MASTER OF LAW
PART - I
(New Course)

Paper I : Law and Social Transformation in India

Paper II : Indian Constitutional Law: The New Challenges

Paper III : Legal Theory

Paper IV : Legal Education and Research Methodology

Paper V : Law of Contractual Transactions

Every theory paper shall be three hours duration.
Objective of the Course:

This course is designed to offer the teacher and taught with (I) awareness in Indian approaches to social and economic problems in the context of law as a means of social control and change; and (ii) a spirit of inquiry to explore and exploit law and legal instructions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role of the law has played and has play in the contemporary Indian society:

Unit – 1:

(A) Law and Social Change:
   i) Relations between Law and Public Opinion
   ii) Law as an instrument of social change
   iii) Law as the product of traditions and culture, Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India, sociiological school and its applicability in India, principles of social legislation.

(B) Religion and the Law:
   i) Religion – its meaning and relationship with law
   ii) Evaluation of Religion as a divisive factor
   iii) Secularism as a solution to the problem
   iv) Reform of the law on secular lines : Problems
   v) Freedom of religion and non-discrimination on the basis of religion
   vi) religious minorities and the law
Unit-2 :

(A) Language and the Law :
   i) Multi-linguistic culture and its impact on policy on nation
   ii) Language as a divise factor : formation of linguistic states
   iii) Constitutional guarantee to linguistic minorities
   iv) Language policy and the Constitution ; Official language; multi language system
   v) Non-discrimination on the ground of language

(B) Community and the Law :
   i) Caste as a socio-cultural reality and role of caste as a divisive and integrative factor
   ii) Non-discrimination on the ground of caste
   iii) Acceptance of Caste as a factor to undo past injustices
   iv) Protective discrimination; Scheduled Castes, tribes and backward classes
   v) Reservation : Statutory Commissions, statutory provisions

Unit – 3:

(A) Regionalism and the Law :
   i) Evaluation of Regionalism as a divisive and integrative factor
   ii) Concept of India as one unit
   iii) Right of Movement, residence and business; impermissibility of state or regional barriers
   iv) Equality in matters of employment; the slogan “Sons of the soil” and its practice
   v) Admission to educational institutions; preference to residents of a state.

(B) Women and the Law :
   i) Position and the Role of women in Indian society
   ii) Crimes against women
   iii) Gender injustice and its various forms, causes and remedies
   iv) Women’s Commission
   v) Empowerment of women; Constitutional and other legal provisions
Unit – 4:

(A) **Children and the Law**:

i) Child labour

ii) Sexual exploitation

iii) Adoption, maintenance and related problems

iv) Children and education – a constitutional mandate

(B) **Modernisation and the Law**:

i) Modernisation as a value: Constitutional perspectives reflected in the fundamental duties

ii) Modernisation of social institutions through law

iii) Reform of family law

iv) Agrarian reform – Industrialisation of agriculture

v) Criminal Law: Plea bargaining; compounding and payment of compensation of victims

vi) Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: Lok Adalats

vii) Democratic decentralisation and and local Self-government

viii) The Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave

ix) Socialist thought on law and justice: an enquiry through constitutional debates on the right to property

x) Marxist Legal Theory

**SELECTED BIBLIOGRAPHY**:


6. Duncan Derret : The State, Religion and Law in India (1999), Oxford University Press, New Delhi
10. Savitri Gunasekhare : Children, Law and Justice (1997), Sage
12. J.B.Kriplani : Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India
Objective of the Course:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves, a technique of adapting the law to meet changing social mores. Constitution being the fundamental Law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post-graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

Unit - 1:

(A) Federalism:
   i) Creation of new states
   ii) Allocation and share of resources-distribution of grants in aid
   iii) The inter-state disputes on resources
   iv) Rehabilitation of internally displaced persons
   v) Centre’s responsibility and internal disturbance within States
   vi) Freedom of Trade, Commerce and Intercourse
   vii) Directions of the Centre to the State under Article 356 and 365
   viii) Services under Union and State Emergency Provisions
   ix) Federal Comity : Relationship of trust and faith between Centre and State
   x) Special status of certain States
   xi) Tribal Areas, Scheduled Area

(B) “State” Need for widening the definition in the wake of liberalisation.

