



**JAYOTI VIDYAPEETH WOMEN'S UNIVERSITY,
JAIPUR**

**Faculty of Law and Governance
Department of Law**

SYLLABUS

**MASTERS OF LAW
(LLM)**

SESSION – 2022-24

DURATION – 2 YEARS/4 SEMESTER

SYLLABUS FOR:

2 YEARS

(CORPORATE AND COMMERCIAL LAWS)



PROGRAM DETAIL

Name of Program	-	MASTER OF LAW (Corporate and Commercial Laws)
Program Code	-	LLM
Mode of Program	-	Semester
Duration of Program	-	2yrs/4 Semester
Total Credits of Program	-	96
Curriculum Type and Medium Choice	-	English



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SYLLABUS DETAIL

I SEMESTER

S. No.	Credit	Name of Course
1	6	Law and social transformation in India
2	6	Indian Constitutional Law
3	6	Legal Theory and Human Rights philosophy
4	6	Recent Legal Developments in Contract, Business and Corporate Laws- (Viva- voce and Project Work)
Total	24	

II SEMESTER

S. No.	Credit	Name of Course
1	6	Legal Education and Research Methodology
2	6	Judicial Process
3	6	Banking Law
4	6	Labour Law
Total	24	



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III SEMESTER (ECC)

S. No.	Credit	Name of Course
1	6	Law of Contractual Obligation
2	6	Insurance Law
3	6	Intellectual Property Law
4	6	Commercial Arbitration
Total	24	

IV SEMESTER (ECC)

S. No.	Credit	Name of Course
1	6	Company Law
2	6	Law of Carriage of Goods and Law of Insolvency
3	6	Competition Laws
4	6	Dissertation
Total	24	



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Program Summary LLM-2years I-Sem

Nature of Course	Course Name	C	T	D & T	P
CCC	Law and social transformation in India	6	5	0	1
CCC	Indian Constitutional Law	6	5	0	1
CCC	Legal Theory and Human Rights philosophy	6	5	0	1
ECC	Recent Legal Developments in Contract, Business and Corporate Laws- (Viva- voce and Project Work)	6	5	0.5	0.5
Total Credits:		24	20	0.5	3.5

II-Sem

Nature of Course	Course Name	C	T	D & T	P
CCC	Legal Education and Research Methodology (CCC)	6	5	0	1
CCC	Judicial Process(CCC)	6	5	0	1
ECC	Banking Law(ECC)	6	5	0	1
ECC	Labour Law (ECC)	6	5	0	1
Total Credits:		24	20	0	4

III-Sem

Nature of Course	Course Name	C	T	D & T	P
ECC	Law of Contractual Obligation	6	5	0	1
ECC	Insurance Law	6	5	0	1
ECC	Intellectual Property Law	6	5	0	1
ECC	Commercial Arbitration	6	5	0	1
Total Credits:		24	20	0	4

IV-Sem

Nature of Course	Course Name	C	T	D & T	P
ECC	Company Law	6	5	0	1
ECC	Law of Carriage of Goods and Law of Insolvency	6	5	0	1
ECC	Competition Laws	6	5	0	1
ECC	Dissertation	6	5	0.5	0.5
Total Credits:		24	20	0.5	3.5

CCC represents Compulsory Core Course

ECC represents Elective Core Course

C represents number of Credit Per course

T represents theory credit

D&T represents demonstration and tutorials

P represents practical, practice and seminar



LLM 1ST YEAR
I SEMESTER

LAW AND SOCIAL TRANSFORMATION IN INDIA

UNIT-I

Law and Social Change: A Theoretical Perspective:

Relationship of Law with social change; Law as an instrument of social change; Law as the product of traditions & culture; Evaluation in the light of colonization & common law system; Impact of social movements on social change.

Religion and the Law:

Religion: Meaning, relationship with law; Religion as an integrative or divisive factor; Secularism: meaning and its contribution in Indian society, Freedom of religion and non-discrimination on the basis of religion; Religious minorities and the law;

UNIT-II

Languages and the Law:

Formation of linguistic states and its impact on policy governance; Constitutional guarantees to linguistic minorities; Language policy and the Constitution: Official languages, multilingual system; Non-discrimination on the ground of language.

