

SOLAPUR UNIVERSITY, SOLAPUR.

Ph. D Course Work (Law) Syllabus

(w.e.f. June 2014-15)

PAPER - I

Research Methodology and Information Communication Technology

100 Marks

SYLLABUS

1. Nature of Legal Research – An Introduction:

- 1.1. What is Research- Status of Research
- 1.2. What is Legal Research –Significance of Legal Research on Legal Profession in India
- 1.3. Some Current Trends in Legal Research.
- 1.4. Legal Research its Scope and Nature.
- 1.5. Objectives of Legal Research
- 1.6. Socio-Legal Research
- 1.7. Modes of Legal Research
 - 1.7.1. Doctrinal or Traditional Research
 - 1.7.2. Non-doctrinal or Empirical Research
 - 1.7.3. Descriptive and Analytical Research
 - 1.7.4. Applied and fundamental Research
 - 1.7.5. Historical Research
 - 1.7.6. Sociological Research

2. Planning of Legal Research:

- 2.1. Identification of Research Problem.
- 2.2. Selection of a Research Problem.
- 2.3. Formulation of a Research Problem.
- 2.4. Research Design.

3. Methods / Techniques of Data Collection.

- 3.1. Sources of Data Collection
 - 3.1.1. Primary Sources
 - 3.1.2. Secondary Sources.
- 3.2. Scientific Method.
- 3.3. Case Study Method.
- 3.4. Observation Method.
- 3.5. Interview Method.
 - 3.5.1. Schedule
 - 3.5.2. Questionnaire.
- 3.6. Survey Method.
- 3.7. Project Method.
- 3.8. Content Analysis.

3.9. Cause and Effect Analysis.

3.10. Legal Impact Analysis.

4. Hypothesis:

4.1. Introduction.

4.2. Sources of Hypothesis

4.3. Characteristics of Hypothesis

4.4. Estimation and Testing of Hypothesis

4.5. Hypothesis Testing Procedure.

4.6. Relation between theory and Hypothesis

5. Sampling:

5.1. Importance of sampling.

5.2. Advantages and limitations of sampling.

5.3. Theoretical basis of Sampling.

5.4. Types of sampling.

5.5. Procedure to select a sample.

5.6. Sampling and Non-Sampling Error.

6. Research Report.

6.1. Purpose of Report.

6.2. Types of Report.

6.3. Analysis and Interpretation of Data.

6.4. Contents of Research Report.

6.5. Lay Out of Research Report.

7. Patents

7.1. Procedure for obtaining patent.

7.1.1 Submission of application

7.1.2 Special Provision for foreign applicants.

7.1.3 Publication and Examination of the application

7.1.4 Communication to the applicant.

7.1.5 Advertisement of the acceptance of the complete specification.

7.1.6 Opposition

7.1.7 Grant and sealing of patent.

7.1.8 Term of the patent – WTO- Term of patents.

7.1.9 Joint Inventors.

7.1.10 Compulsory license.

7.2 Agencies –National – Patent Amendment Act- 2005

7.2.1 Patent office – Controller of patents (Sec 77-81)

7.2.2 Central Government (Sec 99-103)

7.2.3 Appeals (Sec 116-117)

8. **Impact Factor** – Calculation – Use – Criticisms- Validity – Editorial Policies which alter the impact factor – Incorrect application of impact factor- Responses – ISI Impact factor.
9. **E – Information** - Internet, World Wide Web.
 - 9.1. Concept and Meaning of Internet, a Brief History of the Internet, Applications of the Internet Hardware and Software requirement.
 - 9.2. The World Wide –Web : Introduction to WWW.Web Search Engines, Internet Service Providers, Net Surfing.
 - 9.3. Educational and Research resources on Net: Encyclopedia case study; Wikipedia, On line Tutorials and Lectures, Java Applets, Educational Applets, Virtual Labs , Electronic Journals, E-books , Digital libraries, Searching research information usingJ-gate and scopus.
 - 9.4. Electronic Mail (e-mail): The Concept of e-mail, Advantages and Disadvantages of e-mail.
 - 9.5. Computer care- Virus, security and maintenance.
10. **E- Submission** – Context – Definitions – Advantages of Using e-Submission.Types of Electronic Submissions.- Submission management –resistance to electronic submissions.
11. **h-Index**- Definition Purpose- Calculation – Advantages-Criticisam-Aternatives and Modifications
12. **Citation Index**- Major Citation indexing services-citation analysis-ISSN, ISBN.
13. **Application of Information Technology in Legal Research**.- Data Analysis-Data Interpretation. -Reporting - Power Point Presentation.