(C) Right to Equality : Privatisation and its impact on affirmative action
Unit : 2 : Freedom of Press and challenges of new scientific development:

i) Freedom of speech and right to broadcast and telecast

ii) Right to strikee, hartal and bandh

iii) Emerging regime of new rights and remedies – Right to Education; Right to Information and Right to Privacy

iv) Reading Directive Principles and Fundamental Duties to Fundamental Rights

v) Compensation jurisprudence

vi) Right to education

vii) Commercialisation of education and its impact

viii) Brain drain by foreign education market

Unit – 3 : Right of minorities to establish and administer educational Institutions and state control:

i) Secularism and religious fanaticism

ii) Separation of powers : Stresses and Strain

iii) Judicial activism and judicial restraint

iv) PIL : implementation

v) Judicial independence

vi) Appointment, transfer and removal of judges

vii) Accountability ; executive and judiciary

viii) Tribunals

Unit – 4 : Democratic Process

i) Nexus of politics with criminals and the business

ii) Election

iii) Election Commission : Status

iv) Electoral Reforms
v) Coalition government, stability, durability, corrupt practice

vi) Grass root democracy

SELECTED BIBLIOGRAPHY:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.
Note: 1. Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each unit.

2. All questions shall carry equal marks.

Unit – I

1. Nature, Value and Province of Jurisprudence
2. Positivism:
   (a) Bentham and Positivism
   (b) John Austin and Analytical Jurisprudence
3. Modern Positivism:
   (a) Kelsen’s Pure Theory of Law
   (b) Hart’s Concept of Law
   (c) Dwarkin’s Criticism of Positivism and his Theory of Law

Unit – II

1. Historical Jurisprudence
   (a) Savigny and the Historical School
   (b) Henry Maine and the Anthropological School
2. Natural Law:
   (a) Revival of Natural Law
   (b) Lon.L.Fuller – Morality of Law
3. The Theory of Precedent in India.

Unit – III

1. Modern Realism
2. Sociological Jurisprudence
   (a) Ihering, Ehrlich and Duguit
   (b) Rescoe Pound’s Social Engineering
3. Theory of Social Justice

(a) John Rawls.

(b) Indian approach to socio-economic justice

Unit – IV

Legal Concepts

1. Legal Rights
2. Legal Personality
3. Possession and Ownership.

Selected Bibliography:

1. Paton A Text Book of Jurisprudence
2. Dias Jurisprudence
3. Friedmanm Legal Theory
4. Hart Concept of Law
5. Lloyd Introduction of Jurisprudence
6. Fuller The Morality of Law
7. Basu Modern Theories of law (TLL)
8. Austin The Province of Jurisprudence Determined
9. Bodenheimer Jurisprudence
10. Stone Social Dimensions of Law and Justice
11. Jennings Modern Theory of Law
12. Allen Law in the Making
14. Weermantrury Equality and Freedom: Some Third World Prospective
15. Hilaire McCoubrey & Nigel D.White Text Book on Jurisprudence
18. Savigny Law of Possession
19. Stone, Julius The Province & Function of Law
20. Sir Henry Maine Ancient Law
21. Rawls, John Theory of Justice
22. Cardoza Nature of Judicial Process
23. Holmes The Path of Law.
Objective of the Course:

A Post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of Law Journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problems method, discussion method, Seminar method and a combination of all these methods. The student has to be exposed to those methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Unit – 1:

i) Objective of Legal Education.

ii) Lecture Method of Teaching – Merits and demerits

iii) The problem method

iv) Discussion methods and its suitability at post graduate level teaching

v) the seminar method of teaching

vi) Examination System and problems in evaluation – external and internal assessment

vii) Student participation in law school programmes, Organization of seminars, publication of journals and assessment of teachers

viii) Clinical legal education – legal aid, legal literacy, legal survey and law reform
Unit – 2:

Research Method:

i) Socio-Legal Research

ii) Doctrinal and non-doctrinal

iii) Relevance of empirical research

iv) Introduction and deduction

v) Identification of problem of research – what is a research problem

vi) Survey of available literature and bibliographical research

vii) Legislative materials including subordinate legislation, notification and policy statements

Unit – 3:

i) Decisional materials including foreign decisions; methods of discovering the ‘rule of the case’ tracing the history of important cases and ensuring that these have not been overruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

ii) Juristic writings – a survey of Juristic literature relevant to select problems in India and foreign periodicals

iii) Compilation of list of reports or special studies conducted relevant to the problem

iv) Formulation of the Research problem

v) Devising tools and techniques for collection of data : Methodology

vi) Methods for the collection of statutory and case material and juristic literature

vii) Use of historical and comparative research materials

viii) Use of observation studies

ix) Use of questionnaires/interview

x) Use of case studies

xi) Sampling procedures design of sample, types of sampling to be adopted

xii) Use of scaling techniques

Unit – 4:

i) Jurimetrics

ii) Computerized Research – A study of legal research programmes such as Lexis and West law coding
iii) Classification and Tabulation of data – use of cards for data collection. Rules for tabulations Explanation of tabulated data

iv) Analysis of data

SELECTED BIBLIOGRAPHY:


2. S.K.Aggarwal (ed.) : Legal Education in India (1973), Tripathi, Bombay


4. M.O. Price, H.Bitner and Byseiqiez : Effective Legal Research (1978)

5. Pauline V.Young : Scientific Social Survey and Research (1962)


7. H.M.Hyman : Interviewing in Social Research (1965)


12. ILLI Publication : Legal Research and Methodology
**Optional Paper**

The students shall opt one paper out of the following:

**Paper V : (a) Corporate Law & Management**

**Max. Marks: 100**

**Min. Marks: 40**

**Note:**

1. Eight Questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each unit.

2. All questions shall carry equal marks.

**Prescribed Course of Studies:**

To study the legal and quasi-legal problems connected with the corporate sector with particular reference to the laws, regulations and administrative framework relating to the organisation and working of joint stock enterprise and the regulation of the capital market in India.

To give an appreciation of the significance of the law of corporate enterprises in industrialising of India and a comprehension of the economic and social values which corporate enterprises to subserve in a planned welfare economy, and an evaluation of the Indian Company law and practice in the context.

To study and evaluate the relevant case law with a view to the evolution of a sound code of company practice, and

To make a comparative study of the law and practice in other countries on important aspect of Company Law and its administration.

**Unit – I:**

1. Corporation – its past, present and future

2. Development of various concepts relating to company law, Jurisprudence History of company Legislation in India.

3. Concept or corporate personality and limited liability, advantages of Incorporation; Doctrine of piercing the Corporate Veil, Corporation and Fundamental Right.
4. Kinds of companies and other forms of Business Organisation.

5. Registration and incorporation, powers of company, Sources of Power, Memorandum of Association, Doctrine of ultra vires.

6. Promoters – position, importance, duties and liabilities

7. Company Law Board – Its Constitution, Power and Functions

Unit- II :


3. Debentures, kinds of debentures, Charges, Classification of Charges, Registration of Charges.


5. Dividend – Meaning and Nature, power to pay dividend, mode of payments, Limitations on payments.

6. Charitable and Political Contributions by Companies.

Unit – III

1. Meetings – Meaning and Scope share holders

2. Democracy, Kind of Meetings, Statutory Meeting, Annual General Meeting, Extra-Ordinary General meeting, Procedure and conduct of meeting – Notice; quorum, Voting Resolutions and Minutes.


5. Managing – Director, whole-time director and Manager Appointment, Powers and Functions, Managerial Remuneration; Statutory limits and restrictions.


Unit – IV :

2. Majority powers and Minority Rights, oppression and mismanagement.

3. Winding up and distribution – Meaning and scope, kinds of winding up – winding up by court, Voluntary winding up, Winding up under the Supervision of the Courts.

4. Effects of Liquidation proceedings on the company and its organs, members, creditors and workers.

5. Liquidator and official liquidator – position, powers and duties.

**Books Recommended (Relevant Portions)**

1. Thomson, J.M. Palmer’s Company Law
2. Gower, L.C.B. Principles of Modern Company Law
3. Ramiya Guide to the Companies Act
4. Devadasan, B.D. & Devasan T.S.V. : Company Meeting and Resolution
6. Shah, S.M. Lectures on Company Law
7. Topham and Ivamy Company law
8. Ghosh, M.K. Indian Company Law
9. Arya Company Directors
10. Sen, S.C. The New Frontier of Company Law
11. Sahgal, P.S. National and Multinationals Companies
12. Palmer’s Company Law
13. Pennigtan’s Company law
Optional Paper

Paper V : (b) Law of Contractual Transactions

Max. Marks: 100

Min. Marks: 40

Note:
1. Eight Questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each unit.

2. All questions shall carry equal marks.

Prescribed Course of Studies:

The students would be expected to be well conversant with the general principles of contract and the law relating to specific contracts in India. They should also be well familiar with the evolution of law, leading judicial decisions (English and India) with important comparative developments elsewhere.

