

**PUNYASHLOK AHILYADEVII HOLKAR
SOLAPUR UNIVERSITY,**

SOLAPUR



**NAAC Accredited-2022
B ++'Grade (CGPA2.96)**

Name of the Faculty: Humanities

Syllabus: L.L.M. Part-I & LL.M Part-II

(For Affiliated Colleges)

With effect from : August-2023

PG Course as per NEP 2020 New Structure

**PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR
UNIVERSITY, SOLAPUR**



FOR AFFILIATED COLLEGES

**RULES, REGULATIONS AND SYLLABUS FOR
TWO YEARS POSTGRADUATION LL. M COURSE
[FOUR SEMESTERS]**

**CHOICE BASED CREDIT SYSTEM (CBCS) WITH
CUMULATIVE GRADE POINT AVERAGE (CGPA) FROM
ACADEMIC YEAR 2023-2024 AND ONWARDS**

w.e.f. AUGUST 2023

PG Course as per NEP 2020 New Structure

PUNYASHLOK AHILYADEVI HOLAKAR
SOLAPUR UNIVERSITY, SOLAPUR
CHOICEBASEDCREDITSYSTEM(CBCS)
WITH CUMULATIVE GRADE POINT AVERAGE(CGPA)
FROM ACADEMIC YEAR2023-2024 AND ONWARDS

w.e.f. AUGUST 2023

- 1. Duration of the Programme of LL.M Post Graduate Degree Course:** - The duration of the programme is of two academic years which spread over four semesters with the University Examination at the end of each semester. Each Academic year shall be divided into Two Semesters. The academic session for odd semester (1st& 3rd) will commence as far as possible from 1st July, while for even semester (2nd& 4th) will commence from 1st January every year. The courses / papers and credits assigned to each course shall be as given in the LL.M. Post Graduate Course Structure
- 2. Medium of instruction:** The medium of instruction and Examination shall be in English.
- 3. Eligibility for admission: -**
 - A)LL.M. 1st Year – For admission to the LL.M.-I, the candidate must have passed, the LL.B. three years degree course after graduation, or five years LL.B. course after 12th standard or equivalent qualifications, of this university or any other recognized university. Admission will be in accordance with the CET conducted by the University or otherwise decided by the university.
 - B)LL.M. Course shall be a full-time and of semester pattern. The LL.M. course cannot be done externally i.e., without keeping regular terms in Department /Law College.
 - C)Admissions are completely governed by rules and regulations made by the university from time to time.
- 4. Attendance: -**
 - (i) Regular 100% attendance is expected to all students for LL.M. course and shall be monitored in the semester rigorously. Students shall be informed at the end of every month if they are falling short of attendance requirement.
 - (ii) A Maximum of 25% absence for the attendance may be permitted only on valid grounds such as illness, or other emergency reason which is beyond control of a student and shall be approved by the concerned affiliated The Centre of Higher Education/ Department.

5. Rules of Promotion / ATKT: - LL.M Course.

To promote a student in to 3rd Semester: A student is being eligible for admission to the 3rd Semester must have either passed in the 1st and 2nd Semester or must have got exemption in at least Six Papers of the 1st and 2nd Semesters.

6. Interpretation Clause: Unless the context otherwise requires, the following words shall have the meaning as assigned to them in this clause.

a) Choice Based Credit System (CBCS):

Choice Based Credit System provides choice for students to select from the prescribed courses (Core, elective, minor, OJT, RM, FP courses etc.)

b) Credit: Credit means the unit by which the course work is measured. In this Direction one Credit means one hour of teaching work or two hours of practical work & one credit are equivalent 15 lectures in a semester.

c) Credit Point (CP): It is the value obtained by multiplying the Grade Point by the Credit i.e., No. of Credits assigned for the course x Grade Points secured for that course.

d) Cumulative Grade Point Average (CGPA): CGPA means the value obtained by dividing total number of credit points in all the semesters by the total number of credits in all the semesters.

d) Grade Letter: Grade Letter **means** an index to indicate the performance of a student in a Particular course / Paper. It is the transformation of actual marks secured by a student in a course / paper into a letter grade i.e., O, A, B, C, D, E and F. There shall be arrange of marks for each Grade

e) Grade Point: Grade Point means weightage allotted to each grade letter.

f) Programme: It means the Two Year Post Graduate Programme of study and examination spread over four semesters, the successful completion of which would lead to the award of Master of Laws (LL.M) degree.

g) Semester Grade Point Average (SGPA): It means the value obtained by dividing the total credit points earned by a student in all the courses of a given semester by the total number of credits assigned to that semester.

h) Course: It is equivalent to a paper/subject in a programme. It is a complete unit of learning which will be taught and evaluated within a Semester. All courses need not Carry the same weight. A course may be designed to comprise lecturing / tutorial / fieldwork / outreach activities / project work / vocational training / viva / seminars / term papers / assignments / presentations / self-study etc. or a combination of some of these & other activities designed and prescribed by the concern center of higher education.

7. The UGC guidelines on CBCS system prescribe following courses: Core, Elective, Minor and OJT / FP /RP in a programme.

a. Core Course:

This is the course/subject which is to be compulsorily studied by a student as a core requirement to complete the programme. It shall be related to the discipline of study.

b. Elective Course:

Elective course is a course which can be chosen from a pool of prescribed papers. & as per the availability of faculties.

c. Minor Course:

The Minor Courses is a course based upon the content that leads to Knowledge enhancement in research area. They are mandatory for research inquiries in a discipline.

d. OJT/FP/RP

The On-job training, field project & Research Project is practical training component designed to enhance practical knowledge, operation of a law of any given subject. The Centre of higher education shall have a choice to select/opt any of the above components as per their choice & convenience.

8. Scheme of evaluation: -

The students have to appear external evaluation (University Exam) for 80 Marks and internal evaluation of 20 marks for each paper except Dissertation & OJT/FP/RP. The internal evaluation is a process of continuous assessment. The nature of internal evaluation is decided by The Centre of higher education and concerned subject teacher with the prior permission of the Head, Principal at the beginning of semester. The distribution of 20 marks (any two components) internal evaluation shall be as follows.

- | | |
|------------------------------------------------|-------------|
| a) Seminar & Presentation | - 10 Marks. |
| b) Project Work (Doctrinal / Non-Doctrinal) | - 10 Marks |
| c) Participation & Assistance in Lok-Adalat | - 10 Marks. |
| d) Writing Case Comment (Two Cases) | - 10 Marks. |
| e) Any other Activity Prescribed by the Centre | - 10 Marks |
| f) Field Visit | - 10 Marks |
| g) Government Semi Government Office Visit etc | - 10 Marks |

9. OJT/FP/RP (Practical Paper)

a. OJT:

Student has to Prepare and Maintain detail record of On Job Training and has to submit at the end of the Semester. Students have to submit the report based on the Practical work given by the Centre of Higher education. 100 marks are divided as follows: -

1. Dairy Submission: 60Marks
 2. Viva- Voce :40Marks
- b. Research Project / Field Project Work**

- i.**
 - a. Doctrinal Research - 60 Marks OR
 - b. Non-Doctrinal Research - 60 Marks

Student has to select a topic relating to law in consultation with subject teacher at the beginning of the semester. By using research methodology students has to submit report (Doctrinal or Non-Doctrinal or both) at the end of the semester.

ii. Viva-voce

Viva Voce will be conducted by Internal/ External Examiners Relating to project Work / Teaching and Research Methodology - 40 Marks

Dissertation: - 200 Marks

Phase-I Synopsis Submission: At the beginning of the 3rdSemester students are expected to carry out intensive literature survey for a period of one month in the field of interest and to select topic for dissertation in consultation with assigned teacher. After one month. The student shall then submit report and deliver a seminar on the problem chosen by him/her to the panel of faculty members.