SELECT BIBLIOGRAPHY:

1. Legal Research and Methodology- Indian Law Institute, New Delhi.
2. Mr.Tanulingam- Research and Methodology – Himalaya Publishing.
3. Dr.H.N.Tiwari- Legal Research and Methodology-Allahabad Law Agency.
4. High Brayal,Nigel Dunean and Richard Crimes, Clinical Legal Education Active Learning in your School (1998)Balckstone P.Press Limited.London.
5. M.O.Price,H.Bitner and Bysiewz,Effective Legal Research (1978)
6. Pauline V. Young, Scientific Social Survey and Research(1962)
7. William J Grade nd Paul K.Hatt.Methods in Social Research Mc.Graw-Hill Book Company, London.
8. Payne, The Art of Asking Question(1965)
9. H.M.Hyman, Interviewing in Social Research (1965)
10. Morris.L. Cohan, Legal Research in Nutshell,(1996) West Publishing Co.
11. Harvard Law Review Associatio,Uniform,system of Citations.
12. Erwin C.Surrency B.Fielf and J.Crea,A Guide to legal Research (1959)
13. P.Saravanavel- Research Methodology – Kitab Mahal.
14. C.R. Kothari- Research Methodology (Methods and Techniques) Vishwa Prakashan.

15	101 essential tips using the internet – 1999	Corfield, May (ed)
16	Electronic media and the internet – 1999	Dsouza, Y K
17	Internet in the scholarly communication process-1999	Parekh, Harsha
18	The information specialist guide to searching and Researching on the internet and the world wide web: by Ernest Ackermann and Karen Hartman – 1999	Ackermann, Ernest
19	The World of internet – 1998	Ahmad, Shamin
20	Mastering tm the internet : by Glee Harrah Cady and Pat McGregor – 1996	Cady, Glee Harrah
21	The internet complete reference – 1996	Hann, Harley
22	Internet book – 1999	Commer, Douglas. E
23	Internet cryptography - 1997	Smith, Richard E
24	Frontiers of electronic commerce – 1996	Kalakota, Ravi
25	Making information technology work – 1999	Kanungo, Shivraj
26	Communication media and information technology –1999	Goel, S. K.
27	Information technology applications in academic Libraries in India : with emphasis on network servicesand information sharing	Moo, A. L.
28	Information technology and scholarship Applications in the humanities and social sciences	Coppock, Terry (ed)
29	Information technology in the new millennium: what every modern manager should know – 2000	Dudeja, V D
30	Library information technology – 2000	Panigrahi, R. M.
31	How to Find Information in Science and Technology – 1991	Lambert, Jill
32	Ifip trans a -17 : professional development of information technology professionals – 1992	Barta, B.Z(ed)
33	Proceedings of the IFIP TC5/WG 5.3 international – 1992	Olling, G J
34	Information technology: An introduction – 1982	Zorkoczy, Peter
35	Making information technology work - 1999	Kanungo, Shivraj
36	Communication media and information technology - 1999	Goal, S. K.
37	Information technology application in academic libraries in India: with emphasis on network services and information sharing	Moo, A. L.
38	Information technology and scholarship Application in the humanities and social sciences	Coppock, Terry (ed)
39	Information technology in the new millennium: what every modern manager should know - 2000	Dudeja, V D

40	Library information technology - 2000	Panigrahi, R. M.
41	How to Find Information in Science and Technology - 1991	Lambert, Jill
42	Ifip trans a-17: professional developments of information technology professionals - 1992	Barta, B.Z.(ed)
43	Proceedings of the IFIP TC5/WG 5.3 international –1992	Olling, G J
44	Information technology: An introduction – 1982	Zorkoczy, Peter
45	Principles of database system - 1999	Ullman, Jeffrey D

Solapur University, Solapur

Syllabus for

PRE. Ph.D (Law) Course Work

W.e.f. 2014-15

Paper- II

LAW JUSTICE AND SOCIETY - 100 Marks.