Community and the Law:

Caste System in Indian Society; Caste: Socio-cultural reality as a divisive and integrative factor; Non-discrimination on the ground of caste; Acceptance of caste as a factor to end past injustices: An Analysis; Protected discrimination: Scheduled Castes, Tribes and Backward Classes; Reservation Policy: Statutory Commission Statutory Provision;

UNIT-III

Regionalism and the Law:

Regionalism: A Divisive or an integrative factor; Concept of India as one Unit; Freedom of movement, residence and business, impermissibility of state or regional barriers; Equality in matters of employment: the slogan 'son of the soil' and its practice; Admission to educational institutions: preference to residents of a State;

UNIT-IV

Modernization and the Law:

Modernization as a value: Constitutional perspective reflected in Fundamental Duties; Modernization of Social Institution through Law; Reform of Family Law; Agrarian Reform; Industrial Reforms: Free Enterprise v. State Regulation, industrialization v environmental protection; Reform of Court Processes: i. Criminal Law : Plea Bargaining, Compounding & Payment of Compensation to Victim ii. Civil Law: (ADR) Confrontation iii. Consensus, Mediation & Conciliation, Lok Adalats

Women, Children and the Law:

Status of Women in Indian Society; Crimes against Women; Gender injustice: forms, causes and remedies; Women's Commission; Empowerment of Women: Constitutional and other legal provisions; Child Labour; Sexual Exploitation; Adoption, maintenance and related problems; Child and Education;



UNIT-V

Alternative approaches to Law:

Jurisprudence of Sarvodaya, Gandhiji, Vinoba Bhave, Jai Prakash Narain; Socialist thought on Law & Justice: An enquiry through Constitutional debates on the right to property; Indian Marxist Critique of Law & Justice; Naxalite movement: Causes & Cure;

SUGGESTED READINGS:

- I. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.
- II. D.D. Basu, Shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd., New Delhi.
- III. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- IV. India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
- V. J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting,
- VI. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
- VII. Manushi, A Journal about Women and Society.
- VIII. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
- IX. Robert Lingat, The Classical Law of India (1988), Oxford.



Indian Constitutional Law

UNIT-I

Making of the Constitution :Demand for a Constitution framed by a Constituent Assembly;The Cripps' offer of 1942; The Wavell Plan of 1945; The Cabinet Mission Plan, 1946; The Mountbatten Plan, 1947; The Indian Independence Act, 1947; Constituent Assembly in India and framing of the Constitution; Formation of the Constituent Assembly of India; The issues before the Constituent Assembly; Passing of the Constitution; Dr. B.R. Ambedkar's contribution in the making of the Constitution; Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Forms and characters of various models of Constitution; Salient features of the Constitution of India;

UNIT-II

Preamble-Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution? Citizenship (Articles 5-11) including relevant provisions of Citizenship Act, 1955 (Sections 3-10); Union & State Executive (Articles 52-78 & 152-167); Union Judiciary, State Judiciary & Subordinate Judiciary (Articles 124-147 & 214-237); Writs (Article 32); Union and its Territory (Articles 1-4); Union & State Legislature (Article 79-123 & 168-213);

UNIT-III

Legislative Relations between Union and States (Articles 245-255); State: Creation and Demand of new states; Need for widening the definition of State in the wake of liberalization; Accountability of State: Joint Parliamentary Committee & Public Account Committee; Emergency Provisions (Articles 352-360); Amendment of the Constitution (Article 368) with special reference to the Basic Structure Theory. Temporary provision (Article 370): Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu And Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects);

UNIT-IV

Fundamental Rights; General (Articles 12 & 13); Right to Equality (Articles 14-18); Right to Freedom (Article 19); Fundamental Duties (Article 51A); Right to Freedoms (Articles 20-22) Right against Exploitation (Articles 23 & 24); Freedom of Religion (Articles 25-28); Democratic Process- Grass Root Democracy: Democratic Decentralization and Local Self Government; Election: Mechanism and Procedure; Election Commission: Constitution and Status; Electoral Reforms: Transparency, Free, fair and fearless election; Coalition Government, Stability, Durability; Corrupt Practice; Nexus of politics with criminals and the business;

UNIT-V

Cultural and Educational Rights (Articles 29 & 30); Right to property as constitutional right (Articles 31A-31D & 300A); Right to Constitutional Remedies (Articles 32-35A); Directive Principles of State Policy (Articles 36-51); Trade, Commerce and Intercourse within the Territory of India (Articles 301-307); Safeguards to Civil Servants (Articles 309-311); Public Service Commission's (Article 315-323); Election Commission (Articles 324-329);

SUGGESTED READINGS:

- I. Bakshi, P.M.: Constitution of India - 8th Edition, Universal Law Pub., 2017.



