research, Induction and deduction

**UNIT-IV:** Identification of problem of research – What is research problem  
Survey of available literature and bibliographical research –

(A) Legislative materials including subordinate legislation, notification and policy statements.

(B) Decisional materials including foreign decisions: methods of discovering the “Rule of the case” “tracking the history of important cases and insuring that these have not been overruled: discovering judicial conflict in the area pertaining to the research problem and the reasons thereof

(C) Juristic writings, a survey of juristic literature relevant to select problems in India and foreign periodicals

(D) Compilation of list of reports of special studies conducted relevant to the problem

**UNIT-V:** Preparation of the research design

I. Formulation of the research problem

II. Devising tools and techniques for collection of data: Methodology -

a. methods for the collection of statutory and case materials and juristic literature

b. Use of historical and comparative research materials

c. Use of observation studies

d. use of questionnaires and interview

e. use o case studies

f. sampling procedure – design of sample, types of sampling to be adopted

g. use of scaling techniques

h. Jurimetrics



**III.** Computerized research - a study of legal research programme

**IV.** Classification and tabulation of data – use of cards for data collection, rules for tabulation, explanation of tabulation data

**V.** analysis of data

***Recommended books***

- |                    |   |  |
|--------------------|---|--|
| S.K. Agarwal       | - | Legal Education in India                 |
| N.R. Modhave Mohan | - | A bland book of clinical Legal Education |
| H.M. Hyman         | - | Interviewing in Social Research          |
| Moses L Cohan      | - | Legal Research in Nutshell               |
| ILI Publication    | - | Legal Research and Methodology           |
| S.R Myneni -       | - | Legal Methods                            |

**(CONSTITUTIONAL LAW GROUP)**

**MASS MEDIA LAW  
PAPER CODE – MMASSLA107**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Mass Media-Types of press films, Radio Television, Ownership patterns Press, Private, Public, Radio & Television

**UNIT- II :** Press Freedom of Speech and Expression – Article 19 (1) (a), Includes Freedom of the Press, Laws or defamation, obscenity, blasphemy and sedition, The relating to employees’ wages and service conditions, News print Control Order, Advertisement – is it included within freedom of speech and expression ?, Press And the Monopolies and Restrictive Trade Practices Act.

**UNIT-III:** Films- How far included in freedom in of speech and expression, Censorship Of films Constitutionally, The Abbas case, Difference between films and Press-why pre-censorship, valid for films but not for the press, Censorship under The Cinematograph Act.

**UNIT-IV :** Radio and Television – Government monopoly, Should there be an autonomous Corporation ?, Report of the Chandra Committee, Government Policy, Commercial Advertisement, Judicial Review of Doordarshan decisions: Freedom To telecast

**UNIT- V:** Constitutional Restrictions, Radio and television subject to law of defamation and Obscenity, Power to legislate – Article 246 read with the Seventh Schedule, Power To impose tax-licensing and license fee.

***Recommended books-***

M.P. Jain, Constitutional Law of India

Rajeev Dhavan “On the Law of the Press in India”

Soli Sorabjee, Law of Press Censorship in India (1976).

Justice E. S. Venkaramiah, Freedom of Press Some Recent Trends (1984).

D.D. Basu, The law of Press of India (1980).

**PUBLIC UTILITIES LAW**  
**PAPER CODE – MPUBLLA108**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Public Utilities, Meaning & Subjects : - Railways, Electricity, Gas, Road Transport, Telephone, Post and Telegraph Service, Police, Fire Brigade, Banking Service etc., Growth and Evolution of public utilities and their legislation, Government and Parliamentary Control, Constitutional Provision of Power to Legislate.

**UNIT-II:** Utilities Legislation, Administrative Authorities-Structure of the Administration Authorities, Subordinate legislation, Quasi-judicial Decision- Administrative Authorities.

**UNIT – III:** Public Utilities and Consumer Protection Exclusion from M.R.T.P. Act  
Rights of Consumers protected by the Consumer Protection Act.

**UNIT – IV:**

Public Utilities and their Employees, Application of Articles 16 and 311? Application of Industrial law-right to strike, the right to equality the airhostess case.

**UNIT –V:** Liabilities and Special privileges of public utilities, In Contract, In Tort, In Criminal Law

***Recommended Books***

1. P.M. Bakshi, Television and the law
2. Vasant Kelkar, “Business of Postal Service”
3. G. Ramesh, “Characteristic of Postal Service
4. Organization in a developing Country Like India
5. Nalini Paranjpe, “Planning for Welfare in the Indian Railways”
6. S.P. Sathe, Administrative Law
7. Jain & Jain, Principles of administrative Law
8. Jagdish UI, Handbook of electricity Laws

**CRIMINAL LAW GROUP)**  
**COMPARATIVE CRIMIANL PROCEDURE**  
**PAPER CODE – MCOMPLA107**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Organization of Courts and Prosecuting Agencies, Hierarchy of Criminal Courts And Their Jurisdiction, Nyaya Panchayat in India, Organization of Prosecuting Agencies for prosecuting criminals, Prosecutors and the police, Withdrawal of prosecution

**UNIT-II:** Pre-trial Procedures, Arrest and Questioning of the Accused, The Rights of the Accused/Rights to Counsel, The evidentiary value of statements / articles seized / collected by the police, Roles of the prosecutor and the judicial officer in Investigation.

