



Evaluation Scheme & Syllabi

of

Master of Laws

(LL.M.)

Corporate & Business Laws

(w.e.f. Academic session 2022-23)

Faculty of Law

INVERTIS UNIVERSITY BAREILLY

COURSE STRUCTURE
LL.M.(BUSINESS & CORPORATE LAWS)

YEAR 1

SEMESTER I

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LLM 101	Indian constitutional law- New Challenges	70	30	100	3+2+0	5
2	LLM 102	Law & Social Transformation	70	30	100	3+2+0	5
3	LLM 103	Jurisprudence	70	30	100	3+2+0	5
4	LLM 104	Legal Education & Research Methodology	70	30	100	3+2+0	5

SEMESTER II

S.NO	PAPER CODE	PAPER NAME	MAXIMUM MARKS			HOURS	CREDIT
			EXTER NAL	SESSI ONAL	TOTAL		
1	LMB 201	Law of corporate management and governance	70	30	100	3+2+0	5
2	LMB 202	Competition and Consumer Protection laws	70	30	100	3+2+0	5
3	LMB 203	Banking and Insurance laws	70	30	100	3+2+0	5

SEMESTER I

PAPER I

LLM 101: INDIAN CONSTITUTIONAL LAW -NEW CHALLENGES	
Teaching Scheme Lectures: 4 Hr/Week Tutorial:1hr/Week	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks
Credit: 5	

Objectives 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.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

1. Federalism

- 1.1 Creation of new states.
- 1.2 Allocation and share of resources-distribution of grants in aid.
 - 1.2.1. The inter-state disputes on resources.
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the States under Article 356 and 365.
- 1.6. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.7. Tribal Areas, Scheduled Areas.

2. "State" Need for widening the definition in the wake of liberalization.

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

4. Empowerment of women.

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 strike. hartal and bandh.

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 Commercialization of education and its impact

- 6.1.2.1. Brain drain by foreign education market

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

8. Secularism and religious fanaticism

9. Separation of powers: Stresses 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

10. Democratic Process.

a. Nexus of politics with criminals and the business.

b. Election.

c. Election commission: status.

d. Electoral Reforms.

e. Coalition government. •stability, durability, corrupt practice.

f. Grass root democracy.

Select 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, change's and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values

PAPER II

LLM 102: LAW & SOCIAL TRANSFORMATION IN INDIA	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Objective of the Course

This course is designed to offer the teacher and the taught with

- a. Awareness of Indian approach to social and economic problems in the context of law as a means of social control and change. and
- b. A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role as played and has to play in contemporary Indian society.

The following syllabus prepared with this perspective will spread over a period of one semester:

1. Law and social change
 - a. Law as an instrument of social change .
 - b. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institution in India.
2. Religion and the law
 - a. Religion as a divisive factor
 - b. Secularism as a solution to the problem
 - c. Reform of the law secular lines: problems
 - d. Freedom of religion and non discrimination on the basis of religion.
 - e. Religious minorities and law
3. Language and the law
 - a. Language as a divisive factor: formation of linguistic states
 - b. Constitutional guarantees to linguistic minorities
 - c. Language policy and the constitutions: official language: multi language system
 - d. Non discrimination on the ground of language
- 4 Community and the law
 - a. Caste as a divisive factor
 - b. Non-discrimination on the ground of caste
 - c. Acceptance of caste as a factor to undo past injustices
 - d. Protective discrimination. schedule caste, tribes and backward classe
 - e. Reservation; statutory commissions, statutory provisions
5. Regionalism and the law .
 - a. Regionalism as a divisive Factor
 - b. Concept of India as one unit.
 - c. Right of movement. residence and business, impermissibility of state or regional barriers
 - d. Admission to educational institutions, preference to residents of a state.
6. Women and law
 - a. Crimes against women
 - b. Gender injustice and its various forms
 - c. Women's commission

- d. Empowerment of women; constitutional and other provision
- 7. Children and the law
 - a. Child labour
 - b. Sexual exploitation
 - c. Adoption and related problems
 - d. Children and education
- 8. Modernisation and the law
 - a. Modernisation as a value, constitutional perspectives reflected in the fundamental duties
 - b. Modernisation of social institutions through law
 - c. Reform of family law
 - d. Agrarian reform—industrialisation of agriculture
 - e. Industrial reform; free enterprise V. State regulation, industrialisation V Environment protection
 - f. Criminal law, plea bargaining, compounding and payment of compensation to victim
 - g. Reform of court processes
- 9. Alternative approaches to law
 - a. The jurisprudence of sarvodaya Gandhi ji. Vinoba Bhave. Jayprakash narayan
 - b. Socialist thought on law and justice; an enquiry through constitutional debates on the right to property
 - c. Indian Marxist critique of law and justice
 - d. Naxalite movement; causes and cure

Select Bibliography

1. Galanter Marc, law and society in modern India, 1997. Oxford.
2. Lingat Robert, The classical law of India, 1998, Oxford
3. Baxi Upendra, the crisis of the Indian legal system. 1982. Vikash.
4. Seervai H.M. constitutional law of India, 1 996. Prentice.
5. Gunasekhare Savitri, children law and justice, 1997, Sage.
6. Derret Duncan, the state religion and the law and India, 1999, Oxford.
7. Desta Sunil and Kiran, law and menace of child labour. 2000. Arnol Publications.