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- II. Basu, D.D.: Introduction to the Constitution of India (English & Hindi)
- III. Basu, Durga Das: Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- IV. Constitution of India as amended upto-date
- V. Constitution (Application To Jammu And Kashmir) Order 2019
- VI. Granville Austin, Working of a Democratic Constitution - The Indian Experience, Oxford University Press.
- VII. H.M. Seervi, Constitutional Law of India, N.M. Tripathi.
- VIII. H.R. Khanna, Making of India's Constitution, Eastern Book Co., Lucknow Harper Collins Publication, India. 2019.
- IX. Jain, M.P.: Indian Constitutional Law - 5th Edition, Wadhwa, 2015.
- X. Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- XI. M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- XII. Seervai, H.M.: Constitutional Law of India - 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- XIII. The Jammu and Kashmir Reorganisation Act, 2019
- XIV. Various Amendments made to the Constitution of India



LEGAL THEORY AND HUMAN RIGHTS PHILOSOPHY

UNIT-I

Positivism- Relation between Law and Morality, Analytical Positivism, Imperative Theory of Law, Pure theory of Law, the concept of Law.

UNIT-II

Historical and Sociological approach to Law: Theory of Volkgeist, Anthropological approach to law, purpose theory, living law theory, social engineering;

UNIT-III

Post sociological approach realism, Justice Cardozo: Judicial process, Justice Holmes, critical legal studies, Feminist Philosophy;

UNIT-IV

Justificatory theories in shaping the concept of Human Rights, Theology, Natural law and natural rights, Utilitarianism-Right based theory and collective rights;

UNIT-V

Modern theories of Human Rights, Rawls Theory of Justice: Nozick - Ronald Dworkin, Right to Solidarity, Global Justice: meaning and application;

SUGGESTED READINGS:

- I. Bodenheimer- Jurisprudence: The Philosophy and Method of Law
- II. Friedman- Legal Theory
- III. Rawls: Theory of Justice
U. Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- IV. Upendra Baxi, "Law, Democracy and Human Rights": 5 Lokayan Bulletin 4 (1987)
- V. V.D. Mahajan- Jurisprudence

Paper 4-

Recent Legal Developments in Corporate laws- (Viva- voce and Project Work)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed internally by designated faculty member who are engaging LL.M. Classes regularly;



SEMESTER II

LEGAL EDUCATION AND RESEARCH METHODOLOGY

UNIT-I

Legal Education: Methods & Objective:

Lecture Method of Teaching: Merits and Demerits; The problem method; Discussion method and its suitability at postgraduate level teaching; The seminar method of teaching; Examination system and problems in evaluation external and internal assessment; Student participation in law school programmes, organizations of seminars, publication of journal and assessment of teachers; Clinical legal education – legal aid, legal literacy, legal survey and law reform;

UNIT-II

Research Method:

Socio-Legal Research; Doctrinal and non-doctrinal research; Relevance of empirical research; Induction and deduction; Identification problem of research – what is a research problem; Survey of available literature and preparation of bibliography; Legislative materials including subordinate legislation, notification and policy statements;

UNIT-III

Research Materials:

Decisional materials including foreign decisions; methods of discovering the -rule of the case; Juristic writings: A Survey of juristic literature, its relevance in selection of problems in India and foreign periodicals; Compilation of list of reports or special studies conducted relevant to the problems; Formulation of the Research Problem, hypothesis; Devising tools and techniques for collection of data; Methods for the collection of statutory and case material and juristic literature; Use of historical and comparative research material; Use of observation studies; Use of the Case Studies; Use of questionnaires/interview; Sampling procedures, design of sample, types of sampling to be adopted; Use of scaling techniques; Jurimetrics;

UNIT-IV

Data Collection:

Computerized Research: A study of legal research programmes such as lexis and West law coding; Classification and Tabulation of Data: use of cards for data collection, Rules for tabulation, Explanation of tabulated data; Analysis of Data – Qualitative and Quantitative;

UNIT-V

Report Writing; Research report & techniques of writing research work; Citation rules and modes of legal writing, Case Analysis, Impact of Decisions of the Court;

SUGGESTED READINGS:

- I. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
- II. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- III. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
- IV. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book



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- V. Company, London
VI. H.M. Hyman, Interviewing in Social Research (1965)

JUDICIAL PROCESS

UNIT-I

Nature of Judicial Process:

Judicial process as an instrument of social ordering; Judicial process and creativity in Law: Common law model, legal Reasoning and growth of law, change and stability; The tools and techniques of judicial creativity and precedent; Legal development and creativity through legal reasoning under statutory and codified system.