**UNIT-III :** Trial Procedures, The accusatory system of trial and the Inquisitorial system, Role Of Judge, the prosecutor and defense attorney in the trial, Admissibility and Inadmissibility of evidence taking of evidence during trial, Appeal in the Higher Court for awarding appropriate punishment, Plea Bargaining

**UNIT- IV:** Correction and Aftercare Services, Institutional Correction of The Offenders,  
The Role of the court in correctional program in India

**UNIT-V:** Preventive Measures in India, Provisions in the Criminal Procedure Code

***Recommended Books***

1. Celia Hampton, Criminal Procedure
2. Wilkins and Cross, Outline of the Law of Evidence
3. Archbold, Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N. Chandrasekharan Pillai (ed.), R.V.Kelkar's Outlines of Criminal Procedure (2000), Eastern, Luck now.
6. Patrice Devlin, The Criminal Prosecution in England
7. John N. Ferdico, Criminal Procedure (1996), West
8. Sender & young criminal justice, (1994)
9. Criminal Procedure (1997), West

## **PENOLOGY: TREATMENT OF OFFENDERS**

### **PAPER CODE – MPENOLA108**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Definition of penology, theories of punishment, retribution, utilitarian, prevention: deterrence, behavioral prevention: incapacitation, rehabilitation – expiation, classical Hindu and Islamic approaches to punishment

**UNIT-II:** The problematic of capital punishment, constitutionality of capital punishment, judicial attitudes towards capital punishment in India – and inquiry through the statutes and case law

**UNIT-III:** Approaches to sentencing, alternatives to imprisonment, probation, collective Labour, fines, reparation by the offender / by the court

**UNIT-IV:** Sentencing, principle types of sentences in the penal code and special laws, presentence hearing, sentencing for habitual offender, plea-bargaining

**UNIT-V:** Imprisonment, the state of India's jails today, the disciplinary regime of Indian prisons, classification of prisoners, rights of prisoners and duties of custodial staff, deviance by custodial staff, open prisons, judicial surveillance – bases development reforms

#### ***Recommended books***

- 1.S. Chhabbra. The quantum of punishment in criminal law (1970)
- 2.H.L.L. hart, punishment and responsibility (1968)
3. Hereby l. packer, the limits of criminal sanction (1968)
- 4.Alf Ross, on guilt, responsibility and punishment (1975)
5. A.S. Siddique, criminology (1984) Eastern, luck now
6. Law commission of India, forty-second report Ch. 3 (1971)

**THIRD SEMESTER**  
**(CONSTITUTIONAL GROUP)**  
**UNION-STATE FINANCIAL RELATIONS**  
**PAPER CODE – MUNIOLA201**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I :** Models of federal government- U.S.A., Australia, Canada, difference between Federation and confederation, evolution of federal government in India

**UNIT-II:** Distribution of legislative power / Administrative power, centre-State relations, Factors responsible for subordinations of states

**UNIT-III:** Distribution of Fiscal power, Scheme of Allocation of taxing power, extent of Union power of taxation, residuary power – Inclusion of fiscal power, Inter-government tax immunities, difference between tax and fee, finance Commission-specific purpose grants (article 282)

**UNIT-IV:** Borrowing power of the state, borrowing power by government of India, Borrowing by the states, interstate trade and commerce, planning commission, National Development council, plan grants

**UNIT-V:** Co-operative federalism, full faith and credit, interstate council, Zonal Councils, interstate disputes, model of Jammu and Kashmir, sarkaria commission report

***Recommended Books -***

H.M. Seervai, constitutional law of India (1991), Bombay.

Ashok Chandra, federalism in India, (1-65)

G.C.V. Subba rao, legislative powers in Indian constitutional law, chs. 37, 38, 39 (1982).

Report of eight finance commission

M.P. Jain, Indian constitutional law (1994)

K. suba rao, the Indian federation (1969).

D.T. lakadwala, union-state financial relations (1967)

# CONSTITUTIONALISM: PLURALISM AND FEDERALISM

## PAPER CODE – MCONSLA202

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

### **UNIT-I**

Constitutionalism, authoritarianism, dictatorship, democracy – communication, Limited government-concept-limitations on government power, what is a Constitution?, Development of a democratic government in England-historical Evolution of constitutional government, conventions of constitutionalism-law And conventions, written constitutions : U.S.A. Canada, Australia, Sweden, south Africa and India, separation of powers : Montesquieu, rule of law – Concept and New Horizons, Marxist concept of constitutionalism, dictatorship of the Proletariat, communist state from Stalin to Gorbachov

### **UNIT-II**

Federalism for government - U.S.A, Australia, Canada, India, judicial review-for Federal umpiring, new trends in federalism: Co-operative federalism, India- central control V. State autonomy, political factors influencing federalism, Plural aspects in Indian federalism: Jammu & Kashmir, Punjab, Assam, dynamic of federalism