SYLLABUS

1. The Concept of Justice

- 1.1. The nature and varieties of justice
- 1.2. The meaning of justice
- 1.3. Justice as the social norms
- 1.4. Justice as absolute moral principles
- 1.5. Justice as appropriative
- 1.6. Justice as obligatory
- 1.7. The objectivity of Justice
- 1.8. The concept of justice or Dharma in Indian thought
- 1.9. Dharma as the foundation of legal ordering in Indian thought
- 1.10. The concept and various theories of justice in the western thought
- 1.11. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

2. The Basis of Justice

- 2.1. The liberal contractual tradition
- 2.2. The liberal utilitarian tradition
- 2.3. The liberal moral tradition
- 2.4. The socialist tradition.

3. Relation Between Law and Justice

- 3.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class
- 3.2. Dependency theories – For its realization justice depend on law ; But justice is not the same as law

3.3. The independence of justice theories- means to end relationship of the law and justice-
The relationship in the context of the Indian Constitutional ordering.

3.4. Analysis of selected cases of the Supreme Courts where the judicial Process can be
seen as influenced by the theories of justice.

4. Law and Voice of Justice

4.1. Object of Law in the society

4.2. Role of citizens in Democratic States

4.3. Right to Information

4.4. Right to Speech and Expression

4.5. Role of Media in Democracy

4.6. Effect of media on Executive, Judiciary and Policy makers.

5. Law and Temple of Justice (Court)

5.1. Role of Judiciary

5.2. Independence of judiciary

5.3. Judicial accountability (Constitution, SCC, SCR)

6. Functions of Law

6.1. Conceptions of “ functions” : (Latent and manifest)

6.2. The law maintains legitimate monopoly of force in society

6.3. The law articulates authoritatively the directions of social transformation by postulating
ideals and values towards which public power should be amended.

6.4. The law provides resources for orderly and pacific handling of disputes and conflicts.

6.5. The law plays important role in resource allocation in society

6.6. The law allocates authority and power rendering accountable

6.7. The law is an important instrumentality of social control.

7. The Impact of Society on Law

7.1. The law as volksgiest (Savigny)

7.2. Law as Social Engineering – Social solidarity – code of conduct

7.3. The impact of public opinion on the making, unmaking and implementation of laws

7.4. Pluralism: Control by elite, class domination and the law

7.5. Pressure groups, lobbying and legal policies

7.6. Lobbying for the poor

8. Law as Instrument of Social Control- Impact of Law in Society

8.1. Nations of social control

8.2. Religion, education and law as key instrumentalities of social control

8.3. Distinctive features of law as a means of social control

8.3.1. Imposition of obligation to obey the law

8.3.2. Incentives to compliance: Bentham's conception of relevance of the law to social expectations.

8.3.3. Varieties of sanctions

8.3.4. Legal administration as an aspect of social control

8.3.5. Control over competing/ rival ideologies and belief systems

8.3.6. Limits of effective legal action

9. Law and Morals

9.1. Relation between Law and Morals

9.2. Morality as the base of Law

9.3. The need to inculcate moral values

9.4. Importance of morals to strengthen Law (Legal Theory)

10. Law and Human Resource

10.1. Alternate Dispute Resolution

10.2. Speedy Trial for Speedy Justice

10.3. Hierarchy of courts in India

10.4. Law to dispense justice

11. Law and Democratization

11.1. Meaning, need and importance of democracy

11.2. Law as an instrument in democracy

11.3. Ideal governance

11.4. Expected role of Government in democracy

12. Law and Modern Technology

12.1. Computer Technology : Cyber Crimes

12.2. Impact of Technology on Environment – EPA

12.3. Medical Technology : Artificial life – support system

12.4. Need to monitor technology for Human benefit

Bibliography

1. M.D.A. Freeman (ed), *Lylord's Introduction to Jurisprudence* (1994), Sweet 7 Maxwell
2. Bodenheimer, *Jurisprudence : The Philosophy & Method of Law* (1997), Universal, New Delhi
3. W.Freedman, *Legal Theory* (1960), Stevens and Sons, London

4. John Rawls, *A Theory of Justice* (2000), Universal, Delhi
5. P.A. Freund, "Social Justice and The Law", in Brant, *Social Justice*, 93-117 (1965)
6. E.N. Garlan, *Legal Realism and Justice*, (1941)
7. G.W. Duruwich, "Justice", in *Encyclopedia of the social sciences*, 509-514 ; Vol-4
8. H. Kalsen, *What is Justice?* (1957)
9. G.W. Leibniz, "On the nations of Right and justice", in L.E. Loemker (ed), *Philosophical Papers and Natural Law*. (1956)
10. R.P. Mckeon, "The Meaning of Justice and the Relation among Traditions of Thought", 41 *Revue Internationale de philosophie*, 253-267 (1957)
11. F. Olafson, (ed), *Justice and Social Policy*, (1961)
12. C. Perelman, *The Idea Of Justice and the problem of Argument* (Translated by J. petric, 1963)
13. C. Perelman, "Justice and Justification:", 10 *Natural Law Forum*, 1-20 (1965)
14. J. Piaget, *The Quest for Justice*, (1951)
15. J. Rawls "The Sense of Justice" 72 *The Philosophical Review*, 281-305 (1963)
16. N. Rescher, *Distributive Justice* (1966)
17. U. Baxi, *Towards Sociology of the Indian Law*, (1987)
18. J. Bentham , *Theory of Legislation*, (1985).
19. Lawrence M. Freedman & Stewart Macoulay (eds), *Law and Behavioural Science*, (1977)
20. Julius Stone, *Social Dimensions of Law and Justice* (1999), universal
21. Upendra baxi, "Durkheim and Legal evolution : Some Problems of Disproof", 8 *Law and Society Review*, 645 (1974)
22. B. M. Shukla, *Law and Social Justice* (1998), Rawat Pub. Nagpur
23. W. Freedman, *Law in a Changing Society* (1996), Universal
24. Richara S. Schwartz, "Legal Evolution and Societal Complexity : A Reply to Professor Baxi" in 8 *Law and Society Review* 53 (1974)
25. Markanda Katju, *Law in the Scientific Era* (2000), Universal
26. Upendra Baxi, *The crisis of the Indian Legal System* (1982-, Vikas, New Delhi
27. Upenendra Baxi, *Towards a Sociology Of Indian Law* (1986)
28. J. Stone, *The Legal System and lawyer's reasoning* (1999), Universal, New Delhi
29. U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern , Lucknow
30. Rajiv Dhavan, *The Supreme Court of India- A Socio- Legal critic of its Justice techniques* (1977), Tripathi, Bombay

31. Brian Narry, *The Liberal Theory of Justice : A Critical Examination of the Principal Doctrine in a Theory of Justice by John Rawls*,(1973)
32. Morris Ginsberg, *On Justice in Society*, (1965)
33. Edgar Bodenheimer, *Treatise on Justice*, (1967)

PAPER – III– Optional Papers

Paper - A

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES – 100 Marks

SYLLABUS

1. Federalism

- 1.1. Principles – comparative study – U.S.A., Australia & Canada
- 1.2. Creation of new states
- 1.3. Allocation and share of resources- distribution of grants in aid
 - 1.3.1. The interstate disputes on resources
- 1.4. Rehabilitation of internally displaced persons.
- 1.5. Centre's responsibility and internal disturbance within States
- 1.6. Direction of the Centre to the State under Article 356 and 365
- 1.7. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.8. Special Status of certain States- Jammu & Kashmir.
 - 1.8.1. Tribal Areas , Scheduled Areas
- 1.9. New trends- Co-operative Federalism.
- 1.10. Sarkaria Commissions report

2. “State”: Need for widening the definition in the wake of liberalisation.

3. Right to equality, Social justice : privatisation and its impact on affirmative action

4. Empowerment of women- Gender justice.

5. Freedom of press and challenges of new scientific development

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal bandh.
- 5.3. Right to information.

6. Emerging regime of new rights and remedies

- 6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
 - 6.1.1. Compensation jurisprudence
 - 6.1.2. Right to education
 - 6.1.2.1. Commercialisation of education and its impact.
 - 6.1.2.2. Brain drain by foreign education market.