PAPER III

LLM 103: JURISPRUDENCE	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Concept : what is the legal Method and Its Purpose? How the same purpose can be served by any other method that may be outside the parameters of legal method? What is the advantages of legal method versus non-legal methods are?

1. What the law is and its interrelation with and cross fertilization of principles, ethics Religion and Morality
2. What is the law a system? What are the requirements of law to be a system instead an adhoc reaction to incidents-heuristic, epistemological hermeneutical and teleological How are the legal reasoning structured in deductive and inductive framework in problem solution material and method of learning the law? Locating a legal system in the global map and character of each system, such as Ecclesiastical System, Common Law System, (Anglo Saxon), Continental System, Romano-Germanic system, Constitutional and hybrid legal system
3. What are the sources of Law? Is the law discoverable phenomenon to be discovered from custom and usages? Is law an inventible idea emanating from reasoning, application of precedent or legislature discourse? Finding the ratio and obiter dicta
4. Theories of Law. National Law Theory positivist Theory, Legal Realism and Sociological theory
5. Law as an instrument of Social engineering- instrument of Social Structure.
6. Concepts.
 - a) Legal Rights
 - b) Ownership
 - c) Poscsion and
 - d) Legal Personality

Books recommended:

- 1 Farar and Dugdale- Introduction to Legal Method (Sweet and Maxwell).
- 2.Friedman- Lloyd's Introduction to Jurisprudence.-(Chapter1.7) (Sweet & Maxwell) :
3. Lloyd's- Idea of Law (Bulterworth)
4. Hart-Concept of law. Law Liberally and Morality.
5. Glanville William- Learning the law
6. Antony Allot- The Limits of the Law (Butler worth)
7. Fried man- Law in the Changing Society
8. Baxi Upendra- Crisis of Indian Legal System
- o. Materials and cases prepared by the teacher.
10. Edgar Bodenheimer-Jurisprudence. The Philosophy and Method of Law

PAPER IV

LLM 101: RESEARCH METHOD AND LEGAL WRITING	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Objectives of the Course

post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like the organization of seminars, publications of law journals and holding of legal aid clinics.

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

Syllabus:

1. Objectives of Legal Education
2. Lecture Method of Teaching-Merits and demerits.
3. The problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching.
6. Examination system and problems in evaluate-external and internal assessment.
7. Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers.
8. Clinical legal education -legal aid. legal literacy. legal survey and law reform.
9. Research Methods.
 - 9.1 Socio Legal Research.
 - 9.2 Doctrinal and non-doctrinal.
 - 9.3 Relevance of empirical research.
 - 9.4 Induction and deduction.
10. Identification of problem of research.
 - 10.1 What is a research problem?
 - 10.2 Survey literature and (Material)
 - 10.2.1. Legal material
 - 10.2.1(a) Primary Legal Material
 - 10.2.1(b) Secondary Legal Material
 - 10.2.2 Non Legal Material
11. Preparation of the Research Design
 - 11.1. Formulation of the Research problem.
 - 11.2. Devising tools and techniques for collection of data: Methodology.
 - 11.2.1. Methods for the collection of statutory and case materials and juristic literature.
 - 11.2.2. Use of historical and comparative research materials
 - 11.2.3. Use of observation studies.
 - 11.2.4. Use of questionnaires / interview.
 - 11.2.5. Use of case studies.
 - 11.2.6. Sampling procedures -design of sample. ty pes of sampling to be adopted
 - 11.2.7. Use of scaling techniques.

11.2.8. Jurimetrics.

11.3. Computerized Research- A study of legal research programmes such as lexis and West law coding.

11.4. Classification and tabulation of data-use of cards for data collection Rules for tabulation: Explanation of tabulated data

1.5. Analysis of Data.

SEMESTER II

PAPER I

LMB 201: LAW OF CORPORATE MANAGEMENT AND GOVERNANCE	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

Unit - I: Corporate Incorporation and Management

1.
 - (i) Certificate of Incorporation
 - (ii) Memorandum and Articles of Association
 - (iii) Doctrine of Ultra Vires
 - (iv) Doctrine of Indoor Management
2.
 - (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors.
 - (ii) Audit Committee: Its Role.
 - (iii) Company Secretary: Qualification, Appointment and Duties
 - (iv) Officer who is in default: Definition of Officer who is in default
 - (v) Liability of independent directors.
3.
 - (i) Types of Meetings
 - (ii) Procedure of calling meeting
 - (iii) Company's resolutions and its kinds

Unit -2: Oppression & Mismanagement and Investigation (Sections 397 to 408; Sections 235 to 251)

1.
 - (i) Rule in Foss v. Harbottle
 - (ii) Prevention of Oppression
 - (iii) Prevention of Mismanagement
 - (iv) Role & Powers of the Company Law Board
 - (v) Role & Powers of Central Government
2.
 - (i) Company Investigation

Unit – 3: Corporate

Liquidation 1.