Unit – I:

1. Genesis and Philosophy of Contracts and its importance in a commercial developing society.


5. Standards Forms of Contract – Exclusion clauses and their effects.

6. Unilateral and bilateral contracts.


8. Contract by a person of unsound mind – Legal effects.

9. Other Legal disabilities

10. Free consent – Meaning and Scope; Vitiating elements – Coercion, Fraud, misrepresentation, undue influence and Mistake, Distinction between Fraud and innocent misrepresentation, Coercion and Duress, Mistake of Law and Mistake of Fact,
Common, Mutual and Unilateral Mistake, Remedies available when agreement is vitiated by mistake.

Unit – II:

1. Consideration - Nudum pactum – Its need, meaning and essential; Adequacy of Consideration, privity of contract and Consideration – its exceptions; past, Executed and Executory consideration, Doctrine of Consideration and Promissory Estoppel; Essentiality of consideration with exceptions.

2. Legality of objects and consideration – Unlawful consideration and objects; Void, Voidable and unlawful Agreements and their effects, Concept of immoral and Public Policy, Heads against public policy.

3. Void Agreements, Agreement in restraint of Marriage, Agreement in restraint of Trade, Agreement in restraint of Legal Proceedings, Uncertain Agreement and Wagering Agreements.


Unit – III:

1. Restitution.

2. Quasi – Contracts or certain Relation resembling those created by contract.


Unit – IV:

1. Bailment – Definition and Essential Features, Bailment for Reqard and Gratutous Bailment, Right and duties of Bailor and Bailee.

2. Finder of lost goods – Rights and Duties of Finder; Rights and Liabilities of owner.


4. Kinds of Agents – Factory, Brokers, Auctioneers, Del-Credere agents, etc.

5. Agency – Nature, Distinction from other transactions; Contractual basis of Agency.


7. Scope of Agent’s Authority, Rights and Liabilities of the Agent as against principal and third party; Rights and Liabilities of principal and third party as against each other and as against Agent.


Books Recommended:


2. Cheshire and Fifoot The Law of Contract

3. Anson Principles of the English Law and of Contract


5. Pollock and Mulla Indian Contract and Specific Relief
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<tr>
<th>Paper</th>
<th>Course</th>
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<tr>
<td>Paper - I</td>
<td>Law of Industrial and Intellectual Property</td>
<td>100 Marks (75 External + 25 Internal)</td>
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<tr>
<td>Paper - II</td>
<td>Legal Regulation of Economic Enterprises</td>
<td>100 Marks (75 External + 25 Internal)</td>
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<td>Paper - III</td>
<td>Law of Export Import Regulations</td>
<td>100 Marks (75 External + 25 Internal)</td>
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<td>Paper - IV</td>
<td>Banking Law</td>
<td>100 Marks (75 External + 25 Internal)</td>
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<td>Paper - V</td>
<td>Insurance Law</td>
<td>100 Marks (75 External + 25 Internal)</td>
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<td>Paper - VI</td>
<td>Corporate Law</td>
<td>100 Marks (75 External + 25 Internal)</td>
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<td>Paper - VII</td>
<td>Practical</td>
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</tbody>
</table>
Group – B :  Business Law

Paper – 1   Law of Industrial and Intellectual Property

Max. Marks: 100 (75 External + 25 Internal)    Min. Marks: 40


Unit – 4 :  Intellectual Property and Human Right : Freedom of Speech and expression as the basis of the regime of intellectual property right-copyright protection of internet – WCT (WIPO Copyright Treaty, 1996), Legal status of hazardous research protected by the regime of intellectual property law, Human right of the impoverished masses intellectual property protection of new product for healthcare and food security, Traditional knowledge – protection-biodiversity convention right of indigenous people.
Selected Bibliography:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.


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


Unit – 2: Critical Issues regarding the Capital Issues: Equity and debt finance, Global depositories, De-materialized securities, Problems of Control and Accountability; Regulation of Hazardous Activity: Mass disaster and environmental degradation; Legal liability and legal remedies, Public liability insurance; adequacy, Issues in Zoning and location of industrial units.

Unit – 3: Special Aspects of Legal Regulation of Select Public Enterprises: Telecom Regulatory Authority, Insurance Regulatory Authority, Broadcasting Regulatory Authority.

Unit – 4: Legal Regulation of Multi – Nationals: Collaboration agreements for technology transfer, Development and regulation of foreign investments, Investment in India; FDIs and NRIs, Investment abroad.