7. Right of minorities to establish and administer educational institutions and state control.

8. Judiciary -Special Dimensions of Judicial Process in Constitutional Adjudication in India

- 8.1. Notions and Judicial review- Indian debate on the role of judges and on the notion of judicial review
- 8.2. Tools and techniques in policy – making and creativity in constitutional Adjudication
- 8.3. Varieties of Judicial and juristic activism
- 8.4. The “independence” of judiciary and the “political” nature of Judicial Process
- 8.5. Judicial Activism and creativity of the Supreme Court – the tools and Techniques of creativity

8.6. Judicial process in pursuit of constitutional goals and values – new Dimensions of judicial activism and structural challenges

8.7. Institutional liability of courts and judicial activism – scope and limits.

9. Separation of powers : stress and strain

9.1. Judicial activism and judicial restraint.

9.2. PIL: implementation.

9.3. Judicial independence.

9.3.1. Appointment, transfer and removal of judges.

9.4. Accountability: executive and judiciary.

9.5. Tribunals & Alternative Dispute Resolution.

10. Democratic Process

10.1. Nexus of politics with criminals and the business.

10.2. Election

10.3. Election commission: status.

10.4. Election Reforms

10.5. Coalition government, 'stability, durability, corrupt practice'

10.6. Grass root democracy.

10.7. Good Governance

Bibliography

1. G. Austin, *History of Democratic Constitution: The Indian Experience* (2000), Oxford.
2. D.D. Basu, *Shorter Constitution of India*, (1996), Prentice Hall of India, Delhi Constitution Assembly Debates Vol. 1 to 12 (1989)
3. H.M. Seervai, *Constitution of India, Vol. 1-3*, (1992), Tripathi, Bombay
4. M.P. Singh (ed), V.N. Shukla, *Constitution Law of India* (2000), Oxford
5. G. Austin, *Indian Constitution: Cornerstone of a Nation* (1972).
6. M. Galanter, *Competing Equalities- Law and the Backward Classes in India* (1984), Oxford.
7. B. Sivaramayya, *Inequalities and the law* (1984), Eastern, Lucknow.
8. S.C. Kashyp, *Human Rights and Parliament* (1978), Metropolitan, New Delhi.
9. Cardozo, *The Nature of Judiciary Process* (1995), Universal, New Delhi
10. J.Stone, *The Legal System and lawyer's reasoning* (1999), Universal new Delhi
11. U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern , Lucknow
12. Rajiv Dhava, *The Supreme Court of India - A Socio – Legal critic of its Justice technique* (1977), Tripathi, Bombay.

OPTIONAL PAPER –III - B
CRIMINAL LAW – 100 Marks
SYLLABUS

1. CYBER CRIMES

- 1.1. Cyber Terrorism
- 1.2. Computer as a Target of the Crime.
- 1.3. Email Spoofing
- 1.4. Preventive Legal measures against cyber crimes
- 1.5. Cyber Pornography

2. ALCOHOLISM, DRUG ADDICTION AND CRIME

- 2.1. Illicit Drug Trafficking
- 2.2. Drug Addicts and Crime
- 2.3. Measures to control Alcoholism and Drug Addiction
- 2.4. Narcotic Drugs and Psychotropic substances Act, 1985

3. VICTIMOLOGY

- 3.1. Rights of Victims
- 3.2. Monetary compensation to Victims
- 3.3. Victim classification and effect of Victimization
- 3.4. Need of specific law to protect the Victim from crime

4. SOCIAL SECURITY LAWS

- 4.1. Railway & Social Security (life & Property)
- 4.2. Space Law & Social Security
- 4.3. Marine Law & Social Security
- 4.4. Traffic Law & Social Security

5. LAW RELATING TO WOMEN

- 5.1. Sexual offences against Women
- 5.2. Rape : A Heinous Crime
- 5.3. Seduction of Married Women
- 5.4. Cruelty by Husband or relatives of Husband
- 5.5. Adultery & Bigamy
- 5.6. Immoral Trafficking of Women
- 5.7. Procurement of Minor Girl
- 5.8. Female Feticide : A frightful reality.
- 5.9. Domestic violence

6. DATA SECURITY LAW & PRACTICE.

- 6.1. Official Secret Act 1911, 1920 & 1989
- 6.2. Financial Services and Markets Act 2000
- 6.3. Freedom of Information Act 2000