### **UNIT-III**

Pluralism, what is pluralistic society?, Ethnic, linguistic, cultural, political Pluralism, individual right -right to dissent, freedom of speech and Expression, freedom of the press, freedom of association, rights to Separateness, freedom of religion, rights of the religious and linguistic

Minorities, Compensatory discrimination for backward classes, women – Rights To equality and right to special protection, scheduled tribes, distinct

Identity – protection against exploitation- NSIS-Exclusion from Hindu law, Uniform civil code

### **UNIT-IV**

Equality in plural society, right to equality and reasonable classification, Prohibition of discrimination on ground of religion, caste, sex language, Abolition of untouchability, secularism – constitutional principles, tribal groups and equality

## **UNIT-V**

Pluralism and international concerns, international declaration of human rights, Conventions Against genocide, protection of religious, ethnic and linguistic Minorities, state intervention For protection of human right, right of Self-determination

### ***Recommended Books –***

Upendra Baxi, “law, democracy and human rights”.

VM Dandekar, “unitary elements in a federal constitution”

Rajiv Dhawan “The press and the constitutional guarantee of free speech and expression

M.A Fazal, “drafting a British bill of rights”

Jagat Narayan, “Judicial law making and the place of the directive principles in the Indian



# NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

## MNATILA203

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Article 22 of the Indian constitution, preventive detention, declaration of emergencies, rule of law, national security

**UNIT-II:** National Securities Act 1980, Special courts and tribunals, due process

**UNIT-III:** Article 19, meaning of security of state, public order, suspension of article 19, right on declaration of emergency, article 21, 44<sup>th</sup> amendment

**UNIT-IV:** Up and downs of article 359 and judicial review, 44<sup>th</sup> and 49<sup>th</sup> constitutional amendment Act

**UNIT-V:** National security provision in British law and also in Indian constitution

### ***Recommended Books -***

V.N Shukla, "Constitution of India"

MP Jain, "Constitution of India"

DD Basu – Commentaries on Indian Constitution

The National Securities Act 1980

**(CRIMINAL GROUP)**  
**DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS**  
**PAPER CODE – MDRUGLA201**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I**

Introductory, basic conceptions, drugs narcotics “psychotropic substances”, Dependence, “addiction”, “Crimes without victims”, Trafficking” in “drugs”, Primary drug abuse”  
How does one study the incidence of drug addiction and abuse, self-reporting, Victim-studies, problems of comparative studies

Anarchic and social characteristics of drug users, gender, age, religiousness, Single individuals/cohabitation, socio-economic level of family, residence Patterns (urban/rural/urban), educational levels, occupation age at first use, type Of drug use, reasons given as cause of first use, method of intake, patterns of The-use, average quantity and cost, consequences on addict’ s health (physical/psychic)

**UNIT-II**

The international legal regime, analysis of the background, text and operation Of the single convention on narcotic drugs, 1961, 1972, analysis of the Convention on psychotropic substances, 1972, international collaboration in Combating drug addiction, the SARC, and south-south cooperation.

**UNIT-III**

The Indian regulatory system, the penal provisions (under the IPC and the Customs act), India’s role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse, the narcotic Drugs and psychotropic substances act, 1985, patterns of resource investment In India: policing adjudication, treatment, aftercare and rehabilitation

#### **UNIT-IV**

Human rights aspects, the problem of juvenile drug use and legal approaches, possibilities of misuse and abuse of investigative persecutory powers, bail, the Problem of differential application of the legal regimes, especially in relation to the resource less.

#### **UNIT-V**

The role of community in combating drug addiction, profile of community Initiatives in inhibition of dependence and addiction (e.g. de-addiction and Aftercare), the role of educational systems, the role of medical profession, the Role of mass media, initiatives for compliance with regulatory systems, law Reform initiatives

#### ***Recommended Books -***

H.S. Becker, outsiders: the studies in sociology of deviance (1966)

R. cocken, drug abuse and personality in young offenders (1971)

United Nations, economic and social reports of the commission on Narcotic drugs, United Nations.

Social defense, research institute (UNSDRI) Combating drug abuse and Related crimes (Rome, July 1984, publication No. 21.)

Lok Sabha and Rajya Sabha debates on 1986 bill on Psychotropic Substances.

**JUVENILE DELINQUENCY**  
**MJUVELA202**

*This paper consists of two parts*  
*External paper carries 70 marks*  
*Internal / Sessional paper carries 30 marks*

**UNIT-I**

The basic concepts, the conception of 'child' the overall situation of Children/ Young persons in India, also with reference to crime statistics (of Crimes by and against children).

Determining Factors of juvenile delinquency, differential association, anomie, Economic pressure, peer group influence, class differentials

**UNIT-II**

Indian context of juvenile delinquency, neglected-below poverty line, physically And mentally disabled, orphans, destitute vagrants, laborers, in unorganized Sector like domestic servant, shops and establishments, rag-pickers family trade, Delinquent- number, sex-ratio, ratio to adult crime, types of offences Committed recidivism, rate of increase background, drug addicts, victims, of Violence-sexual abuse, battered, killed by parents, of criminal activities like Bootlegging, drug pollution as a response of protective approach.