Phase-II Term Work and Progress of the Research Work and Presentation: It is based on the efforts put by the student to carry out his / her work and submit a progress report and presentation of progress seminar before panel of faculty members at the beginning of fourth semester

Phase III Final Evaluation: After completing the dissertation work to the satisfaction, the student shall submit three copies of dissertation in prescribed format along with softcopy to the college. Open defence viva-of the student shall be arranged by the university in front of panel of examiners appointed by university authority.

Evaluation System on the basis of Credit based Award Pattern:

The academic performance of a student during a semester shall be graded on a Seven- point scale. The grade awarded to a student shall depend on his/her performance in external and internal examinations. The academic performance of a student during a semester and at the end of the programme shall be evaluated on the basis of: (i) **Grade Point (GP) obtained in each subject** (ii) **Semester Grade Point Average (SGPA)**, (iii) **Cumulative Grade Point Average (CGPA)**

At the end of each semester examination, a student shall be awarded a Semester Grade Point Average (SGPA). A Cumulative Grade Point Average (CGPA) shall be awarded to each student at the end of Final Semester of the Programme. The details regarding method of calculating SGPA & CGPA is explained below.

10. Award of Grade Letter, Grade Points, Credit Points, SGPA, CGPA:

(a) Award of Grade Letter and Grade Points:

Each course/paper shall be valued in Seven Grades. The letter grades and their equivalent grade points are listed below.

Conversion of Marks into Grades

SNo.	Range of Marks	Grade	Grade Points	Description of performance
1	80 onwards	O	10	Excellent/Outstanding
2	70–79	A+	9	Very Good
3	60–69	A	8	Good
4	55–59	B+	7	Fair
5	50–54	B	6	Above Average
6	45–49	C+	5	Average
7	40–44	C	4	Below Average
8	< 40	F	0	Fail
9	-	XX	0	Detained
10	-	DR	-	Dropped Out

(b) Calculation of Credit Points:-

Credit Points for the course = (No. of Credits assigned for the course x Grade Point secured for that course.)

(c) Semester Grade Point Average(SGPA):-

SGPA indicates the performance of a student in a given Semester. SGPA is based on the **total credit points earned by the student in all the courses and the total Number of credit assigned to the courses/papers in a Semester.**

$$SGPA = \frac{\text{Total Credit Points Obtained in the Semester}}{\text{Total Number of Credits for the Semester}}$$

Provided that SGPA is computed only if the candidate passes in all the courses (gets a Minimum 'E' Grade in all Courses).

(d) Cumulative Grade Point Average (CGPA): CGPA refers to the Cumulative Grade

Point Average weighted across all the semesters.

$$CGPA = \frac{\text{Total Credit Points Obtained in all semesters}}{\text{Total Credits of All Semesters}}$$

Total Credits of All Semesters

The CGPA is calculated only when the candidate passes in all papers of all semesters. The final Grade Sheet shall show the Grade and Grade Points only.

11. Mode of University Examination Question Paper

1. Maximum Marks–80
2. Time–Three Hours

12. Standard of Passing:

1. A candidate shall be declared 'Pass' in the examination of a Semester if he has secured at least aggregate of 50 marks in each paper in semester examination. And a minimum 10 marks in internal examination and 40 marks in external (University) examination in each of the subject in semester examination.
2. The student has to secure minimum of 5-grade points (Grade E) in examination prescribed for a Particular semester.
3. A student who failed in University semester examination (Theory) and passed internal examination of paper (subject) shall be given FU Grade. Such student will have to appear for term end examination only. A student who failed in internal examination and passed in University Examination (Theory) shall be given F Grade. Such student will have to appear for term end examination as well as internal examination.

13. Award of the Degree:

A student will be eligible for the award of the Degree of Master of Laws (LL.M) with his chosen specialization/s, after he has successfully completed all the four semesters. The degree shall specify the division and CGPA of successful candidates as per the following criterion:

Conversion of Average grade points into grades

SGPA/CGPA	LetterGrade
9.5–10	O
8.5–9.49	A+
7.5–8.49	A

6.5–7.49	B+
5.5–6.49	B
4.5–5.49	C+
4.0 -4.49	C
< 3.99	F/ FC

FOR AFFILIATED COLLEGES
MASTER OF LAWS (LL.M.) – 2 YEARS
PROGRAMME (w.e.f. 2024-25)

CORPORATE LAW

PART: II LL.M - THIRD SEMESTER

PG Course as per NEP 2020 New Structure

SEM	CODE	SUBJECTS	NATURE	CREDITS	Semester Exam			Duration of Exam For U.A.	TOTAL CREDITS
					U.A	C.A	Total		
III	DSC1-7	Law and Social Transformation India	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-8	Law of E-Commerce	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-5 OR DSE1-5	A. Corporate Social Responsibility OR B. International Trade Law	Elective [Major]	3	60	15	75	2.15 Hrs.	
	DSE1-6 OR DSE1-6	A. Emerging Principles of Commercial Laws OR B. Law regulation of Capital Market and Foreign Investment	Elective [Major]	3	60	15	75	2.15 Hrs.	
	RM-II	Legal Research Methodology-II		4	80	20	100	3 Hrs.	
	RP	Research Project		4	-	100	100	-	

PART: II LL.M- FOURTH SEMESTER

SEM	CODE	SUBJECTS	NATURE	CREDITS	Semester Exam			Duration of Exam For U.A.	TOTAL CREDITS
					U.A	C.A	Total		
IV	DSC1-9	Alternative Dispute Resolution – New Mechanism	Mandatory [Major]	4	80	20	100	3 Hrs.	22
	DSC1-10	Consumer Law	Mandatory [Major]	4	80	20	100	3 Hrs.	
	DSE1-7 OR DSE1-7	A. Information Technology Act OR B. Law of Industrial Designs, Geographical Indications, Layout Designs, Data Protection and Trade Secrets	Elective [Major]	3	60	15	75	2.15 Hrs.	
	DSE1-8 OR DSE1-8	A. Social Security Legislations OR B. Investment Law	Elective [Major]	3	60	15	75	2.15 Hrs.	
	RP	Dissertation		8	-	200	200	-	

ABBREVIATION:

DSC: Discipline Specific Core

DSE: Discipline Specific Elective

OJT: On Job Training

RM: Research Methodology

RP: Research Project / Dissertation

PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR
LL.M SYLLABUS
SEMESTER– III
PAPER-XIII
DISCIPLINE SPECIFIC CORE–1-7
LAW AND SOCIAL TRANSFORMATION IN INDIA

Credits: 4

Objectives of the Subject

This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches 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 the law has played and has to play in the contemporary Indian society

1. Law and Social Change

- 1.1 Law as an instrument of social change
- 1.2 Law as the product of traditions and culture
- 1.3 Criticism and evaluation in the light of colonization
- 1.4 The introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India

2. Religion and the Law

- 2.1 Religion as a divisive factor
- 2.2 Secularism as a solution to the problem.
- 2.3 Reform of the law on secular lines: Problems.
- 2.4 Freedom of religion and non-discrimination on the basis of religion
- 2.5 Religious minorities and the law.

3. Language and the Law

- 3.1 Language as a divisive factor: formation of linguistic states.
- 3.2 Constitutional guarantees to linguistic minorities.
- 3.3 Language policy and the Constitution: Official language; multi-language system.
- 3.4 Non-discrimination on the ground of language.