7. PRIVILEGED CLASS DEVIANCE

- 7.1. Indian approaches to socio-economic offences

7.2. Typical forms of such deviance

7.3. Official deviance (deviance by legislators, judges, bureaucrats)

7.3.1. Permissible limits of discretionary powers.

7.4. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers

7.5. Trade union deviance .

7.6. Landlord deviance (Class /caste based deviance)

7.7. Police deviance.

7.8. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)

7.9. Gender-based aggression by socially, economically and politically powerful.

8. COLLECTIVE VIOLENCE

8.1. 'Collective violence' and legal order

8.2. Violence against the scheduled Castes.

8.3. Notion of Atrocities

8.4. Incidence of Atrocities

8.5. Incidence and courses of " communal" violence.

9. Police – Criminal Justice

9.1. Role of Police in Prevention of crime(Cr. P.C. Section 107,108,110, 111, 116,

133,145,149,150,151,152,153 & Sec 23 to 30 of Police Act) - Preventive step, Protection, Unlawful Assembly

9.2. Essential qualities for successful investigator- Energetic, Paitaking & promptitude, Character and Honesty, Fair for Accuracy, The art of Observation, Knowledge of men, Topography, co-operation, No presumption, element knowledge of law, courteous, Art of investigation, science oriented detection, purpose, duty and presentation of cases.Record, completion of investigation, supply of copy, actual word, Registration and Investigation on the direction of court omission and delay.Daily maintain, station dairy, contents in dairy, purpose, how to write case dairy, duty of policeofficer to refer dairy, use of dairy by the accused.

10. RIGHT TO SPEEDY JUSTICE TO UNDER-TRIAL & CONVICTED PRISONER

10.1 Historical Perspective – Justice in Ancient & Medieval period under Hindu Legal System,Justice in Mughal period in India, Justice in British Period in India, Justice in Post Independence Period.

10.2 Delay – Speedy Trial, Bail, Free Legal Aid, Un-satisfactory selection and appointment of judges , Performance of sub-ordinate judiciary.

10.3 Socio, Economic Profile of Criminal Justice official & Prisoner.Procedural safeguard, Police investigation, Police Remand & Adjournments

11 RESPONSE OF INDIAN LEGAL ORDER TO THE DEVIANCE OF PRIVILEGED CLASSES.

- 11.2 Vigilance Commission.
- 11.3 Public Accounts Committee.
- 11.4 Commissions of Enquiry.
- 11.5 Prevention of Corruption Act, 1947

Select Bibliography.

1. U. Baxi "Dissent, Development and Violence" in R Meagher (ed.) Law and Social Change: Indo – American Reflections 92(1988)
2. T. Honderich, Violence for Equality(1980)
3. Rajni Kothari, State Against Democracy(1987)
4. Sociology and Social Anthropology 1969-79 (1986)
5. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
6. Upendra Baxi,(ed) Law and Poverty: Essays (1988)
7. Upendra Baxi,Liberty and Corruption: The Antulay Case and Beyond (1989) Surendranath Dwevedi and G.S. Bhargava, Political Corruption in India.(1967)S.V.Joga Rao, Wadhwa Publication : Law of Crimes Ed. 2004.
8. Railway Act, Marine Law, Traffic Law, Space Law, Internet.
9. Shri Bhatnagar – Ashoka Law House, New Delhi
10. Butterworth- Lexis Nexis.
11. Shri Jagmohan Singh, Deep & Deep Publications, Rs. 820/- & constitutional Law
12. u/a 14,21.
13. K. Krishna Murti's The Law Book Company (P) Ltd, Ed. 1998 Price Rs.730/-
14. Internet, SCC, N.D.P.S.Act.

OPTIONAL PAPER – III– C
BUSINESS LAW – 100 Marks

SYLLABUS

1. BANKING LAW.

- 1.1. Historical Background of Banking Institutions in India
- 1.2. The Rise of Joint Stock Bank's of India
 - 1.2.1. Amalgamation of Swedish Bank into Imperial Bank of India
 - 1.2.2. Establishment .- Functions of R.B.I- R.B.I.Control over other banks
 - 1.2.3. Joint Stock Banks - Lead Bank Scheme, difficulties in implementation,
 - 1.2.4. Co-operative Banks - (Primary Structure of Co-operative Bank as compared to Commercial Bank,Development of Co-operative Bank
- 1.3. Nationalisation of 14 Major Banks and 6 more banks
- 1.4. Industrial Finance Corporation of India (IFCI)
- 1.5. State Financial Corporation (SFI)
- 1.6. Industrial Credit and Investment Corporation of India Ltd (ICICI)
- 1.7. Industrial Development Bank of India (IDBI)
- 1.8. Small Industrial Development Bank of India (SIDBI)
- 1.9. National Bank of Agricultural and Rural Development (NABARD)
- 1.10. Kisan Credit Care (KCC)
- 1.11. Export - Import Bank of India (EXIM Bank)

2. FOREIGN EXCHANGE CONTROL REGIME IN INDIA.

- 2.1. Concept of Foreign Exchange Regulation
- 2.2. Administration of Exchange Control.
- 2.3. Foreign Direct Investment – Prohibition on Automatic Route, Government Approval Route, Route Policy on FDI, Key Policy considerations, Case Study, Issue of Preference Share.

3. PATENT LAW.

- 3.1. Patent System
- 3.2. History of Patent Law in India and in other countries
- 3.3. How to obtain a Patent and Opposition to grant of Patent
- 3.4. Transfer of Patent Rights -Nature of transfer, validity of assignments, licenses etc, Estoppels', Rights of Purchaser of Patent article, Revocation of license, Restrictive conditions, co-ownership of Patents, Registration of Assignments, licenses etc.
- 3.5. Registration and Surrender of Patents - Revocation of Patent in Public interest, Automatic energy, Revocation by Controller , Revocation by Appellate Board/High Court/Supreme Court, Surrender of Patent.

4. LAW OF MERGER AND AMALGAMATION.

- 4.1. Scheme of Merger/ Amalgamation - Preparation, Scope of Scheme, Effective Date, Appointed Date, Sanction Date, Share Exchange Ratio, Right of Employees, Binding effect of the scheme, Effect on various Liabilities, Effect on other status, Effect of Negative Covenants in Agreements on the Scheme, Objection to the Scheme.
- 4.2. Procedure & Process of Merger -Approval of Draft Scheme Merger, Direction from High Court - Convening and Holding class meeting, Petition for the sanction of the scheme of Merger
- 4.3. Special kinds of Merger – Merger of subsidiary company of same Holding Company-Merger of holding and subsidiary company - Merger of Indian company with subsidiary of a foreign company - Merger of companies under the same management or same group- Amalgamation of enlisted company into a listed company - Reverse Merger – listed company with an unlisted company - Merger/Amalgamation of Banking company - Merger of company, whose Management has been taken over by government Under section 18 FA of Industries Act 1951 Scheme of De-Merger
- 4.4. Transfer of Shares and Valuation - Transfer of share/convertible Debenture from Resident to Non Resident and vice versa - Equity capital inflow
- 4.5. The Competition Act 2002 -Anti Competitive Agreements - Conditions Adversely affect on Competition,- Exceptions under the Competition Act. - Determining factors of Anti Competitive Agreements - Regulation on Anti Competitive Agreements under Indian Contract Act 1872 - Inquiry into Anti Competitive Agreements

5. INSURANCE LAW.

- 5.1. Indian Insurance – Old and New Realities
- 5.2. Indian Insurance – Globalisation
- 5.3. Life Insurance – An Over view
- 5.4. Social Insurance
 - 5.4.1. Pension – A Bird's eye view
 - 5.4.2. Health Care Insurance – Mediclaim - Group Insurance
- 5.5. Personal Accident Insurance – Motor Vehicles Act -1988
- 5.6. Fire Insurance – Against Property.
- 5.7. Marine Insurance – Marine Insurance Act -1963
- 5.8. Un Employment Insurance
- 5.9. Agriculture & Cattle Insurance
- 5.10. Air Cargo Insurance
- 5.11. General Insurance and Re-Insurance
- 5.12. Miscellaneous Insurance

6 SEBI

- 6.1 The Securities and Exchange Board of India Act 1992
- 6.2 The Securities Contracts Regulation Act 1956 - Recognized Stock Exchange,- Contracts and Options in Securities, listing of securities in Public company, penalties and procedure
- 6.3 SEBI (Substantial Acquisition of Shares and Take overs) Regulations, 1997

- 6.4 Guidelines for participation by Mutual Funds in Derivatives Trading (Mentioning Bank Account No. and PAN by Investors, Investment in foreign securities by Mutual funds, Net Asset Value, Key information, Memorandum, compliance, Test Report.
- 6.5 SEBI (Central Data Base of Market participants) Regulations, 2003
- 6.6 SEBI (Collective Investment Scheme s)Regulations 1999
- 6.7 Securities Appellate Tribunal Procedure Rules 2000 - Presiding Officer of Securities Appellate Tribunal - Jurisdiction of Securities Appellate Tribunal - Member of Securities Appellate Tribunal- Notified member of Securities Appellate Tribunal
- 6.8 SEBI (Delisting of Securities) Guidelines 2003

7 CRITICAL ISSUES REGARDING THE CAPITAL ISSUES.

- 7.1 Equity and debt finance
- 7.2 Global depositories
- 7.3 De-materialized securities.

8 PROBLEMS OF CONTROL AND ACCOUNTABILITY: REGULATION OF HAZARDOUS ACTIVITY.

- 8.1 Mass disaster and environmental degradation: Legal liability and Legal remedies.
- 8.2 Public Liability Insurance : adequacy.
- 8.3 Issues in Zoning and location of industrial units.

9 SPECIAL ASPECTS OF LEGAL REGULATION OF SELECT PUBLIC ENTERPRISES.

- 9.1 Telicom Regulatory Authority.
- 9.2 Insurance Regulatory Authority.
- 9.3 Broadcasting Regulatory Authority.
- 9.4 Debt recovery tribunal.

10 LEGAL REGULATION OF MULTINATIONALS.

- 10.1 Collaboration agreements for technology transfer.
- 10.2 Development and regulation of foreign investments.
- 10.3 Investment in India : FDIs and NRIs.
- 10.4 Investment abroad.

SELECT BIBLIOGRAPHY

- 1) S. Aswani Kumar, The Law of Indian Trademark (2001), commercial Law House, Delhi
- 2) Industrial Policy Resolutions of 1948, 1956, 1991
- 3) Industrial Licensing Policy 1970,1975
- 4) Industrial Policy statements 1973, 1977, 1980
- 5) Reports of Committees on Public Undertaking of Parliament
- 6) Industrial (Development and Regulation) Act, 1951
- 7) U. Baxi (ed), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986), U. Baxi & T. Paul (eds), Mass Disasters and Multinational Liability (1986)
- 8) U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation : The Bhopal Case (1989)
- 9) Indian Law Institute, Law of International Trade Transaction, (1973)
- 10) V. Conti and Hamui (eds), Financial Markets,' Liberalization and the Role of Banks;, Cambridge University Press, Cambridge, (1993)

- 11) K. Subrahmanym, Banking Refoms in India (1997), Tata Maigraw Hill , New Delhi
 - 12) R.S. Narayana, The Recovery of Debets due to Banks and Financial Institutions Act, 1993 (51 of 1993),
Asia Law House, Hyderabad
 - 13) Narasimham Committee report on the Financial System (1991) – Second Report (1999)
 - 14) Banerji, Law of Insurance (1994), Asia Law House, Hyderabad
 - 15) Mitra B.C., Law Law Relating to Marine Insurance (1997), Asia Law House, Hyderabad
 - 16) Birds, Modern Insurance Law (1997), Sweet & Maxwell
 - 17) Colinvaux's Law of Insurance (1997), Sweet & Maxwell
 - 18) O. Mary on Marine Insurance (1993), Sweet & Maxwell
 - 19) 19. Tannan's Banking Law and Practice in India – India Law House, New Delhi
20th Edition 2001, Rs. 795/-)
 - 20) P. Narayan - Patent Law – Eastern Law House
 - 21) Joint Venture & Mergers and Acquisitions , Seth Dua & Associates, Butterworth
 - 22) Indian Insurance, A Profile , H. Narayan – Jaico Publishing House, Mumbai.
 - 23) Manual of SEBI – Ravi Puliani & Maahesh Puliani – Bharat Law House New Delhi -2008 , Price
Rs. 1245/-
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