**UNIT-III**

Legislative approaches, children act, the juvenile justice act, constitutional Aspects, competent authorities, procession safeguards for juveniles, powers given to government, community participation as envisaged under the act

**UNIT-IV**

Implementation, institutions, bodies, personnel, other responsibilities of each Agency/person, coordination among related agencies, accountability-annual reports and accessibility of public to juvenile justice institution

## **UNIT-V**

Preventive strategies, state welfare programmers' health, nutrition, ICWS,

Grants-in-aid, compulsory education, role of community, family, voluntary, bodies, Individuals

### ***Recommended Books –***

National institute of social defense, model rules under the juvenile  
Justice act, 1986, and (1986)

K.S. Shukla adolescent offender (1985)

United Nations, Beijing rules on treatment of young offenders (1985)

Myron wiener, the child and state in India (1990)

The United Nations declaration on the rights of children

UNICEF periodic materials.

**COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**  
**PAPER CODE – MCOLLLA203**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I**

Introductory, notions of “force”, “coercion”, “violence”, distinctions: “symbolic” Violence,” institutionalized” violence, “ structural violence”, legal order as a Coercive normative order, force monopoly of modern law, “constitutional” and “criminal” speech : speech as incitement to violence, “collective political Violence” and legal order, notion of legal and extralegal “repression”

**UNIT-II**

Approaches to violence in India, religiously sanctioned structural violence: caste  
And gender based, ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions In India, Gandhi’s approach to non-violence, discourse on political violence and Terrorism during colonial struggle, attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

**UNIT-III**

Agrarian violence and repression, the nature and scope of agrarian violence in The 18-19 centuries India, colonial legal order as a causative factor of collective Political (agrarian) violence, the Telangana struggle and the legal order, the Report of the Indian human right commission on Arwal massacre

**UNIT-IV**

Violence against the scheduled castes, notion of atrocities, incidence of Atrocities, uses of criminal law to combat atrocities or contain aftermath of Atrocities, violence against women

**UNIT-V**

Communal violence, incidence and courses of “communal” violence, findings of Various

commissions of enquiry, the role of police and paramilitary systems in Dealing with communal violence, operation of criminal justice system tiring and In relation to, communal violence

***Recommended Books -***

U. Baxi (ed.), law and poverty: critical essays, (1988)

A.R. desai, (ed.) peasant struggles in India, (1979)

A.R. desai, agrarian, struggles in India: after independence (1986)

D.A. dhangare, peasant movement in India: 1920-1950 91983)

T. honderich, violence for Equality (1980)

Rajni Kothari, state against democracy (1987)

**(FOURTH SEMESTER)**  
**DISSERTATION – MDISSLP206**

Every student has to select a topic for research duly approved by the Head of the Department and take up the research work during the course of fourth semester. The topic must be chosen at the end of the third semester and the approval would be communicated at the beginning of the fourth semester. The research must be carried out under the supervision of a supervisor, who has been experienced and qualified to be a professor/ Associate Professor/ Assistant professor of respective department.

The dissertation must be of at least 100 pages typed on one side of the paper with 1.5 spaces. Methodology prescribed must be strictly followed in regard to citation, bibliography, chapter index etc. It must be the original work of candidate. The dissertation must be submitted at least 15 days before the commencement of the final semester examination. The dissertation shall be evaluated for a maximum of 300 marks by two examiners (one external and the other internal) and the average marks would be taken, further there would be a viva-voce examination by a committee consisting of one external and one internal examiner, which would contain 100 marks.

A candidate should get 50% of the total marks of the total marks i.e. 150 out of 300 marks assigned to this paper in order to obtain a pass in this paper. A Candidate who fails in this paper has to resubmit dissertation attending to all the queries raised or mistake point out by the examiners.

**VIVA – VOCE**  
**MVIVALA207**

The candidates will be required to appear before examining panel for viva-voce carrying 100 marks. This oral session will be meant for evaluating the overall knowledge of candidate regarding dissertation thesis



# *Faculty of Law*

**P.K.University Shivpuri  
(MP)**



## **Syllabus**

**Master of Laws (LL.M)**

**Corporate Law**

**w.e.f.- session: 2023-24**

# LL.M (CORPORATE LAW) SCHEME

## LLM, 1<sup>st</sup> SEMESTER

SR NO	SUBJECT	PAPER CODE	L	T	P	INTERNAL	THEORY	PRACTICAL	CREDIT
01	Law and Social Transformation in India	MLAWALA101	05	00	00	30	70	-	05
02	Indian Constitutional Law : The New Challenges	MINDILA102	05	00	00	30	70	-	05
03	Judicial Process	MJUDILA103	05	00	00	30	70	-	05
04	Project Work	MPROJLA104	00	00	06	-	-	50	03
05	Practical and Viva-Voce	MPRACLA105	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