UNIT-II

Special dimensions of Judicial Process in Constitutional Adjudication:

Notion of Judicial Review; Role in constitutional adjudication: various theories of judicial role; Tools and techniques in policy making and creativity in constitutional adjudication; Varieties of judicial and juristic activism; Problems of accountability & Judicial Lawmaking.

UNIT-III

Judicial Process in India:

Indian debate on the role of judges and on the notion of judicial review; The independence of judiciary and the political nature of judicial process; Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity- Judicial process in pursuit of constitutional goals and values: New dimensions of judicial activism and structural challenges; Institutional liability of courts its scope and limits.

UNIT-IV

The Concept of Justice:

The concept of justice and Dharma in Indian thought; Dharma as the foundation of legal ordering in Indian thought; The concept and various theories of justice in the western thought; Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

UNIT-V

Relation between Law and Justice:

Equivalence Theories – Justice as nothing more than the positive law of the stronger class; Dependence theories: for its realization, Justice depends on law, but justice is not the same as law; The independence theories of justice as a means to an end, the relationship in the context of the Indian Constitutional ordering; Analysis of selected cases of Supreme Court where the Judicial Process can be seen as influenced by theories of Justice.

SUGGESTED READINGS:

- I. A.S. Anand, Judicial Review – Judicial Activism – Need for Caution, Journal of Indian Law Institute P. 149 (2000).
- II. Amartya Sen, 'Idea of Justice', Allen Lane & Harvard University Press, 2009
- III. Cordozo, 'The Nature of Judicial Process' (1995). Universal Law Publishing Co., New Delhi
- IV. Henry J. Abraham, 'The Judicial Process' (1998), Oxford University Press
- V. J. Stone, 'Legal System and Lawyer's Reasoning' (1999), Universal Law Publishing Co., New Delhi
- VI. J. Stone, 'Precedent and the Law: Dynamics of Common Law Growth' (1985), Butterworths.
- VII. Julius Stone, 'The Province and Function of Law Ch. 1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi
- VIII. Rajeev Dhavan, 'The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques' (1977),



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Tripathi- Bombay.

- IX. S.P.Sathe, *Judicial Activism in India: Transgressing borders and Enforcing Limits*, Oxford New Delhi. (2002)

BANKING LAWS

UNIT-I

The Banking Regulation Act, 1949 As amended by The Banking Regulation (Amendment) Act, 2017:
Objectives; Definition, Concept, Key Features of the Act and Amendments; Preliminary; Business of Banking Companies; Control Over Management; Supersession of Board of Directors of Banking Company; Prohibition of Certain Activities In Relation To Banking Companies; Acquisition of The Undertakings of Banking Companies In Certain Cases; Suspension of Business And Winding-Up of Banking Companies ; Special Provisions For Speedy Disposal of Winding Up Proceedings; Provisions Relating To Certain Operations of Banking Companies; Miscellaneous and Judicial Responses;

UNIT-II

Reserve Bank of India Act, 1934, (As amended by the Finance Act, 2019):

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments; Preliminary Incorporation, Capital, Management And Business; Central Banking Functions, Collection And Furnishing Of Credit Information; Provisions Relating To Non-Banking Institutions Receiving; Deposits and Financial Institutions; Prohibition Of Acceptance Of Deposits By Unincorporated Bodies; Regulation Of Transactions In Derivatives, Money Market Instruments, Securities, etc.; Joint Mechanism; Monetary Policy; General Provisions; Penalties and Judicial Responses

UNIT-III

The Deposit Insurance And Credit Guarantee Corporation Act, 1961:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Establishment and Management of the Deposit Insurance and Credit Guarantee Corporation; Registration of Banking Companies and Co-Operative Banks as Insured Banks and Liability of Corporation to Depositors; Credit Guarantee Functions; Funds, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT-IV