4. Community and the Law

- 4.1 Caste as a divisive factor
- 4.2 Non-discrimination on the ground of caste.
- 4.3 Acceptance of caste as a factor to undo past injustices.
- 4.4 Protective discrimination: Scheduled castes, tribes and backward classes.

4.5 Reservation; Statutory Commissions., Statutory provisions

5. Regionalism and the Law

5.1 Regionalism as a divisive factor.

5.2 Concept of India as one unit.

5.3 Right of movement, residence and business; impermissibility of state or regional barriers.

5.4 Equality in matters of employment: the slogan "Sons of the soil" and its practice.

5.5 Admission to educational institutions: preference to residents of a state.

6. Women and the Law

6.1 Crimes against women.

6.2 Gender injustice and its various forms.

6.3 Women's Commission.

6.4 Empowerment of women: Constitutional and other legal provisions.

7. Children and the Law

7.1 Child labour

7.2 Sexual exploitation.

7.3 Adoption and related problems.

7.4 Children and education.

8. Modernization and the Law

8.1 Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

8.2 Modernization of social institutions through law.

8.3 Reform of family law

8.4 Agrarian reform - Industrialization of agriculture.

8.5 Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.

8.6 Reform of court processes.

8.7 Criminal law: Plea bargaining; compounding and payment of compensation to victims.

8.8 Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.

Prison reforms

8.9 Democratic de-centralization and local self-government.

9. Alternative approaches to Law

9.1 The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash

Narayan Surrender of dacoits; concept of Grama Nyayalayas

9.2 Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.

9.3 Indian Marxist critique of law and justice.

9.4 Naxalite movement: causes and cure.

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3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
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12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
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DISCIPLINE SPECIFIC CORE–1-8
LAW OF E-COMMERCE

Credits: 4

Objectives of the Subject

This subject aims at an understanding of the basic principles of E-Commerce and gives an insight into the application of this important area. It also analyses the impact of other areas such as IP and attempts a holistic view. It would make the students aspiring for corporate jobs more up-to-date.

1. Introduction to E- Commerce

- 1.1. Concept of e- commerce and differences with e- business
- 1.2. Advantages and disadvantages of e- commerce
- 1.3. Types of e- commerce
- 1.4. Medium and Transactions in e- commerce
- 1.5. UNCITRAL Model Law on e-commerce
- 1.6. Information Technology Act, 2000

2. Contracts in Electronic Environment

- 2.1. E-contracts – concept, offer and acceptance
- 2.2. Acceptance of contract: Applicability of postal rule
- 2.3. E-commerce directives and regulations
- 2.4. Incorporation of terms
- 2.5. Identity of contracting parties
- 2.6. E-contracts: extent of details
- 2.7. Breach of contract

3. Electronic Signature

- 3.1. Provisions under Information Technology Act
- 3.2. Certifying authorities
- 3.3. Issuing authorities
- 3.4. Public Key Infrastructure
- 3.5. Electronic Signature Certificate
- 3.6. Grant, Revocation and withdrawal of Electronic Signature Certificate

4. Payment Issues

- 4.1. Modes and mechanism of payment in electronic environment
- 4.2. Fraud Risk and Protection
- 4.3. Breach of contract
- 4.4. Charge back agreements

4.5. Electronic Data Interchange

4.6. Electronic fund transfer

5. Consumer Protection

5.1. Concept of the rights of consumer

5.2. Problems of protection of consumers in virtual world

5.3. Consumer Protection Act, 1986

5.4. EC Directive on distance selling

5.5. E-commerce Directives and consumer protection

6. IPR issues in E- Commerce

6.1. Digital copyright, linking, caching

6.2. Digital rights management, DMCA, Patents, Trademarks and domain names

6.3. Brand identities, search engines and secondary market

6.4. ICANN

6.5. Database Right – Digital Copyrights

6.6. Open Source

6.7. Software Patents

6.8. Right to forgetting

7. Taxation in E-Commerce

7.1. Problem of taxation in virtual world

7.2. OECD guidelines on taxation

7.3 Tax structure on e- commerce in India (Direct, Indirect, and VAT)

7.4. EU, US practice on taxation on electronic commerce

8. Jurisdiction issues in E- Commerce

8.1. Theoretical framework to address multiple jurisdictions

8.2. Application of the principles of Private International law

8.3. Hague Convention, EC Regulations (Brussels & Rome)

8.4. Minimum contact test, Effect test, Zippo Test

8.5. Current trends

9. E- Commerce and Competition Issues, Cloud Computing

9.1. Impacts of e- commerce in traditional market

9.2 Concept of cloud computing

9.3 Impacts of cloud computing in e- commerce

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PAPER XV: DISCIPLINE SPECIFIC ELECTIVES – 1-5

A. CORPORATE SOCIAL RESPONSIBILITY

Credits: 3

Objectives of the Subject

The Concept of CSR is practical and theoretical in nature. It will allow students to analyze businesses, taking into account ethics as a key element in the decision-making process. It focuses on creating value to all stakeholders, the environment and companies at the same time. This subject examines new CSR trends. It combines a descriptive and a practical approach to the implementation of sustainable practices in companies. This subject will include the discussion of business cases, as well as the creation of CSR strategies, metrics, and tracking. It also reviews the development of CSR governance initiatives, and evaluates their limits and potential benefits.

1. Introduction

1.1 Corporate Social Responsibility: meaning and definitions

1.2 History of CSR

1.3 Potential business benefits of CSR

2. Concept of Corporate social responsibilities

2.1 CSR nature, types, principles and strategies,

2.2 Models of CSR, Best practices of CSR, Need of CSR

2.3 Arguments for and against CSR, CSR

2.4 Indian perspective, Indian examples.

3. Government initiatives and CSR

3.1 Government policies for CSR

3.2 Voluntary guidelines for CSR by Ministry of Corporate Affairs

3.3 Corporate social challenges-corporate accountability

3.4 Business and ecology-case corporate social responsibility

3.5 Corporate crimes-company and society relations analysis.

4. Business Ethics

4.1 Concept and importance of Business ethics

4.2 Fundamental principles of ethics

4.3 Ethics in international business

5. Corporate Governance

5.1 Issues, need of corporate governance code

5.2 Code of Corporate Practices, Social Responsibility of Corporate, Corporate Social Reporting, Corporate Governance and

5.3 The Role of Board (BOD),

6. Corporate Governance

6.1 Corporate Governance System Worldwide,

6.2 Corporate Disclosure and Investor Protection in India

6.3 Legal compliances- home and host country's regulations and

6.4 Compulsions of international agencies

6.5 Corporate governance beyond legal compliance.

SELECT BIBLIOGRAPHY

1. Business and Society-Lawrence and Weber, 12 ed, Tata McGraw- Hill 2010.
2. Business Ethics, Crane & Matten Oxford University Press(OUP)
3. Chrstensen, A.B. Business Policy (Company and its Requirements).
4. Corporate Social Responsibility – Philip Kotler and Nancy Lee
5. Corporate Social Responsibility Concepts and Cases – The Indian Experience - C.V Baxi, Ajit Prasad
6. Corporate Social Responsibility in India – Sanjay K Agarwal
7. Corporate Social Responsibility: A Study of CSR Practices in Indian Industry, Baxi C. V & Rupamanjari Sinha Ray, Vikas Publishing House, 2012.
8. Its only Business, Mitra, OUP
9. Keith Davis and Robert Blostrom, Business and its Environment
10. Mathur and Agrawal, Responsibilities of Business Community to Indian Society and Social Institution.
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17. The Management and ethics omnibus- Chakraborty, OUP
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PAPER XV: DISCIPLINE SPECIFIC ELECTIVES – 1-5

B. INTERNATIONAL TRADE LAW

Credits: 3

Objectives of the Subject

The subject is a foundational course on International Trade Law. It will familiarize the students with the normative framework of the General Agreement on Trade and Tariffs (GATT) 1994 and the World Trade Organization. It will also discuss the relevant case laws and engage with the academic commentary which has developed in the implementation and interpretation of these documents. The students will also get introduced to the Dispute Settlement Mechanism and its current challenges. Students will also study the issues relating to trade. Further there will be a brief introduction to some of the Special agreements which came into force when the World Trade Organization (WTO) was formed.