Selected Bibliography

5. Reports of Committees on Public undertakings of Parliament
6. Industries (Development and Regulation) Act, 1951
8. Indian Law Institute, Law of International Trade Transaction (1973)
Unit – I  Introduction : State Control over import and export of goods from rigidity to liberalization, Impact of regulation on economy The Basic Needs of Export and Import Trade: Goods, Services, Transportation, International Regime: WTO agreement, WTO and tariff restrictions, WTO and non-tariff restrictions, Investment and transfer of technology, Quote restriction and anti dumping, Permissible regulations, Quarantine regulation, Dumping of discarded technology and goods in international market, Reduction of subsides and counter measures


Unit – III  Exam Policy: Changing Dimensions : Investment Policy : NRIs, FIIs (Foreign institutional investors), FDIs, Joint venture, Promotion on foreign trade, Agricultural products, Textile and cloths, Jewellery, Service Sector, Law relating to Customs : Prohibition on importation and exportation of goods, Control of smuggling activities in export-import trade, Levy of, and exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods

Unit – IV  Regulation on Investment: Borrowing and lending of money and foreign currency, Securities abroad-issue of, Immovable property- purchase abroad, Establishment of business outside, Issue of derivatives and foreign securities-GDR (Global depositories receipts), ADR (American depository receipts and Uro, Investment in Indian banks, Repatriation and surrender of foreign securities, Technology transfer: : Restrictive terms in technology transfer agreements, Automatic approval schemes

SELECT BIBLIOGRAPHY

1. Government of India, Handbook of Import Export Procedures
3. Foreign Trade Development and Regulation Act 1992 and Rules Foreign
4. Exchange Management Act 1999
Max. Marks: 100 (75 External + 25 Internal) Min. Marks: 40

Unit 1 Introduction, Nature and development of banking, History of banking in India and elsewhere indigenous banking evolution of banking in India-different kinds of banks and their functions Multi-functional banks-growth and legal issues, Law relating to Banking Companies in India: Controls by government and its agencies, On management, On accounts and audit, Lending Credit policy, Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer: their rights and duties, Social Control over Banking: Nationalization Evaluation : private ownership, nationalization and disinvestments, Protection of depositors, Priority lending, Promotion of under privileged classes

Unit 2 Deposit Insurance : The Deposit Insurance Corporation Act 1961 : object and reasons, Establishment of capital of DIG, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC and Reserve Bank of India, The Central Bank : Evolution of Central Bank, Characteristics and functions, Economic and social objectives, The Central Bank and the State-as bankers’ bank, The Reserve Bank of India as the Central Bank Organizational structure, Functions of the RBI, Regulation of monitory mechanism of the economy, Credit control, Exchange control Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies, Non-financial companies, Relationship of Banker and Customer: Legal character, Contract banker and customer, Banker’s lien, Protection of bankers, Customers, Nature and type of accounts, Special classes of customers-lunatics, monor, partnership, corporations, local authorities, Banking duty of customers, Consumer protection : banking service

Unit 3 Negotiable Instruments: Meaning and kinds, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties, Lending by Banks: Good lending principles. Lending to poor masses, Securities for advance, Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal

Unit 4 Recent Trends of Banking System in India : New technology Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards, Reforms in Indian Banking Law, Recommendations of
Committees: a review
SELECT BIBLIOGRAPHY


M.L. Tannan : Tannan's Banking Law and Practice in India (1997), India Law House, New Delhi, 2 volumes

K.C. Shekhar : Banking Theory and Practice (1998), UBS Publisher Distributors Ltd., New Delhi


K. Subrahmanyan Banking Reforms in India (1997), Tata McGraw Hill, New Delhi


compensation, procedure powers and award, Liability Insurance: Nature and kinds of such insurance, Public liability insurance, Professional negligence insurance, Miscellaneous Insurance Schemes: New Dimensions: Group life insurance, Mediclaim sickness insurance

SELECT BIBLIOGRAPHY

John Hanson and Christopals Henly: All Risks Property Insurance (1999), LLP Asia Hongkong

Peter Mac Donald Eggers and Patric Foss: Good faith and Insurance Contracts LLP Asia, Hongkong


E.R. Hardy Ivamy: General Principles of Insurance Law (1979)

Edwin, W. Patterson, cases and Materials on Law of Insurance (1955)