## LLM, 2<sup>nd</sup> SEMESTER

SR NO	SUBJECT	PAPER CODE	L	T	P	INTERNAL	THEORY	PRACTICAL	CREDIT
01	Legal Education and Research Methodology	MLEGALA106	05	00	00	30	70	-	05
02	Competition and Consumer Protection Laws	MCOMPLA107	05	00	00	30	70	-	05
03	Intellectual Property Rights	MINTELA108	05	00	00	30	70	-	05
04	Project Work	MPROJLA109	00	00	06	-	-	50	03
05	Practical and Viva-Voce	MPRACLA110	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

**LLM, 3<sup>rd</sup> SEMESTER**

SR NO	SUBJECT	PAPER CODE	L	T	P	INTERNAL	THEORY	PRACTICAL	CREDIT
01	Corporate Taxation	MCORPLA201	05	00	00	30	70	-	05
02	Banking and Insurance Law	MBANKLA202	05	00	00	30	70	-	05
03	The law of corporate finance and securities regulations	MHELLA203	05	00	00	30	70	-	05
04	Project Work	MPROJLA204	00	00	06	-	-	50	03
05	Practical and Viva-Voce	MPRACLA205	00	00	04	-	-	50	02
		<b>Total</b>	<b>15</b>		<b>10</b>	<b>90</b>	<b>210</b>	<b>100</b>	<b>20</b>

**LLM, 4<sup>th</sup> SEMESTER**

SR NO	SUBJECT	PAPER CODE	L	T	P	INTERNAL	THEORY	PRACTICAL	CREDIT
01	DISSERTATION	MDISSLA206	-	-	-	-	-	300	12
02	Practical and Viva-Voce	MPRACLA207	-	-	-	-	-	100	04
		<b>Total</b>						<b>400</b>	<b>16</b>

# LLM (CORPORATE LAW) SYLLABUS

## FIRST SEMESTER

### LAW AND SOCIAL TRANSFORMATION IN INDIA

#### PAPER CODE - MLAWALA101

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Law and social Change, Law as an instrument of social change, Law as the product of traditions and Culture, Modernization and the law, Reform of court Process

**UNIT-II:** Law Relating to Religion and Community, Religion as a divisive factor, Secularism, Religious Minorities and law, Reservation Policy, Provisions and Commissions.

**UNIT-III:** Law of Women and Children, Gender injustice and law, Crimes against woman, child Labour and Sexual exploitation, Adoption and education of children

**UNIT-IV:** Alternative Approaches to Law, Jurisprudence of Sarvodaya, and Socialist thought on law and Justice,

**UNIT-V:** Indian Marxist critique of law and justice, Naxalite movement: causes and cure

#### ***Recommended Books:-***

Marc Gelernter	- Law and Society in modern India.
Upendra Baxi	- The crises of Indian legal system.
Devican Derret	- The state, Religion and law in India.
Savitri Gunasekhare	- Children law and justice.
Indian Law Institute	- Law and social Changes.
Dr. Saleem Akhtar	- Uniform civil code.
H.M. Seervai	- Constitution law of India
V.N. Shukla	- Constitution of India.
M.P. Jain	- Outlines of Indian legal history.

**INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**  
**PAPER CODE- MINDILA102**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Federalism, Meaning and Scope, Federal Principle, Essential Characteristics, Position in India

**UNIT-II :** Fundamental Rights, State, Right to equality, Empowerment of women, Right to Freedom with reference to freedom of speech and right to broadcast and telecast., Right to Strikes, *Hartal and Bandh*.

**UNIT-III:** Emerging Regime of New Rights and Remedies, Directive Principles and Fundamental Duties, Right to education and commercialization of education, Right to minorities to establish educational institutions, Secularism and religious fanaticism

**UNIT-IV:** Separation of Powers: stresses and Strain, Judicial Activism, PIL implementation, Judicial independence, Tribunals

**UNIT-V:** Democratic Process, Nexus of Politics with criminals and the business, Election and Election Commission, Democracy and Coalition Government.

***Recommended Books:-***

H.M. Seervai - Constitution law of India

V.N. Shukla - Constitution of India.

D.D. Basu- Shorter constitution of India

J.N Pandey – Constitutional of India

**JUDICIAL PROCESS**  
**PAPER CODE- MJUDILA103**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Nature of Judicial Process, An instrument of social ordering, Creativity in Law- Legal Reasoning & Growth of Law- Change and stability, precedent, Development and reasoning under statutory and codified system.

**UNIT-II:** Dimensions of judicial process and adjudications, Aspect of Judicial Reviews, Role and Theories of Constitutional Adjudication, Judicial activism and Varieties. Judicial Law-making and Problems Accountability.

**UNIT-III:** Judicial Process in India, Historical background, Role of Judges and Judicial Review, Judicial Independence and Political Role in Judicial Process, Constitutional Goals, Values and Judicial Activism, Scope and Limits of Courts, Institutional Liability.

**UNIT-IV:** Concept of Justice, Concept in the Indian thought (Justice or Dharma) Various Theories of Justice in India and Western Thought. Theories of Justice-Liberal & Tradition, Utilitarian and Moral Tradition.

**UNIT-V:** Relation between Law and Justice, Equivalence theories, Dependency theories, independence of Justice Theories, Influence of theories of Justice, Judicial process and analysis of Supreme Court Cases.