1. Introduction

1.1 Trade history, Nature of International Trade (Origin, Evolution and Characteristics)

1.2 From GATT, ITO to WTO

1.3 Inter-Relation between Multilateral Rules, Regional Agreements and Domestic legislation

1.4 Economics of International Trade

1.5 Institutional overview of WTO

1.6 Free Trade Theory and Protection

2. Trade Policies and Regulation of International Trade

2.1 Pillars of Multilateral Trading System (MFN, National Treatment, Tariff Bindings, Customs Law, Non-Tariff Barriers)

2.2 Quantitative Restrictions

3. Subsidies

4. Safeguards

4.1 Nature of Safeguard Measures

4.2 Preconditions and Procedures for Taking Safeguard Measures

4.3 Developing Countries and Safeguards

4.4 Limitations and General Disciplines

4.5 Grey Area Measures

5. Anti-dumping and Countervailing Duty Measures

6. Sectoral Problems and their Resolutions

6.1 Trade in Agriculture

6.2 Trade in Services

6.3 TRIPS

6.4 Trade in Investment

7. Trade Relations and Dispute Resolution

7.1 Competing Interests of Trading Partners

7.2 Problems of Market Access

7.3 Institutions and Principles of Dispute Settlement

7.4 The First World – Third World Divide

8. Issues related to Trade

8.1 Trade and Labour

8.2 Trade and Environment

8.3 Trade and Human Rights issues

8.4 Trade in Genetic Material

8.5 TRIMS – Agreement on Trade Related Investment Measures

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5. Gervais Daniel, The TRIPS Agreement: Drafting, History and Analysis, Sweet and Maxwell (1998)
6. Jackson John H., The Jurisprudence of GATT and WTO, Cambridge (2000)
7. Jackson John H., The World Trading System: Law and Policy of International Economic Relations, 2nd Edition, Cambridge: MIT Press (1997)
8. Kaul A K., The General Agreement on Tariffs and Trade/World Trade Organisation- Law Economics and Politics, Satyam Books (2005)
9. Mathur Vibha, WTO and India: Development Agenda for the 21st Century, New Century (2005)
10. Rao Narasimha C., Globalisation, Justice and Development, Serial Publications (2007)
11. Trebilcock Michael J and Howse Robert, The Regulation of International Trade, New York: Routledge (2005)

PAPER XVI: DISCIPLINE SPECIFIC ELECTIVES – 1-6

A. EMERGING PRINCIPLES OF COMMERCIAL LAWS

Credits: 3

Objectives of the Subject

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of valid contract and on the existence of contractual relationship in various instances. The subject provides an insight into the justification for special statutory provisions for certain kinds of contracts. In the society wherein all major ventures are getting corporatized, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract. The subject is designed with an aim to study overview of Limited Liability Partnership Act, Indian Partnership Act, Specific Relief Act and Government as a Contracting Party. It also analyzes a range of subject specific, cognitive and transferable skills within the purview of Limited Liability Partnership Act, Indian Partnership Act and Specific Relief Act.

1. Limited Liability Partnership Act, 2008

- 1.1 Limited Liability Partnership - Meaning and Concept
- 1.2 Incorporations of Limited Liability Partnership
- 1.3 Partners and their relations
- 1.4 Financial Disclosures
- 1.5 Assignment and Transfer of Partnership Rights
- 1.6 Conversion into Limited Liability Partnership
- 1.7 Compromise, Arrangement or Reconstruction of Limited Liability Partnership
- 1.8 Winding up and Dissolution

2. The Partnership Act, 1932

- 2.1 Definition – Partner, Partnership
- 2.2 Nature and Characteristics of Partnership
- 2.3 Types of Partners
- 2.4 Registration of a Partnership Firms and consequences of non-registration
- 2.5 Rights and Duties of Partners
- 2.6 Dissolution of firms – meaning and grounds

3. Specific Relief Act, 1963:

- 3.1 Specific reliefs and defense

- 3.2 Specific performance and defense
- 3.3 Unenforceable contracts
- 3.4 Rescission of Contracts, Cancellation of Instruments
- 3.5 Declaratory Decrees
- 3.6 Preventive Reliefs

4. Government as a Contracting Party

- 4.1 Constitutional Provisions
- 4.2 Government powers to contract, Procedural requirements
- 4.3 Kinds of Government Contracts, their usual clauses and performance
- 4.4 Settlement of disputes and Remedies

5. Contemporary Issues in Business Law

- 5.1 Right to Information Act, 2005
- 5.2 Meaning of Information, Right to Information
- 5.3 Need for Right to Information.
- 5.4 Public Information
- 5.5 Request for obtaining information
- 5.6 Grounds for rejection of information
- 5.7 Central Information Commission
- 5.8 Constitution, Powers and Functions

SELECT BIBLIOGRAPHY

1. Beasten (Ed), Anson's Law of Contract
2. Pollock and Mulla on the Indian Contract and the Specific Relief Act, Lexis Nexis India, Gurgaon (1999)
3. Dr. Avtar Singh: Law of Contract & Specific Relief, Eastern Book Company, Lucknow
4. Dr. R.K. Bangia: Contract, Allahabad Law Agency, Allahabad
5. R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
6. Anand and Aiyer, Law of Specific Relief, Universal
7. Benerjee S.C. Law of Specific Relief, Universal
8. LMP's Limited Liability Partnership – A Comprehensive Resource Book by Pramod Jain
9. Bharat's Law & Procedure of Limited Liability Partnership by D K Jain – 9th Edition 2022
10. Commentary on the Right to Information Act by Dr. J N Barowalia & Abhishek Barowalia, 6th Edition, 2024

PAPER XVI: DISCIPLINE SPECIFIC ELECTIVES – 1-6

B. Law Regulation of Capital Market and Foreign Investment

Credits: 3

Objectives of the Subject

The subject of Law Regulation of Capital Market and Foreign Investment is inherently complicated and is subject to constant refinement through emerging rules and regulations made thereunder. It therefore becomes necessary for every student to constantly update himself with these various legislative changes made from time to time. Also, students should have general understanding of the trends in regulation of capital markets and foreign investments. They should appreciate the broader economic objectives and purposefulness of the nature, forms and extent of regulation of the capital markets.