M.N. Sreenivasan: Law and the Life Insurance Contract (1914)
Unit 1: Introduction: Meaning, importance and scope of corporate finance, Capital needs-capitalization-working capital-securities borrowings deposits debentures, Objectives of corporate finance-profit maximization and wealth maximization, Constitutional perspectives-the entires 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List I-Union List; entry 24 of List 1 I-State List, Equity Finance: Share Capital, Prospectus - information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares, Debt Finance: Debenture, Nature, issue and class, Deposits and acceptance, Creation of charges, Fixed and floating charges Mortgages, Convertible debentures

Unit 2: Conservation of Corporate Finance: Regulation by Disclosure, Control on payment of dividends, Managerial remuneration, Payment of commissions and brokerage, Inter-corporate loans and investments. Pay-back of shares, Other corporate spending, Protection of Creditors: Need for creditor protection, Preference in Payment, Rights in making company decision affecting creditor interests, Creditor Self-Protection, Incorporation of favourable terms in lending contracts, Right to nominate directors, Control over corporate spending

Unit 3: Protection of Investors: Individual share holder right, Corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and re-organization of shares, Transfer and transmission of securities, Dematerialization of securities.

Unit 4: Corporate Fund Raising: Depositories – IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR (Global Depository Receipts), Public financing institutions-IDBI, ICICI, IFC and SFC, Mutual Fund and other collective investment schemes, Institutional investment-LIC, UTI and banks, FDI and NRI investment - Foreign institutional investment (IMF and World bank), Administrative Regulation on Corporate Finance: Inspection of accounts, SEBI, Central Government control, Control by registrar of companies, RBI control

SELECT BIBLIOGRAPHY


Eil's Ferran: Company Law and Corporate Finance (1999), Oxford Jonathan


R.M. Goode : Legal Problems of Credit and Security (1988), Sweet and Maxewli

Altman and Subrahmanyan : Recent Advances in Corporate Finance (1985), LBC

Gilbert Harold Corporation Finance (1956)

Henry E. Hogland: Corporation Finance (1947)

Maryin M. Kristein: Corporation Finance (1975)

R.C. Osborn : Corporation Finance (1959)


V.G. Kulkarni : Corporate Finance : ( 1961)

# MASTER OF LAW

## PART - II

**Group – D : Constitution and Legal Order**

<table>
<thead>
<tr>
<th>Paper – I</th>
<th>Mass Media Law</th>
<th>100 Marks</th>
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<tbody>
<tr>
<td>Paper – II</td>
<td>Public Utilities Law</td>
<td>100 Marks</td>
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<td>Paper – III</td>
<td>Union-State Financial Relations</td>
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<td>Paper – IV</td>
<td>Constitutionalism : Pluralism and Federalism</td>
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<td>Paper – V</td>
<td>Human Rights</td>
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<td>Paper – VI</td>
<td>National Security, Public Order and Rule of law</td>
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<td>Paper – VII</td>
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<td>(a)</td>
<td>Doctrinal Research</td>
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<td>(b)</td>
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<td>(c)</td>
<td>Clinical Work</td>
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<tr>
<td>(d)</td>
<td>Law Teaching</td>
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Paper – I: Mass Media Law

Max. Marks: 100 (75 External + 25 Internal)    Min. Marks: 40

Unit 1: Mass Media – Types of – Press Films, Radio Television

a. Ownership patterns – Press – Private – Public
b. Ownership patterns – Films – Private
c. Ownership patterns – Radio & Television, Public

Unit 2: Press – Freedom of Speech and Expression Article 19(i)(A)

a. Includes Freedom of the Press
b. Laws of defamation, obscenity, blasphemy and sedition
c. The relating to employees wages and service conditions
d. Price and Page Schedule Regulation
e. Newsprint Control Order
f. Advertisement - Is it included within freedom of speech and expression?

Unit 3: Films - How far included in freedom in or speech and expression?

a. Censorship of films – constitutionality
b. The Abbas Case
c. Difference between films and Press - Why pre- censorship valid for films but not for the Press?
d. Censorship under the Cinematograph Act.

Unit 4: Radio and Television - Government monopoly.

a. Why Government department?
b. Should there be an autonomous corporation ?
c. Effect of television on people.
e. Government policy.
f. Commercial advertisement

h. Radio and television subject to law of defamation and obscenity.

Selected Bibliography:

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

Student should consult relevant volumes of the Annual Survey of Indian Law published by the India Law Institute (Constitutional Law 1 & 11, Administrative Law and Public Interest Litigation.
Candidates are required to attempt four questions. Each Question carry equal marks.