The State Bank of India Act, 1955:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Incorporation and Share Capital of State Bank; Transfer of Undertaking of The Imperial Bank To State Bank; Shares; Management; Business of The State Bank Funds, Accounts And Audit; Miscellaneous and Judicial Responses;

UNIT-V

Negotiable Instruments Act, 1881 Including The Negotiable Instruments (Amendment) Act, 2015 and The Negotiable Instruments (Amendment) Act, 2018:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments and Judicial Responses;

SUGGESTED READINGS*:

- M.L. Tannan, *Tannan's Banking Law and Practice in India* (1997) India Law House, New Delhi, 2 Volumes.
- ICSI, *Banking and Insurance Law and Practice*, Institute of Company Secretaries of India, Taxmann Publishers, 2010.



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- K.C. Shekhar, & Lekshmi Shekhar, Banking Theory and Practice, Vikas Publishing House, 19th edition, 2005.
- Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.

LABOUR LAWS

Unit: I

Collective bargaining, Condition of services and Discipline in Industries:

The concept, Bargaining process, Negotiation Techniques of pressurization: strike and lockout, go-slow, work to rule, gherao\ bundh Doctrine of hire and fire - history of management's prerogative.

Fairness in disciplinary process : Punishment for misconduct - meaning of misconduct

Unit: II

State Regulation of Industrial Relations

Methods of regulation: Constitutional Provisions, Provisions under the ID Act - Recognition of mutual arrangements, Assistance to bipartite settlement: conciliation, voluntary arbitration, formulation of standing orders.

UNIT III

State prescription of machinery: reference for adjudication (the political overtones), the adjudicatory mechanisms (How do they differ from courts?), award and its binding nature, judicial review of awards.

State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings
Unfair labour practices.

Unit: IV

Health and Safety :

Obligations for health and safety of workmen - legislative controls: factory, mines and plantations, Employer's liability, Employees' Compensation, Employee's State Insurance

Employment of young persons: prohibition of employment of children, regulation of employment of young persons, Woman and labour force

Unit: V

Labour Welfare and Remuneration

Welfare provided by the employers and through bipartite agreements and by statutory prescription under different laws, Provident fund and family pension. Gratuity, bonus and Insurance, Equal remuneration law, maternity benefits, protective provisions for women under factories, plantations and mines laws

References :

John Bowers and Simon Honey ball, Text Book on Labour Law (1996), Blackstone, London
Srivastava K.D., Commentaries on Payment of Wages Act 1936 (1998), Eastern, Lucknow
Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995), Eastern, Lucknow



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SEMESTER III

LAW OF CONTRACTUAL OBLIGATIONS

UNIT-I

Genesis, Philosophy and Importance of Contracts in a Commercial Developing Society; Subjective and Objective Theories; Role of Intention and Consent; Laissez-Faire Theory and its Dilution; Doctrine of Natural Justice and Contractual Obligations; Doctrine of Estoppel, Doctrine of Restitution, Doctrine of Unjust Enrichment; Formation of Contract: Agreement: Proposal and Acceptance; Essential Elements, Communication and Revocation, Proposal and Invitation to Proposal, Standing Proposals, Tenders and Auction Sale; Contract, Role of Intention to Create Legal Relations, Standards Forms of Contract; Judicial Interpretations; Position in India; Consideration: Nudum Pactum; Its Need, Meaning and Essential; Adequacy of Consideration, Privity of Contract, its Exceptions and Consideration; Past, Executed and Executory Consideration, Consideration and Promissory Estoppel;

UNIT-II

Essentials of Valid Contract; Competent Parties; Position of Minor in Creating Contractual Obligation, Consequences of Minor's Agreement and Ratification; Contract by a Person of Unsound Mind - Legal Effects; Other Legal Disabilities; Free Consent; Meaning and Scope; Vitiating Elements; Coercion, Fraud, Misrepresentation, Undue Influence and Mistake, Distinction between Fraud and Innocent Misrepresentation, Coercion and Duress, Mistake of Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies Available When Agreement is Vitiating by Mistake; Essentiality of Consideration with Exceptions; Legality of Objects and Consideration;