1. Overview of Capital Market

- 1.1 Role, Relevance and significance of Capital Market in national development
- 1.2 Capital Market and Economic Reforms: Challenges and prospects
- 1.3 Introduction to various components of capital market – primary and secondary market, stock exchanges,

2. Trends in Regulation of Capital Markets

- 2.1 Securities Contract Regulation Act 1956
- 2.2 SEBI Act 1992 with particular emphasis on role of SEBI
- 2.3 Depositories Act 1996

3. Policy Framework for Regulation of FDI

- 3.1 Meaning and forms of FDI
- 3.2 Foreign Exchange Management Act
- 3.3 FDI Policy and role of RBI

4. Bilateral and Multilateral Investment Agreements

- 4.1 Introduction to the trends of bilateral and multilateral investments agreements
- 4.2 Nature and scope of substantive rights of foreign investors under BIPAs
- 4.3 Dispute Settlement Mechanisms under BITs – Investment Arbitrations under ICSID and UNCITRAL

SELECT BIBLIOGRAPHY

1. Guruswamy, Capital Market, Tata McGraw Education, 2009
2. E Gordon & H Nataraj, Capital Market in India, Himalaya Publishing House, 2013
3. Deepening India's Capital Market: The Way Forward, USAID, November 2007
4. The Consolidated FDI Policy Circular of 2014, Ministry of Commerce & Industry
Department of Industrial Policy & Promotion, Government of India
5. ICSID Convention – A Commentary, C. Schreuer, 2nd Edition 2009
6. Sanjeev Agarwal, Guide to Indian Capital Market, Bharat Law House, 2009
7. Imaad A Moosa, Foreign Direct Investment: Theory Evidence and Practice,
Palgrave
MacMillan, 2010.
8. Niti Bhasin, FDI In India, New Century Publication, 2008.

PAPER XVII: LEGAL RESEARCH METHODOLOGY-II

Objectives of the Course:

The growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner. Legal Writing and Methods of Legal Research aims to equip students with skills of conducting legal research and expressing legal analysis effectively in writing. By the end of the course, students are expected to gain the following knowledge and skills, understand how to use key research methods and approaches, understand how to collect, analyze and interpret the data, to explain and justify the methodological approaches used, to explain the methods of data collection. Understand the main requirements and the structure of a thesis or a dissertation. The aim is to help students develop critical knowledge of fundamental concepts, elements and processes of legal research. To help them develop research-based professionalism, to encourage involvement in multi-faceted research of laws, and to help thereby development of laws and justice in India.

1. Major Steps in Legal Research

- a. Research Problem: Identifying and defining the Research Problem, Steps in Problem Formulation, Significance of Research Problem, Rationale of Study
- b. Review of Literature and Identification of Research Gaps, Significance of Review of Literature, Steps involved in Review of Literature
- c. Formulation of Objectives
- d. Hypothesis: Meaning and Importance of Hypothesis, Formulation of Hypothesis, Types of Hypotheses in Legal Research, Sources of Hypothesis, Characteristics of a Good Hypothesis
- e. Data Collection in Doctrinal Research: Meaning of Data, Types of Data, Primary and Secondary Sources of Data; Data Analysis, Data Interpretation and Drawing of inferences
- f. Data Collection in Non-Doctrinal Research: Primary and Secondary Sources of Data, Meaning of Universe, Population and Sample, Importance of Sampling, Types of Sampling, Difference between sampling method and census method
- g. Methods of Data Collection in Non-Doctrinal Research: Questionnaires and Schedules, Observation, Interview, Group Discussion, Focused Group Discussion
- h. Analysis and Interpretation of Data in Non-Doctrinal Research Module

2. Legal Research Report Writing

2.1 Steps in Legal Research Report Writing

2.2 Contents of Good Legal Research Report

2.3 Criteria for a Good Legal Research Report

2.4 The Problem of Plagiarism

2.5 Citation Methods: Footnotes, End Notes, References and Bibliography

2.6 Citation Styles: MLA Handbook Format, Blue Book Citations

3. Research Report:

3.1 Research report and its structure, journal articles – Components of journal article. Explanation of various components. Structure of an abstract and keywords. Thesis and dissertations.

3.2 components of thesis and dissertations. Referencing styles and bibliography.

4. Ethics in Research –

4.1 Plagiarism - Definition, different forms, consequences, unintentional plagiarism, copyright infringement, collaborative work. Qualities of good Researcher.

5. ICT Tools for Research:

5.1 Role of computers in research, maintenance of data using software such as Mendeley, Endnote, Tabulation and graphical presentation of research data and software tools.

5.2 Web search: Introduction to Internet, use of Internet and WWW, using search engines and advanced search tools.

Suggested Reading

1 Donald Cooper and PS Schindler (2009) Business Research Methods, 9th edition, Tata McGraw Hill.

2 Kothari C. R Research Methodology

3 Uma Sekaran (2010) Research Methods for Business, 4th edition, Wiley.

4 Ranjit Kumar (2009) Research Methodology, 2nd edition, Pearson Education

5 Naresh Malhotra and S Dash (2009) Marketing Research, 5th edition, Pearson Prentice Hall.

6 Michael V. P Research Methodology.

7 Fred N. Kerlinger : Foundations of Behavioral Research.

PAPER XVIII: RESEARCH PROJECT

Credit:4

Research Project: 100 marks are divided as follows: -

1. The Research Project Work must include both research methodology i. e.

(a) Doctrinal Research

(b) Non-Doctrinal Research

Student has to select a topic relating to law in consultation with subject teacher at the beginning of the semester. By using research methodology, students have to submit report (Doctrinal and Non-Doctrinal Research) at the end of the semester. The completed research work should have to be submitted in spiral binding form and same will have 50 marks.

2. Viva-voce

Viva Voce will be conducted by Internal Examiners Relating to project Work - 30 Marks

3. PPT Presentation - 20 Marks

A topic is assigned to the student in advance and student has to deliver lectures on the assigned topic for 40 minutes in the presence of a subject teacher.

SEMESTER – IV
PAPER-XIX
DISCIPLINE SPECIFIC CORE–1-9
ALTERNATIVE DISPUTE RESOLUTION: - NEW MECHANISM

Credits: 4

Objectives of the Subject

In the era of globalization where time and resources are precious, the main aim and objective of the course is to equip a candidate in the alternative disputes that exists both nationally and internationally. The significant aspect of the course is that it vastly covers all the potential issues relating to ADR and helps a candidate in whatever profession or filed works to help the organization in resolving the disputes within the organization in an amicable manner in a judicious way in the possible shortest time than awaiting long time for a judicial settlement.

1. Introduction:

1.1 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between arbitration, mediation, conciliation, negotiation.

1.2 Nature, Scope, Limitations and necessity of alternative models of disputes resolution

2. Negotiation

2.1 Theory of negotiation, Approaches to Negotiation

2.2 Positional bargaining, Interest-based bargaining or principled negotiation

2.3 Preparation for Negotiation

2.4 Collaborative Communication skills, Negotiating skills, Negotiation exercises

3. Mediation and Conciliation

3.1 Theory of mediation, Role of the mediator

3.2 Drafting, Mediation and Conciliation Clauses and Agreements

3.3 Initiating Mediation (court annexed and private), Preparation for Mediation /Conciliation

3.4 The Mediation /Conciliation Process

3.5 Confidentiality and neutrality

3.6 How to write Award

3.7 Ethical issues in Mediation /Conciliation

3.8 Mediation in India, institutions, their role

4. Arbitration

4.1 Theory of arbitration, the arbitration process

4.2 Federal and provincial legislation

4.3 Drafting Arbitration clauses and agreements

4.4 Preparation for Arbitration, Conducting an Arbitration, Seat, location, Examinations and its various aspects, Evidence

4.5 Writing Arbitration Award

4.6 Foreign awards

4.7 Ethical issues in Arbitration

4.8 Conducting a Mock Arbitration

5. Communication & Role of the Paralegal

5.1 Verbal communication, Non-verbal communication

5.2 Role of the Paralegal

5.2.1 In negotiation when representing a client

5.2.2 In mediation when representing a client

5.2.3 When acting as a mediator

6. Settlement of Dispute through Lok Adalat and Lok Nyayalayas, Grassroots Justice and Panchayat System for Resolution of dispute

7. Settlement of

7.1 Bank Disputes, Securities and Matters related to Debt recovery

7.2 Negotiable Instruments.

7.3 Family and Matrimonial Disputes

7.4 Maintenance

7.5 Guardianship

7.6 Custody of the Child

7.7 Adoption

7.8 Inheritance/Succession

7.9 Housing Societies, Maharashtra Housing and Area Development Authority

7.10 Maharashtra Land Revenue Code, Slum Rehabilitation

7.11 Co-Operative Disputes

7.12 Accident Claims.

SELECT BIBLIOGRAPHY

1. The Indian Arbitration and Conciliation Act, 1996.
2. John M. Haynes and Stephanie Charles worth : The Fundamentals of Family Mediation
3. Robert A Baruch Bush and Joseph Folgers : The Promise of Mediation
4. Marian Roberts : Mediation in Family Dispute
5. Lisa Parkinson : Family Mediation
6. Ruth Chariton and Michelin Dewdney : The Mediator's Handbook

7. Sriram Panchu : Mediation Practice and law (textbook)
8. Mukta Mahajani : Let's Talk, Negotiation and Communication at the Workplace
Morton Deutsch, Peter Coleman and Eric Marcus : The Handbook of Conflict Resolution: Theory and Practice. San Francisco: Jossey- Bass)
9. William W Wilmot and Joyce L Hocker : Interpersonal Conflict , New York: McGraw Hill
10. Simon Roberts and Michael Palmer : Dispute Processes, ADR and the Primary Forms of Decision- Making, Cambridge University Press
11. Charles Ewert, Gordon Barnard, Jennifer Laffier, Michael L. Maynard : Choices in Approaching Conflict, Understanding the Practice of Alternative Dispute Resolution, Emond Montgomery, ISBN: 978-1-55239-384-0
12. Malhotra : Arbitration & Conciliation Act
13. Justice R.S. Bachavat : Law of Arbitration & Conciliation Act, Vol – I & II; LexisNexis ; 5th Edition 2013.
14. Mallik : Arbitration & Conciliation Act
15. Myneni : Alternate Dispute Resolution
16. P. C. Rao and William Sheffield : Alternative Dispute Resolution, by Ashwinie Kumar Bansal : International Commercial Arbitration- Practice & Procedure. West Thomson Reuters, ISBN 10
17. P. C. Markanda : Law relating to Arbitration and Conciliation. LexisNexis India; 8th Edi. 2013 ISBN – 8180388131
18. Dr. Avtar Singh : Law of Arbitration and Conciliation, Lucknow
19. The Code of Civil Procedure, 1908.
20. Arbitration and Conciliation Act 1996,
21. Mediation Rules of Bombay High Court

PAPER-XX
DISCIPLINE SPECIFIC CORE-1-10
CONSUMER LAW

Credits: 4

Objectives of the Subject

To obtain an insight into the provisions and working of the Consumer Protection law. This paper seeks to familiarize the students with of their rights as a consumer, the social framework of consumer rights and legal framework of protecting consumer rights. It also provides an understanding of the procedure of redress of consumer complaints, and the role of different agencies in establishing product and service standards. The student should be able to comprehend the business firms' interface with consumers and the consumer related regulatory and business environment.

1. INTRODUCTION

1. Historical perspective of consumer protection in India
2. United Nations & consumer Protection
3. Laws dealing with consumer complaints
4. Caveat Emptor

2. CONSUMER PROTECTION ACT

1. Aims & Objects of the Act
2. Consumers
3. Consumer Dispute
4. Defect in Goods and Services
5. Unfair Trade Practices

3. DEFICIENCY IN SERVICES

1. Meaning & Instances
2. Negligence
3. Deficiency in service in various professions: Insurance services, Banking and Financial services, Housing etc.

4. PROCEDURAL PROVISIONS

1. District Commission
2. State Commission
3. National Commission
4. Supreme Court

5. CONSUMER PROTECTION COUNCILS

1. Central Consumer Protection council.
2. Composition
3. Procedure.
4. Objectives of Centre Consumer Protection Council.
5. State Consumer Protection Council

6. MEDIATION SECTIONS

1. Establishment of consumer mediation cell.
2. Empanelment of mediators.
3. Nomination of mediators from panel.
4. Duty of mediator to disclose certain facts.
5. Replacement of mediator in certain cases.
6. Procedure for mediation.
7. Settlement through mediation.
8. Recording settlement and passing of order.

7. PRODUCT LIABILITY

1. Application of Chapter.
2. Product liability action
3. Liability of product manufacturer.
4. Liability of product service provider.
5. Liability of product sellers.
6. Exceptions to product liability action.

8. OFFENCES AND PENALTIES

1. Penalty for non-compliance of direction of Central Authority.
2. Punishment for false or misleading advertisement.
3. Punishment for manufacturing for sale or storing, selling or distributing or importing products containing adulterant.
4. Punishment for manufacturing for sale or for storing or selling or distributing or importing spurious goods.
5. Cognizance of offence by court.
6. Vexatious search.

SUGGESTED READINGS:

1. Saraf, D.N., Law of Consumer Protection in India.
2. Avtar Singh, The Law of Consumer Protection: Principles and Practice.
3. P.K.Majundar, The Law of Consumer Protection In India

4. D.P.Wadhwa & W.L.Rajah, The Law of Consumer Protection
5. R.N.P.Choudhary, Consumer Protection Law
6. V.Balakrishna Eradi, Consumer Protection Jurisprudence
7. Gupta S.N., Banks & Consumer Protection Law
8. Kaushal Anoop, Medical Negligence & Legal remedies
9. S.K.Verma & M.Afzal Wani, A Treatise on Consumer Protection Law
10. Landmark Judgement on Insurance & Consumer Protection t, NCDRC
11. Landmark Judgement on Consumer Protection, NCDRC.
12. Consumer Protection Acts and Rules <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>
13. Consumer Protection Act:
https://www.indiacode.nic.in/handle/123456789/15256?sam_handle=123456789/1362

PAPER-XXI
DISCIPLINE SPECIFIC ELECTIVE-1-7
A. INFORMATION TECHNOLOGY ACT

Credits: 3

Objectives of the Subject

With its rapid growth and momentous influence on our day to day activities the Information Technology become an indispensable facet of human civilisation. To keep pace with this swift changes one need to have an acquaintance of the functioning of this information technology ecosystem. This syllabus endeavours to give an insightful understanding of fundamental nuances of this information technology ecosystem and its legal concerns. It covers the whole Information Technology Act and its amendments along with applicable rules. Apart from the statutory provisions related to cyberspace, this syllabus also gives due emphasis on the social, intellectual property issues and legal analysis of new emerging technologies of Cyberspace. The capital idea of this syllabus is to professionally equip students with a detailed understanding of national and international regulatory framework and mechanics of cyber law.

1. Information Technology Act, 2000

- 1.1 IT Act 2000 vs. IT Amendment Act 2008
- 1.2 Evolution of the IT Act, Genesis and Necessity
- 1.3 Salient features of the IT Act, 2000
- 1.4 Various authorities under IT Act and their powers
- 1.5 Penalties & Offences, Amendments

2. Impact on other related Acts (Amendments)

- 2.1 Amendments to Indian Penal Code
- 2.2 Amendments to Indian Evidence Act
- 2.3 Amendments to Bankers Book Evidence Act
- 2.4 Amendments to Reserve Bank of India Act

3. Concept of Electronic Signature and Digital Signature

- 3.1 Relevance of Signature
- 3.2 Handwritten signature vs Digital Signature
- 3.3 Technological Advancement and development of signature
- 3.4 Digital Signature: IT Act, 2000
- 3.5 Cryptography, Public Key and Private Key, Public Key Infrastructure
- 3.6 Electronic Signature

3.7 Electronic Signature vs. Digital Signature

3.8 UNCITRAL Model Law on Electronic Signature

4. Cyber Jurisdiction

4.1 Concept of Jurisdiction

4.2 Jurisdiction in Cyberspace

4.3 Issues and concerns of Cyberspace Jurisdiction in India

4.4 International position of Cyberspace Jurisdiction

4.5 Judicial interpretation of Cyberspace Jurisdiction

5. New Emerging Issues of Cyberspace

5.1 Cloud Computing,

5.2 Big Data

5.3 Internet of Things

5.4 Artificial Intelligence and Robotics

5.5 Block chain

6. Law relating to liabilities of Intermediaries

6.1 Meaning and concept of intermediary

6.2 International legal framework on intermediary

6.3 Liability of intermediary under the IT Act

6.5 Recent developments

SELECT BIBLIOGRAPHY

1. Jurisdiction in Cyberspace: A Theory of International Spaces, Darrel C. Menthe, 4 Mich. Telecomm. Tech. L. Rev. 69 (1998) Available at:<http://www.mttl.org/volfour/menthe.pdf>

2. General Jurisdiction and Internet Contacts: What Role, if any, Should the Zippo Sliding Scale Test Play in the Analysis? Eric C. Hawkins, 74 Fordham L. Rev. 2371 (2006). Available at:<http://ir.lawnet.fordham.edu/flr/vol74/iss4/29>

3. Issue Of Jurisdiction in Cyberspace and Applicable Laws Available at: <http://psalegal.com/wpcontent/uploads/2017/01/ENewlineAugust2008.pdf>

4. Aiming at the Wrong Target: The "Audience Targeting" Test for Personal Jurisdiction in Internet Defamation Cases, Sarah H. Ludington, 73 Ohio St. L. J. 541 (2012), available at http://scholarship.law.campbell.edu/fac_sw/65/

5. International Jurisdiction In Cyberspace, Amit M. Sachdeva [2007] C.T.L.R Available at:

https://www.researchgate.net/publication/228759003_International_Jurisdiction_in_Cyberspace_A_Comparative_Perspective

6. Internet Jurisdiction Today, Adria Allen, 22 Nw. J. Int'l L. & Bus. 69 (2001-2002)
Available at: <http://scholarlycommons.law.northwestern.edu/njilb/vol22/iss1/9/>
7. Michael A. Geist, Is There a There - Toward Greater Certainty for Internet Jurisdiction, 16 Berkeley Tech. L.J. 1345 (2001). Available at:<http://scholarship.law.berkeley.edu/btlj/vol16/iss3/6>
8. Jurisdictional Issues in Cyberspace, Justice S. Muralidhar, The Indian Journal of Law And Technology, Volume 6, 2010 Available at:<http://ijlt.in/wp-content/uploads/2015/08/1.pdf>
9. Chris Reed, Internet Law-Text and Materials, Universal Law Publishing Co., New Delhi, 2nd Edition, 2005
10. Ian J Lloyd, Information Technology Law, Oxford University Press, 7th Edition, 2014
□ Nandan Kamath, Law Relating to Computers Internet & E Commerce Universal Law Publisher, 5th Edition, (2012)
11. Aparna Viswanathan, Cyber Law Indian and International Perspectives, Lexis Nexis, 2012 □ Karnika Seth, Computers, Internet and New Technology Laws-A comprehensive reference work with special focus on developments in India. Lexis Nexis, Updated Edition 2016 □ Anirudh Rastogi, Cyber Law, Lexis Nexis, 2014
12. Pavan Duggal Cyber Law 3.0, Universal Law Publishing Company Private Limited, 2014 Edition.
13. Talat Fatima, Cybercrimes, Eastern Book Company, Lucknow, Second Edition, 2016.
14. Apar Gupta, Commentary on Information Technology Act, 3rd Edition, Lexis Nexis, 2016.
15. N S Nappinai, Technology Laws Decoded, Lexis Nexis, 2017
16. Vakul Sharma, Information Technology Law and Practice, Universal Law Publishing,2017
17. Rodney D Ryder & Nikhil Naren, Internet Law-Regulating Cyberspace and emerging Technologies, Bloomsbury ,2020

PAPER-XXI
DISCIPLINE SPECIFIC ELECTIVE-1-7

**Law of Industrial Designs, Geographical Indications, Layout Designs,
Data Protection and Trade secrets**

Credits: 3

Objectives of the Subject

Forward deliberations among the students on the need and importance of Industrial Designs, Geographical Indications, Layout Designs, Data Protection and Trade Secrets. Acquainting students with the concept of various Trade related treaties for effective trade negotiations and deliberations between member nations. Teaching students the relevance of various laws for protecting the interests of intellectual property right holders. Acquainting students with provisions regarding to Dispute Settlement Mechanisms. Acquainting students with provisions regarding counterfeiting, piracy infringements and remedies available to aggrieved parties

1. Laws Relating to Industrial Designs

1.1 Introduction

1.2 Novelty and Originality

1.3 Publication

1.4 Registration of Designs

1.5 Rights conferred by registration

1.6 Infringement of Copyright in Design and Remedies

2. Law Relating to Geographical Indication

2.1 Definition, need and scope of Geographical Indications

2.2 Register and Conditions for registration of Geographical Indications.

2.3 Procedure for and Duration of Registration, Effect of Registration

2.4 Special Provisions related to Trademark and Prior Use

2.5 Rectification and Correction of Register

2.6 Offences & Penalties

2.7 Appeals & Remedies

3. Layout- Designs (Topographies) of Integrated circuits

3.1 Meaning of Integrated Circuit Layout Design

3.2 Need and Mechanisms for Protection of Integrated Circuit & Layout Designs

3.3 International conventions and National Legislations

3.4 Procedure for Registration of Integrated Circuits, Duration of Registration

3.5 Change in the Identity of Proprietor; Assignment; Surrender,

3.7 Amendment; Corrections and other Changes, Cancellation

3.7 Compulsory Licensing

3.8 Infringement and Appeals

4. Law relating to Data Protection and Trade Secrets

4.1 Protection of trade secrets – Confidential Information, How to protect trade secrets

4.2 The relationship between patents and confidential information, The relationship between copyright and confidential information

4.3 The Data Protection Act (DPA) 2018 (United Kingdom)

4.4 Protection of Undisclosed Information

4.5 Introduction: terminology, definition and scope

4.6 International and National Legislation for protection of Undisclosed Information

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1. Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
2. Intellectual Property (fifth ed.) by Daoul Bainbridge First Indian Reprint 2003
3. Pearson Education (Singapore) Pvt. Ltd., Indian Branch, Delhi
4. Design – The Modern Law and Practice by Lan Morris and Barry Quest (1987 edition) (Butterworths).
5. Patent for Inventions and the Protection of Industrial Designs by Thomas A. Balanco White, 1974 Edition (Stevens & Sons)
6. Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe (Sweet & Maxwell)
7. Taxmann's Trade Marks, Passing Off & Geographical Indications of Goods –
8. Law & Procedure by D.P. Mittal (Taxmann Allied Services)
9. Copyright Act, 1957
10. The Designs Act, 2000

PAPER-XXII
DISCIPLINE SPECIFIC ELECTIVE-1-8

A. SOCIAL SECURITY LEGISLATIONS

Credits: 3

Objectives of the Subject

Social security is a necessary phenomenon of a welfare state. This subject shall inspect the various dimensions of labour security measures and seek linkages with social security would expose the students to the evolution and theory of concept of social security, social insurance and labour welfare. The purpose of this subject includes studying the laws regarding social security legislation in India and their judicial interpretation, to appreciate the legal problems connected with the coverage of the statutes, nature and extent of the risks covered, types and extend of benefits, claims, settlement, procedures, etc.