Unit I: 1. Public Utilities
   a. Railways, Electricity, Gas, Road Transport, Telephone, Post and Telegraph Service, Police, Fire Brigade, Banking service etc.
   b. Growth and evolution of Public utilities and their legislation

2. Public Utilities – Why Government Monopoly?
   b. Subordinate Legislation.

Unit II: Utilities Legislation – Patterns of –
   b. Subordinate Legislation.

2. Public Utilities and Fair Rearing
   a. Quasi- Judicial Decision – Administrative Discretion.

Unit III: Public Utilities and Consumer Protection
   a. Rights of consumers protected by the Consumer Protection Act

3. Public Utilities And their Employees
   a. Application of Articles 16 and 311 ?
   b. Application of Industrial Law – right to strike.

Unit IV: Public Utilities and Fundamental Rights
   a. The right to equality :the airhostess case
   b. Are Public utilities “State” for the purpose of article 12 of the Constitution?
   c. Extension of the concept of State.

4. Liabilities and special privileges of public utilities
   a. In Contract
   b. In Tort
   c. In Criminal Law
Selected Bibliography:

10. Law Commission of India, 38th Report: Indian Post Office Act, 1898 (1968)

Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law 1 & 11, Administrative Law, Consumers Protection Law and Labour Law).
Unit I: 1. Federalism – Essentials
   a. Models of Federal Government – U.S.A Australia, Canada
   b. Difference between Federation and Confederation
   c. Evolution of federal government in India
2. Distribution of Legislative Power / Administrative Power
   a. Indian Constitution
   b. Centre-State relations
   c. Factors responsible for subordination of States
   d. Administrative relations

Unit II: 2. Distribution of Fiscal Power:
1. Distribution of Fiscal Power:
   a. Scheme of Allocation of taxing power
   b. Extent of Union power of taxation
   c. Residuary power – inclusion of fiscal power
2. Restrictions of Fiscal Power
   a. Fundamental Rights
   b. Inter – Government tax immunities
   c. Difference between tax and fee
3. Distribution of Tax Revenues
   a. Tax-Sharing under the Constitution
   b. Finance Commission – Specific purpose grants (Article 282)
4. Borrowing Power of the State
   a. Borrowing by the Government of India
   b. Borrowing by the States

Unit III: 1 Inter-State Trade and Commerce
   a. Freedom of Inter-State trade and commerce
   b. Restrictions on legislative power of the Union and States with regard to trade and commerce.

1. Planning & Financial Relations
   a. Planning Commission
   b. National Development Council
c. Plan Grants

Unit IV: 1. Co-operative Federalism
   a. Full faith and credit
   b. Inter-State Council
   c. Zonal Councils
   d. Inter-State disputes

2. Federal Government in India
   a. Model of Jammu and Kashmir
   b. Sarkaria Commission Report
   c. What Reforms are Necessary?

Selected Bibliography
1. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay
3. Ashok Chandra, Federalism in India (1965)
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980)
5. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
7. Richard M. Pious, The American Presidency, 293-331, Ch. 9 (1979)
11. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
15. Government of Tamilnadu, Report of the Centre- State Relations Inquiry Committee Ch. 5 (1971)
17. M.P. Jain, Indian constitutional Law (1994), Wadhwa

Students should consult relevant volumes of the Annual Survey of Indian Law Published by the Indian Law Institute (Constitutional Law II).
Unit I: 1. Constitutionalism
   a. Authoritarianism – Dictatorship
   b. Democracy – Communism
   c. Limited Government-concept-Limitations on government
   d. What is a Constitution?
   f. Conventions of constitutionalism – law and conventions
   g. Written Constitution: U.S.A., Canada, Australia and India.
   h. Separation of powers: Montesquieu
   i. Rule of Law: Concept and New Horizons
   j. Fundamental Rights: Human Rights
   k. Judicial Review: European Court of Human Rights
   l. Human Rights: International Conventions
   m. Limits & doctrine of domestic jurisdiction in international law

Unit II: 2. Federalism
   a. What is a federal government?
   b. Difference between confederation and federation
   c. Conditions requisite for federalism
   d. Patterns of federal government - U.S.A., Australia, Canada, India
   e. Judicial review - for federal umpiring
   f. New trends in federalism: Co-operative federalism
   g. India - Central Control v. State Autonomy
   h. Political factors influencing federalism
   i. Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam. Dynamic of federalism.