***Recommended Books:-***

Julius Stone	-	The Province and Function of Law
Cardozo	-	The Nature of Indicial Process
W. Friedmann	-	Legal Theory
J. Stone	-	Legal System
Rajeev Dhawan	-	The Supreme court of India - A Socio Legal Critique of its Juristic techniques
Upendra Baxi	-	The Indian Supreme court and Politics

**SECOND SEMESTER**  
**LEGAL EDUCATION AND RESEARCH METHODOLOGY**  
**PAPER CODE- MLEGALA106**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I:** Objectives of Legal Education, Clinical Legal Education- Legal Aid, and Legal Literacy, Legal Survey and Law Reform. Student's participation in Law School , Programmers- Organization of Seminars, Publication of Journals and assessment of Teachers.

**UNIT-II:** Methods of teaching and evaluation system, lecture method of teaching - Merits and demerits, discussion method and its suitability at PG level teaching, the seminar method of Teaching, examination system and problem in evaluation, external and internal assessment

**UNIT-III:** Research methods – socio legal research, doctrinal and non-doctrinal, relevance of imperial research, Induction and deduction

**UNIT-IV:** Identification of problem of research – What is research problem

Survey of available literature and bibliographical research –

(A) Legislative materials including subordinate legislation, notification and policy statements.

(B) Decisional materials including foreign decisions: methods of discovering the “Rule of the case” “tracking the history of important cases and insuring that these have not been overruled: discovering judicial conflict in the area pertaining to the research problem and the reasons thereof

(C) Juristic writings, a survey of juristic literature relevant to select problems in India and foreign periodicals.

(D) Compilation of list of reports of special studies conducted relevant to the problem

**UNIT-V:** Preparation of the research design

I. Formulation of the research problem

II. Devising tools and techniques for collection of data: Methodology -

a. methods for the collection of statutory and case materials and juristic literature

b. Use of historical and comparative research materials

- c. Use of observation studies
- d. use of questionnaires and interview
- e. use o case studies
- f. sampling procedure – design of sample, types of sampling to be adopted
- g. use of scaling techniques
- h. Jurimetrics

**III.** Computerized research - a study of legal research programme

**IV.** Classification and tabulation of data – use of cards for data collection, rules for tabulation, explanation of tabulation data

**V.** analysis of data

***Recommended books***

- |                    |   |  |
|--------------------|---|--|
| S.K. Agrawal       | - | Legal Education in India                 |
| N.R. Modhave Mohan | - | A bland book of clinical Legal Education |
| H.M. Hyman         | - | Interviewing in Social Research          |
| Moses L Cohan      | - | Legal Research in Nutshell               |
| ILI Publication    | - | Legal Research and Methodology           |
| S.R Myneni -       | - | Legal Methods                            |



**COMPETITION AND CONSUMER PROTECTION LAWS**  
**PAPER CODE – MCOMPLA107**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT – I - Competition: An Introduction**

Definition of Competition, Definition of Competition Law, Objectives of Competition Law **History of Competition Law:** (USA, UK, Europe) Relevant provisions of Sherman's Act, Indian scenario with an overview of MRTP Act, 1969. *Raghavan* Committee Report.

**International co-operation for competition:** WTO agreements and the Act

**UNIT – II - Anti-competitive Agreement:**

Appreciable adverse effect, Horizontal and Vertical agreements, Effects doctrine. **Prohibition of anti-competitive agreements:** Concerted practices and parallel behavior, Cartel and Cartelization, Bid rigging and collusive bidding, Tie-in-arrangements, Exclusive supply agreement, Resale price maintenance agreement. **Abuse of Dominant Position:** Relevant market, Predatory behavior, Predatory pricing, Discriminatory practices, Relevant market.

**UNIT – III - Combination:**

Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation, Notification. **Competition Commission of India:** Establishment and composition, Duties, Procedure for inquiry, Powers, Competition funds. **Competition Advocacy:** Competition Policy

**UNIT – IV - Consumer Protection Act, 1986 and its applicability to Competition Law** Definition of Consumer, Definition of Service, Deficiency in Service, Unfair Trade Practices, Overlapping areas

**Selected Bibliography:**

1. Mittal D.P., Taxmann's *Competition Law* (2007)
2. Ramappa. T., *Competition Law in India- Policy, Issues and Development* (2006) Oxford University Press.
3. *Universal Guide to Competition Law in India-2003*, Universal Law Publishing Company, New Delhi.
4. Nahar. S. Mahala, *Law, Practice and Procedure* (2006), Commercial Law Publishers
5. Dhalla .Vinod, *Competition Law Today*, ( ed.) 2007, Oxford University Press
6. Bangia R.K., *A Handbook of Consumer Protection Laws and Procedure*, 2004, Allahabad Law Agency.

7. Singh Avtar, *Law of Consumer Protection; Principles and Practice*, 2005, EasternBook Company.
8. Verma S.K. & M.Afzal Wani, *A Treatise on Consumer Protection Laws*, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, *Universal's Practical Guide to Consumer Protection Law*, 2006, Universal law Publishing Company, New Delhi.
10. Pavleen, *Consumer Decision- Making*, 2006, Deep & Deep Publication.
11. Agrawal, Prof. V. K., *Consumer and Protection Law and Practice*, 6th Ed. (2008).

**INTELLECTUAL PROPERTY RIGHTS**  
**PAPER CODE – MINTELA108**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

***UNIT- I: Introduction***

Meaning & Origin of IPR, purpose of Intellectual Property Rights, Categories of IPR, International Conventions, World Trade Organization (WTO) and Intellectual Property Rights, World Intellectual Property Organization (WIPO), Trade Related Aspects of Intellectual Property Rights (TRIPS).

***UNIT-II: Intellectual Property: Issues & Challenges***

Meaning of Copyright, Copyright Protection, Legal Recognition, Copyrights in Computer Software, Rights of Broadcasting Organizations and Performers Rights, Copyrights Act. 1957.

Meaning of Patent, Purpose & Policy, Objects of Patent Law, Rights and obligations of patentholder, patents –Infringements and remedies, Rights of Patentees, transfer of patent, revocation and surrender of patents, patent Agent, Global Governance towards patent

***UNIT- III: Intellectual Property: Contemporary Trends***

Introduction of Trade Marks, Trade Mark and Paris convention, Madrid Agreement, Comparative analysis in India, Legal Recognition, Trade Mark Act. , Geographical Indications, Geographical Indications of Goods Act. Rights of Biological Diversity, Biological Diversity Act.2002, UNESCO – Protection of Folklore/ Cultural Expressions, Nagoya Protocol and Indian Law.

***UNIT-IV: Designs & Rights of Plant Breeders and Farmers***

Industrial Designs, Layout Designs (Topographies) of integrated circuits, Rights of Plant Breeder's and Farmer's, Benefit Sharing and Contractual Agreements- International Treaty on Plant Genetic

***Suggestive Readings:***

1. W. Cornish & Llewellyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.
2. Nard Madison- The Intellectual Property, Aspian Publication.
3. Carlosm Correa- Oxford Commentaries on GATT/WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.
4. David Bainbridge – Intellectual Property Law.

**THIRD SEMESTER  
CORPORATE TAXATION  
PAPER CODE – MCORPLA201**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT-I: Income Tax**

Type of Companies – (a) Indian Company (b) Domestic Company (c) Foreign Company (d) Public Sector Company (e) Companies in which public are substantially interested S 2(18) (f) Infrastructure Capital Company. Special Provision in respect of newly established undertaking in free trade zone SEZ, 100% export oriented unit 10A, 10AA, 10B, 10BA. Profit and Gains of business or profession. Capital Gains. Set off or carry forward of losses. Incentive and deductions to Companies under Section 80. Depreciation under Companies Act-Schedule 14 S. 205 & S. 350 and depreciation under Income Tax Act. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G. Tax on Distributed Profits under Section 115 (O), Special Provisions relating to tax on income received from Venture Capital Companies and Venture Capital Fund 115-U. Dividend Tax ; International Transaction. Penalties and prosecution

**UNIT - II: Wealth Tax**

Introduction & Chargeability, Valuation date and computation, Assets and deemed assets, Assets exempt from tax, Debt owed, Valuation of assets, Return of wealth and assessment.

**UNIT - III: Sales Tax & VAT Laws**

Preliminary, Imposition of Tax, Registration and Security, Returns, Assessment, Payment of Tax and Interest, Accounts and Records, Objections, Appeals and Disputes, Penalties and Offences, Way to GST (Tax on goods & services)- going to implement w.e.f. 1-4-2010.

**UNIT - IV: Excise, Customs and Service Tax**

**1. Excise:** Introduction, Levy and Collection, Valuation, Cenvat Credit, Search, Seizure and Confiscation, Appeals and Revision

**2. Custom:** Introduction, Charge of Custom Duty, Bill of Entry, Prohibition of Import and Export, Goods liable for confiscation, Baggage exempt from duty, Offences.

**3. Service Tax:** Introduction, Exemption from service tax, Abatement, Penalties, Service Tax on Government Department and Public Authorities

**Selected Bibliography:**

1. Singhanian V.K. & Singhanian Kapil, *Direct Taxes, 2006, Law and Practice*, Taxmann.
2. Ahuja Girish & Gupta Ravi, *Concise Commentary on Income Tax 2008*, Bharat Law House.
3. Garg Rakesh, *Delhi Vat Ready Reckoner, 2007*, Versatile Publishers.
4. Garg Mohan Laal, *Law of Central Sales Tax, 2008*, Jain Book Agency.
5. Kohli D.N., *Central Excise Procedures 2008*, Taxman Publication
6. Jain R.K., *Service Tax Law Guide, 2007-2008*, Centax Publishers
7. Jain R.K., *Customs Law Manuals, 2008* Centax Publishers
8. Gupta Ravi & Ahuja Girish, *Bharat's Systematic Approach to Income Tax & Central Sales Tax, 2006*, Bharat Law House.
9. Chaturvedi K., *Guide to Mastering Vat, 2005*, Wadhwa & Company.
10. Chaturvedi K., *Central Sales Tax Laws, 2002*, Wadhwa & Company.
11. Arvind P. Datar, *Guide to Central Excise Law and Practice, 2002*, Wadhwa & Company.
12. Gururaj B.N., *Guide to the Customs Act, 2005*, Wadhwa & Company.
13. Batra Ashok, *A Guide to Service Tax, 2005*, S. Wadhwa & Company.
14. Gupta S.S., *Service Tax, 2005*, Taxmann.
15. Aggarwal Rohini, *Service Tax Law and Practice, 2005*, Eastern Book Company

**BANKING AND INSURANCE LAW**  
**PAPER CODE – MBANKLA202**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

***UNIT – I: The Evaluation of Banking Services and its History in India***

History of Banking in India, Bank nationalization and social control over banking, Various types of Banks and their functions, Contract between banker and customer: their rights and duties, Role and functions of Banking Institutions

***UNIT – II: Lending by Banks and Recent Trends of Banking System in India***

Advances, Loans and Securities, Direct, collateral and miscellaneous Securities, Default and recovery, Bank Debt Recovery Tribunals, The Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (Definitions, Section 13 – Enforcement of security interest, Section 17 - Right to appeal.)

***UNIT – III: General Principles of Law of Insurance***

Definition, nature and history, Contract of insurance and principles, The Risk – commencement, attachment, assignment, Types of insurances, Policy and its Legal Status.

***UNIT – IV: Recent Trends in Insurance***

Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.), Liability Insurance, Consumer Protection and Banking and Insurance Services, The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act, (IRDA), 2000, Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

***Selected Bibliography:***

1. Tannan, M.L., Tannan's *Banking Law and Practice in India*, 2008, Wadhwa and Co.
2. Tannan, M.L., Tannan's *Banking Law and Practice in India*, 2004, India Law House.
3. Tannan: *Banking Law and Practice in India* (in 3 vols.), 22<sup>nd</sup> Ed., R. Cambray & Co. Pvt.Ltd.
4. Gupta, S. N., *The Banking Law in Theory and Practice* (in three volumes), 2006, UniversalLaw Publishing Co.
5. Sharma, B.R. and Nainta, R.P., *Principles of Banking Law and Negotiable Instruments Act 2004*, Allahabad Law Agency
6. Nainta, R.P., *Baking System, Frauds and Legal Control*, 2005, Deep and Deep Publications.

**THE LAW OF CORPORATE FINANCE AND SECURITIES REGULATIONS**  
**PAPER CODE – MTHELLA203**

*This paper consists of two parts*

*External paper carries 70 marks*

*Internal / Sessional paper carries 30 marks*

**UNIT – I:**

**Public Issue of Shares:** Prospectus, Remedies for misrepresentation, SEBI and Stock Exchange guidelines.

**Share Capital:** Nature and Kind of Shares, Transfer, Transmission, Surrender and forfeiture of Shares, Purchase by Company of its own shares, Issue of shares at premium and discount, SEBI Guidelines.

**UNIT – II:**

**Shareholders' Rights:** (Various rights of shareholders and variation of shareholders rights. **Debentures;** Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

**UNIT – III:**

Insider trading; SEBI's Guidelines on Insider Trading. Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions

**UNIT – IV:**

Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines, Auditors: Appointment, powers, duties and removal of auditors, Special Audit, Director Responsibility statement in Board Report, National Advisory Committee on Accounting Standards

**Selected Bibliography:**

1. Gower's *Principles of Company Law*, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon's *Company Law*, Pearson Education Ltd., 2009
3. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, 1992
4. Companies Act, 1956
5. Verma J.C., *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, 2008

**FOURTH SEMESTER  
DISSERTATION  
PAPER CODE – MDISSLA206**

Every student has to select a topic for research duly approved by the Head of the Department and take up the research work during the course of fourth semester. The topic must be chosen at the end of the third semester and the approval would be communicated at the beginning of the fourth semester. The research must be carried out under the supervision of a supervisor, who has been experienced and qualified to be a professor/ Associate Professor/ Assistant professor of respective department.

The dissertation must be of at least 100 pages typed on one side of the paper with 1.5 spaces. Methodology prescribed must be strictly followed in regard to citation, bibliography, chapter index etc. It must be the original work of candidate. The dissertation must be submitted at least 15 days before the commencement of the final semester examination. The dissertation shall be evaluated for a maximum of 300 marks by two examiners (one external and the other internal) and the average marks would be taken, further there would be a viva-voce examination by a committee consisting of one external and one internal examiner, which would contain 100 marks.

A candidate should get 50% of the total marks of the total marks i.e. 150 out of 300 marks assigned to this paper in order to obtain a pass in this paper. A Candidate who fails in this paper has to resubmit dissertation attending to all the queries raised or mistake point out by the examiners.

**VIVA – VOCE  
MVIVALA207**

The candidates will be required to appear before examining panel for viva-voce carrying 100 marks. This oral session will be meant for evaluating the overall knowledge of candidate regarding dissertation thesis