1. Social Security

- 1.1 Meaning and Concept of Social Security.
- 1.2 Labour Welfare and Social Security
- 1.3 Modality: Social prescription, Social assistance and Social insurance.
- 1.4 Distinction with Labour Welfare.

2. Constitutional Perspectives

- 2.1 Fundamental Rights: Realisation of the rights through meaningful social security measures:
Right to life, the wider dimensions
- 2.2 Directive Principles of State Policy: Right to adequate means of livelihood, Right to public assistance in cases of unemployment, old age, sickness and disablement, maternity relief.

3. Origin and Development/ Comparative Perspectives of Social Security:

- 3.1 The United Kingdom.
- 3.2 The United States.
- 3.3 International Norms of Social Security-ILO & Human Rights Perspectives.

4. Legislations

- 4.1 Workmen's Compensation
- 1.2 From Compensation to Insurance
- 1.3 Judicial Interpretation of the express 'arising out of and in the course of employment'
- 1.4 Employer's liability for compensation

1.5 Types of Injuries covered.

1.6 Workmen-who can claim compensation

1.7 Amount of compensation in case of various injuries.

1.8 Payment of Compensation.

1.9 Commissioner for Workmen's Compensation - his duties, powers and procedures

4.2 Employee State Insurance Act 1948

- a. Authorities under the Act -their powers and function.
- b. Employees State Insurance Fund-Contributions to the fund by the Employer and
- c. Employees, Grant by Central and State Government.
- d. Purposes for which the fund may be expended.
- e. Benefits available, conditions under which available, persons entitled.
- f. Corporation's right to recover damages or other amounts from employer, or to be indemnified in certain cases.
- g. Adjudication of disputes and claims.

5. Legislations

5.1 Fatal Accidents Act, 1857

- a. Motor Vehicle Compensation Law
- b. Employer Liability Act 1935

5.2 Industrial safety

- a. Factories Act
- b. Environmental destruction, eg. Bhopal and Shriram gas leak

6. Legislations

6.1 Occupational Health and Industrial Injuries

- a. Old age, sickness and disablement
- b. Hazardous employment
- c. Employers Liability
- d. Medical Insurance
- e. Public Liability Insurance Act 1991

6.2 The Maternity Benefit Act 1961:

- a. Applicability, Nature of benefits and privileges available under the Act Procedure for claiming payment, Inspectors their powers and functions, Penalties.

7. Social Security

- a. Five-year plan

- b. National Commission on Labour
- c. Provident Fund, Pension and Gratuity
- d. Mining workers
- e. Social Security for Unorganized Labour
- f. Employee stock option
- g. Worker's cooperatives.

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2. H K Saharay Industrial and Labour Laws of India 1987
3. R W Rideout Principles of Labour Law 1988
4. Dr. Vivek Bhattacharya Social Security Measures in India.
5. Bakshi and Mitra- Workmen's Compensation Act and other Social Insurance Legislation.
6. K.D. Shrivastava Commentaries on Employees State Insurance Act.
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8. Dr. C. B. Mamoria Principles of Social Security.
9. V.R. Bhattacharya, Some Aspects of Social Security Measures in India (1970).
10. R.N. Choudhary, Commentary on the Workmen's Compensation Act 1923 (2000), Orient.
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12. Reports of the National Commission on Labour (1&2) (Relevant Chapters)
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PAPER-XXII
DISCIPLINE SPECIFIC ELECTIVE–1-8

B. INVESTMENT LAWS

Credits: 3

Objectives of the Subject

This course seeks to provide the investment mechanism in India and the regulatory framework for the protection of investor and other stake holders of the market. The purpose of this subject is not only to build basic understanding of the fundamentals of investment law but also develop student's cognitive skills in practical application of various components of the law through problem solving method. It aims to understand various investment opportunities and how it is regulated. It is designed in such a way that it covers all important layers of regulation surrounding investment in India. It also makes accomplished legal professionals in the field of investment law with a thrust towards understanding needs of investment and the law involved.

1. Introduction

- 1.1 Meaning of investment and market
- 1.2 Nature and risk associated with investment
- 1.3 Evolution of Investment and bargaining norms

2. Shares

- 2.1 Definition and nature, Shares and Shareholders
- 2.3 Stock and Shares, Issue and allotment of shares,
- 2.4 Transfer and Transmission of shares
- 2.5 Certificate of shares, Call on shares, Lien on shares
- 2.6 Minimum Subscription, Share capital, Debentures, Charges and Deposits
- 2.7 Inter-Corporate loans and investments

3. Securities Contracts

- 3.1 Basic Features of the Securities Contracts, Recognition of Stock Exchange
- 3.2 Derivatives, Options and futures
- 3.3. Debt and Money Market Instruments
- 3.4. Mutual Funds, Venture Capital, Collective Investment Schemes
- 3.5. Methods of Resource Mobilization in International Capital Markets
- 3.6. Listing of securities
- 3.7. Penalties and procedure for adjudication

4. Securities and Exchange Board

- 4.1 SEBI constitution, Powers and Functions of SEBI
- 4.3 Securities Appellate Tribunal
- 4.4 SEBI (Disclosure & Investor Protection) Guidelines

5. Depositories Act

- 5.1 Salient features
- 5.2 Agreement between depository and participant
- 5.3 Registration of transfer of securities with depository

5.4 Stamp duty on transfer

5.5 Non-Banking Financial Institution

6. Principles of International Investment Law

6.1 International treaties

6.2 Types of Investment contracts

6.3 Applicable law

6.4 Stabilization clauses

6.5 Renegotiation and adaptation

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2. Ferran, Eilis. Principles of Corporate Finance Law, Oxford: Oxford University Press, 2008.

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PAPER: XXIII DISSERTATION

Total Marks = 200

Credits: 8

A. WRITTEN WORK- DESSERTATION ON THE GIVEN TOPIC – 150 MARKS

B. VIVA-VOCE – 50 MARKS

Dissertation Rules and Regulations: -

1. Research Guide/Supervisor will be allotted by the Head of Concerned College.
2. Students should submit 03 copies of dissertation along with 02 soft copies to the College.
3. Regarding evaluation of LL.M – II Semester IV (CBCS Pattern) Paper- XXIII Dissertation – 200 Marks. This Paper is as follows:-

A. Written Work – Dissertation on the Given Topic -150 Marks

Two copies of Dissertation are to be submitted by the student for evaluation. Dissertation is to be evaluated by external examiner outside or within P. A. H. Solapur University from the Panel of examiners Decided by the Solapur University Solapur.

B. Viva – Voce- 50 Marks

Viva –Voce is conducted by panel of experts consisting of

- i) Research guide/ Dissertation Supervisor.
 - ii) Director/Principal of LL.M- P.G. Department or The Centre of Higher Education
 - iii) External examiner i.e. teacher from outside or within P. A. H. Solapur University among panel of Examiners Decided by the P. A. H. Solapur University Solapur
 - iv) Viva-Voce examination may be conducted by the University immediately after completion of theory examination as per the directions of Solapur University, Solapur.
4. Fees and Remuneration for evaluation of the Dissertation may be fixed by the P. A. H. Solapur University Solapur from time to time.