Unit III: 3 Pluralism
   a. What is a pluralistic society?
   b. Ethnic, linguistic, cultural, political pluralism
   c. Individual rights - right to dissent
d. Freedom of speech and expression  
e. Freedom of the press  
f. Freedom of association  
g. Rights to separateness  
h. Freedom of religion  
i. Rights of the religions and linguistic minorities  
j. Compensatory discrimination for backward classes  
k. Women-rights to equality and right to special protection  
l. Scheduled Tribes, Distinct Identity – protection against exploitation - NSIS-Exclusion from Hindu Law.

4. Uniform Civil Code  
Non-State law (NSLS) and State Law Systems - Problem of a Uniform Code v personal laws vertical federalism.

Unit IV : 1. Equality in Plural Society  
   a. Right to equality and reasonable classification  
   b. Prohibition of discrimination on ground of religion, caste, sex, language  
   c. Abolition of untouchability  
   d. Secularism - constitutional principles  
   e. Tribal Groups and Equality  

3. Pluralism and International Concerns  
   a. International Declaration of Human Rights  
   b. Conventions against genocide  
   c. Protection of religious, ethnic and linguistic minorities  
   d. State Intervention for protection of human rights  
   e. Right of self-determination.

Selected Bibliography :  


9. H.M.Seervi, Constitutional Law of India (1993), Tripathi, Bombay

   Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.
Unit I :
1. Panoramic View of Human Rights
   a. Human Rights in Non-western Thought
   b. Awareness of Human rights during the nationalist movement
   c. Universal Declaration of Human Rights, Constituent Assembly and Part-III, drafting process.
   d. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights convenants).

2. Fundamental Rights Jurisprudence as Incorporating Directive Principles
   a. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
   b. The Interaction between F.R. and D.P.
   c. Resultant expansion of basic needs oriented human rights in India.

Unit II :
3. Right not be Subject to Torture, Inhuman or Cruel Treatment
   a. Conceptions of torture, third-degree methods
   b. "Justifications" for it
   c. Outlawry of torture at international and constitutional law level
   d. Incidence of torture in India
   e. Judicial attitude
   f. Law Reform-proposed and pending

4. Minority Rights
   a. Conception of minorities
   b. Scope of protection
   c. The position of minority "Woman" and their basic rights
   d. Communal Riots as Involving violation of Rights.

Unit III :
5. Rights to development of Individuals and Nations
   a. The UN Declaration on Right to Development. 1987
   b. The need for constitutional and legal changes in India from human rights standpoint
5. People's Participation in Protection and Promotion of Human Rights

a. Role of International NGOS
b. Amnesty International
c. Minority Rights Groups
d. International Bars Association, Law Asia
e. Contribution of these groups to protection and promotion of human rights in India.

Unit IV : 7. Freedom

a. Free Press - its role in protecting human rights
b. Right of association
c. Right to due process of law
d. Access and Distributive Justice

6. Independence of the Judiciary

a. Role of the Legal Profession
b. Judicial appointments - tenure of judges
c. Qualifications of judges
d. Separation of Judiciary from executive.

Selected bibliography :

2. U.Baxi (ed), The Right to be Human (1986)
6. Madhartirtha, Human Rights (1953)
Unit I: 1. National Security, Public Orders and Rule of Law
   a. Emergency Detention in England – Civil Liberties
   b. Subjective satisfaction or objective assessment?
   c. Pre-Independence Law

2. Preventive Detention and Indian Constitution
   a. Article 22 of the Constitution
   b. Preventive Detention and Safeguards
   c. Declaration of Emergencies
   d. 1962, 1965 and 1970 Emergencies
   e. 1975 Emergency

Unit II: 3. Exceptional Legislation
   a. COFEPOSA and other legislation to curb economic fenders
   b. NSA “the draconian law” - comments of NHRC
   c. Special courts and tribunals
   d. Due process and special legislation

Unit III: 4. Civil Liberties and Emergency
   a. Article 19
   b. Meaning of "Security of State"
   c. Meaning of "Public Order"
   d. Suspension of Article 19 rights on declaration of emergency
   e. President's Right to suspend right to move any court
   f. Article 21-special importance - its non-suspendability
   g. Suspendability - 44th amendment

Unit IV: 5. Access to Courts and Emergency
   a. Article 359: ups and downs of judicial review
   b. Constitution (Forty-fourth), Amendment Act, 1978
c. Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law

a. Provision in English Law

b. Provisions in the Constitution

Selected bibliography:


