

Syllabus LL.M. Part II

PAPER I

LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Unit 1 :

Nature of Intellectual Property Rights (IPR) and need for their protection, IPR and International perspectives, salient international conventions and treaties on IPR, Role of WIPO in promotion of IPR, WTO-TRIPS as global binding charter of IPR and its impact on national legislation, Dispute Settlement System in WTO.

Unit 2 :

Copyright, Nature and scope of copyright. Term of copyright, computer software special position under copyright, law and patent law, infringement of copyright and remedies thereof, international copyright order, Trademark, service mark and Internet Domain Name, Registration of trademark, Infringement and passing off action in trade mark, Intellectual Property Appellate Board, Geographical indications and their registration.

Unit 3 :

Patent, patentable and non patentable inventions, procedure for obtaining patent, compulsory license, emerging issues in patent such as patent in the field of biotechnology, human genome, infringement of patent and remedies thereof, Patent Cooperation Treaty (PCT). Protection of plant varieties, and farmers' right. UPOV convention, principle of benefit sharing.

Unit 4 :

Intellectual Property and Human Rights, Protection of the rights of indigenous people, protection of human rights of impoverished masses, IPR protection and its impact on right to food security and public health, Environmental protection. Protection of Bio-diversity and Traditional Knowledge-economic, social, cultural and ethical dimensions.

Important Acts

1. Copy Rights Act, 1970 (As amended)
2. Trade Marks Act, 1999 (As amended)
3. Patents Act, 1970 (As amended)
4. Protection of Plant Varieties and Farmer's Right Act, 2001 (As amended)
5. Geographical Indications of Good (Registration and Protection) Act, 1999 (As amended)
6. Biological Diversity Act, 2002 (As amended)

SELECT BIBLIOGRAPHY

Intellectual Property and International Trade (1998), Kluwer Patent Cooperation treaty Hand Book (1998), Sweet and Maxwell Christopher Wadlow : The Law of Passing Off (1998).
Sweet and Maxwell.

W.R. Cornish : Intellectual Property Law (1999), Sweet and Maxwell.

Elizabeth Verke : Law of Patents (2005) Eastern Book Company, Lucknow.

S.K. Verma and Raman Mittal (Ed.) - Intellectual Property Right : A Global Vision (2006)
Indian Law Destitution publication, New Delhi.

Shiv Sahai Singh (Ed.)- The Law of Intellectual Property Right. (2004) Deep and Deep
Publication, New Delhi.

Shahid Khan and Ragunath Mashelkar : Intellectual Property and Competitive Strategies in the
21st Century, (2006), Kluwer Law International.

P.S. Narayan : Intellectual Property Law in India. (2006) Gogia Law Agency, Hyderabad.

PAPER II
LEGAL REGULATION OF ECONOMIC ENTERPRISES

Unit 1 :

Industrial Policy-old and new. Its legal framework. Public Sector, Private Sector, Joint Sector-Globalisation, Liberalisation: Meaning, dimensions, implications and impact of globalization.

Unit 2 :

Depository System
Definition and Meaning-Objectives, Depository in international market. GDR, ADR, FCCB, Depositing system in India-Its Legal Frame Work. Dematerialization of Securities.

Unit 3 :

Regulatory Authorities
Telecom/Broadcasting Regulatory Authority, Industrialization and Environmental Regulation:
Environment Clearance
Environment Audit
Environment Impact Assessment
Public Liability Insurance Act
Sustainable Development, New Dimensions of Environmental protection, role of the Judiciary.
Completion Commission

Unit 4 :

Investment Scheme for NRI : portfolio investments for NRI, purchase and sale of shares/convertible debentures or other securities on Non-repatriation basis. Foreign Institutional Investment. Foreign Direct Investment, Joint Venture and Transfer Technology FEMA.

SELECT BIBLIOGRAPHY

S. Aswani Kumar: The Law of Indian Trade Mark: (2041), Commercial Law House, Delhi-
Industrial Policy Resolution-, of 1948, 1956. 1991 Industrial Licensing Policy 1970. 1975
Industrial Policy Statements; 1973. 1977, 1980
Reports of Committees on Public : undertakings of Parliament
Industries (Development and Regulation) Act, 1951
U.Baxi & A. Dhanda : Valiant Victims and Lethal Litigation : The Bhopal Case (1989)
Indian Law Institute, Law of International Trade Transaction (1973)

**PAPER III
BANKING LAW**

Unit 1 :

A. Introduction

(i) Nature and Development of Banking.

(ii) Functions of Banking

B. Global Banking Institutions

C. The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.

Unit 2 :

A. (i) Central Bank, Evolution, Characteristics and Functions. (ii) Reserve Bank of India and It's Role. (iii) Securitization and Reconstruction of Financial assets, (iv) Cash reserve and Statutory Liquidity ratios in Bank.

B. Bank as borrowers :

Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and e-Banking.

C. Deposit Insurance Corporation Act, 1962.

Unit 3 :

A. Bank and Customer Relationship.

B. Banking Operations (i) Lending by Banks, (ii) Collection and Payments of Cheques. (iii) Negotiable Instrument & their characteristics, Cheques, Dishonor of Cheques, Appropriation of payments.

C. Interference by third parties.

(i) Attachment, Mareva Injunctions, Bank and Garnishee, set off.

Unit 4 :

A. Social Banking

B. Basal II norms

C. Letter of Credit

D. Recovery of Debts Due to Banks.

C. Banking Ombudsman Scheme 2002. Debt Recovery Tribunal Act.

E. Recent Trends of Banking System in India.

SELECT BIBLIOGRAPHY

Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Miilan

M. Hapgood (ed.) : Paget"s law oF Banking (1989) Butterworths, London

R. Goode : Commercial Law,(1995) Penguin, London

Ross Cranston : Principles of Banking Law (1997) Oxford

L.C. Goyle : The Law of Banking and Bankers (1995) Eastern

M.L. Tannan : Tamnan'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

M. Dasse, S. Isaacs and G, Pen ; E.G. Banking Law..(1994), Lloyds of London Press,

London

V. conti and Hamaui (eds.) : Financial Markets Liberalization and the Role of Banks'
Cambridge University Press, Cambridge (1993)

J. Dermine (ed.) : European Banking in the 1990's (1993) Blackwell, Oxford

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

R.S. Narayanna : The Recovery of Debts due to Banks and Financial Institution Act, 1993 (51
of 1993), Asia Law House, Hyderabad

M.A. Mir : The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New
Delhi

Mitra : The Law Relating to Bankers' Letters of Credit and Allied Laws (1998), University
Book Agency, Allahabad

PAPER IV INSURANCE LAW

UNIT – 1

The Evaluation of Banking Services and its History in India

1. History of Banking in India.
2. Bank nationalization and social control over banking.
3. Various types of Banks and their functions.
4. Contract between banker and customer: their rights and duties.
5. Role and functions of Banking Institutions

UNIT – 2

Lending by Banks and Recent Trends of Banking System in India

1. Advances, Loans and Securities.
2. Direct, collateral and miscellaneous Securities.
3. Default and recovery.
4. Bank Debt Recovery Tribunals.
5. 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 – 3

General Principles of Law of Insurance

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

UNIT – 4

Recent Trends in Insurance

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

SELECT BIBLIOGRAPHY

- John Hanson and Christopais Henly : All Risks Property Insurance (1999), LLPAsia Hongkong
Peter Mac Donald Eggers and Patric Foss : Good faith and Insurance Contracts (1998) LLP
Asia, Hongkong
Banjeree : Law of Insurance (1994). Asia Law House, Hyderabad Mtra, B.C. : Law Relating to
Marine Insurance (1997), Asia Law House, Hyderabad
Brids : Modern Insurance (1997), Sweet & Maxwell
International Labour Office, Administration Practice of Social Insurance(1985)
M.N. Sreenivasan : Law and the Life Insurance Contract (19 14)

PAPER V CORPORATE FINANCE

Unit 1.

Law of Corporate Finance -Meaning, Importance and scope of Corporate Finance. Capital needs - Capitalization working capital securities borrowings - deposit debentures- Constitutional perspectives - the entries. 37, 43, 44, 45, 46, 47, 52, 82, 85 of List I Union List entry 24 of List II, State List.

Unit 2.

Equity Finance - Share Capital, Prospectus, Information disclosure.
Debit Finance - Debentures - Creation of-Charges, Mortgages.

Unit 3.

Protection of investors- Individual Share Holders right-Corporate Membership right derivative actions, Qualified Membership right, conversion, Transfer and Transmission of Securities Dematerialization of Securities - Protection during amalgamation. Merger and take-over, role of SEBI.

Unit 4

Corporate Fund Raising - IDR, ADR, GDR, Euro-issues-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)

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Alastair Hundson : The Law on Financial Derivatives (1998), Sweet & Maxwell
Eil's Ferran : Company Law and Corporate Finance (1999), Oxford Jonathan Charkham : Fair Shares : The Future of Shareholder Power and Responsibility (1999). Oxford
Ramaiya A : Guide to the Companies Act (1998). Vol. I, II and III H.A.J. Ford and A.i'.
Austen : Ford's principle of Corporations Law (1999). Butterworths
J.H. Farrar and B.M. Hanniyan : Farrar's Company Law (1998), Butterworths
Austen R.P.: The Law Of Public Company Finance (1986), LBC R.M. Goode : Legal Problems of Credit and Security (1988), Sweet and Maxwell
Maryin M. Kristein : Corporate Finance (1975) R.C. Osborn : Corporation Finance (1959)
S.C. Kuchhal : Corporation Finance: Principles and Problems (6th ed. 1966)
VG. Kulkarni : Corporate Finance (1961)
Y.D. Kulshreshta : Government Regulation of Financial Management of Private Corporate Sector in India (1986)

PAPER VI
DISSERTATION & VIVA - VOCE

Dissertation: 200 Marks

Preparation and presentation of Non-Doctrinal Research: 100 Marks

Viva Voce: 100 Marks