- (i). Winding up of Companies
- (ii). Mode of winding up of the companies
- (iii). Compulsory Winding up under the Order of the Tribunal (iv). Voluntary winding up
- (v). Contributories
- (vi). Payment of liabilities

Unit -4: Corporate Governance and Social

Responsibility 1.

- (i) Importance of Corporate Governance
- (ii) Different system of Corporate Governance
- (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance
- (iv) Legal Reforms of Corporate Governance in India
- (v) Reports of the various Committees on Corporate Governance
- (vi) Emerging Trend based on the recommendation of the Committees in the

Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

2.

(i) Corporate Social and Environmental Responsibility

Selected Bibliography:

1. Smith and Keenan's, Company Law (2002)
2. Andrew Lidbetter, Company Investigations and Public Law (1999)
3. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control (2002).
4. Avtar Singh, Company Law, 2007 Eastern Book Company, Lucknow.
5. Gower's Principles of Company Law 8th Edition 2008, R. Cambay & Co. Pvt. Ltd.
6. Smith and Keenan's Company Law.
7. S. K. Verma & Suman Gupta, Corporate Governance and Corporate Law Reform in India. (2005).
8. Companies Act, 1956
9. Suman Gupta: Shareholder's Democracy: Fact or Fiction. (1992)

PAPER II

LMB 102:COMPETITION AND CONSUMER PROTECTION LAWS	
Teaching Scheme Lectures: 4 Hr/Week Tutorial:1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

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 behaviour
Cartel and Cartelisation
Bid rigging and collusive bidding
Tie-in-arrangements
Exclusive supply agreement
Resale price maintenance agreement
Abuse of Dominant Position
Relevant market
Predatory behaviour
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 fund

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:

Mittal D.P., Taxmann's Competition Law (2007)

Universal Guide to Competition Law in India-2003, Universal Law Publishing Company, New Delhi.

Ramappa. T., Competition Law in India- Policy, Issues and Development (2006) Oxford University Press.

Nahar. S. Mahala, Law, Practice and Procedure (2006), Commercial Law Publishers.

Dhall .Vinod, Competition Law Today, (ed.) 2007, Oxford University Press

Bangia R.K., A Handbook of Consumer Protection Laws and Procedure, 2004, Allahabad Law Agency.

Singh Avtar, Law of Consumer Protection; Principles and Practice, 2005, Eastern Book Company.

Verma S.K. & M.Afzal Wani, A Treatise on Consumer Protection Laws, (ed.) 2004, Indian Law Institute.

Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law, 2006, Universal law Publishing Company, New Delhi.

Pavleen, Consumer Decision- Making, 2006, Deep & Deep Publication.

Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Ed. (2008).

PAPER III

LMB 203: BANKING AND INSURANCE LAWS	
Teaching Scheme Lectures: 4 Hr/Week Tutorial: 1hr/Week Credit: 5	Examination Scheme: Class test- 12marks Teacher Assessment: 6 marks Attendance: 12 marks End Semester Exam: 70 marks

Detailed syllabus

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:

Tannan, M.L., Tannan's Banking Law and Practice in India, 2008, Wadhwa and Co.
Tannan, M.L., Tannan's Banking Law and Practice in India, 2004, India Law House.
Tannan: Banking Law and Practice in India (in 3 vols.), 22nd Ed., R. Cambray & Co. Pvt. Ltd.
Gupta, S. N., The Banking Law in Theory and Practice (in three volumes), 2006, Universal Law Publishing Co.
Sharma, B.R. and Nainta, R.P., Principles of Banking Law and Negotiable Instruments Act 2004, Allahabad Law Agency
Nainta, R.P., Baking System, Frauds and Legal Control, 2005, Deep and Deep Publications.
Murthy, K.S.N., and Sarma, K.V.S., Modern Law of Insurance in India, 2002, Lexis Nexis Butterworth
Birds, John, Modern Insurance Law, 2003, Universal Publishing Co.
Shah, M. B., Landmark Judgments on Insurance, 2004, Universal Publishing Co.
Mishra, M.N., Law of Insurance Principles and Practice, 2008, Radhakrishan Prakashan
Rangarajan, C., Handbook of Insurance and Allied Laws.