UNIT-III

Unlawful Consideration and Objects; Concept of Immoral and Public Policy, Heads against Public Policy; Unlawful Agreements and their Effects; Void Agreements, Agreement in Restraint of Marriage, Agreement in Restraint of Trade, Agreement in Restraint of Legal Proceedings, Uncertain Agreement and Wagering Agreements; Void and voidable contracts: their Effects Contingent Contract: Meaning and Scope, Reciprocal Promises; Discharge of Contract: Meaning and Modes of Discharge; Performance and Tender; Place and Time of Performance, Time as Essence of Contract, Performance of Joint Promises; Discharge by Agreement; Novation, Remission of Performance, Accord and Satisfaction; Discharge by Impossibility of Performance and Frustration: Nature and Scope of the Doctrine of Impossibility, Specific Grounds of Impossibility;

UNIT-IV

Restitution; Quasi - Contracts or Certain Relation Resembling Those Created by Contract; Breach of Contract and Remedies; Meaning of Breach and Anticipatory Breach; Damages; Meaning and Nature, Kinds, Rule in Hadley. Baxendale: Remoteness of Damages; Contract of Indemnity: Definition and Nature, Distinction between Indemnity and Guarantee, Rights of the Indemnity Holder; Contract of Guarantee - Definition and Scope, Specific and Continuing Guarantee, Creditors Right against Principal Debtor and Surety, Discharge of Surety, Surety's Rights against the Principal Debtor and Co-surety. Principal of Contribution by Co-Surety



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UNIT-V

Bailment: Definition and Essential Features, Bailment for Regard and Gratuitous Bailment, Right and Duties of Bailor and Bailee; Finder of Lost Goods; Rights and Duties of Finder; Rights and Liabilities of Owner; Pledge: Definition, Nature and Scope; Who can Pledge, Rights and Duties of Pawnor and Pawnee; Kinds of Agents: Factory, Brokers, Auctioneers, Del-Credere Agents, etc.; Agency: Nature, Distinction from Other Transactions; Contractual Basis of Agency; Modes of Creation of Agency – Express, Implied, Ratification by Operation of Law; Scope of Agent's Authority, Rights and Liabilities of the Agent as Against Principal and Third Party; Rights and Liabilities of Principal and Third Party as against each other and as against Agent; Delegation by Agent; Sub Agent and Substituted Agent; Distinction and Legal Effects; Termination of Agency, Modes of Termination, Agency Coupled with Interest;

SUGGESTED READINGS*:

- Anson, Law of Contract, Oxford University Press, New York, 2016
- Atiyah P.S.: An Introduction to the Law of Contract, Clarendon Law Series, OUP, 2006
- Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- Avtar Singh, Law of Contract, (Hindi) 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)
- Jill Poole, Textbook on Contract Law, Oxford University Press, New York, 14th ed. 2019
- Mulla, Indian Contract Act, Lexis Nexis, New Delhi, 15th Ed. 2015
- Neil Andrews, Contract Law, Cambridge University Press, 2011
- Pollock & Mulla: Indian Contract and Specific Relief Act, Lexis Nexis 2019



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INSURANCE LAWS

UNIT-I

Historical Development of Insurance Law:

Origin & History of Insurance in India, Definition & Working of Insurance, The Insurance Act, 1938 as amended by the Insurance Laws (Amendment) Act, 2015: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments Preliminary; Provisions Applicable To Insurers; Insurance Association of India, Council of the Association and Committees Thereof; Tariff Advisory Committee and Control of Tariff Rates; Solvency Margin, Advance Payment Of Premium And Restrictions on The opening of A New Place of Business; Provident Societies; Insurance Co-Operative Societies; Mutual Insurance Companies and Co-Operative Life Insurance Societies; Re-Insurance; Miscellaneous and Judicial Responses;

UNIT-II

Insurance Regulatory and Development Authority of India Act, 1999:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Insurance Regulatory and Development Authority of India; Transfer of Assets, Liabilities, Etc., of Interim Insurance Regulatory Authority; Duties, Powers and Functions of Authority; Finance, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT-III

The Life Insurance Corporation Act, 1956 Including The Life Insurance Corporation (Amendment) Act, 2011: Need, Importance, Objectives; Definition, Concept, Key features of the Act/Amendment, Preliminary; Establishment of Life Insurance

Corporation of India; Functions of the Corporation; Transfer of Existing Life Insurance Business to The Corporation; Management; Finance, Accounts and Audit; Miscellaneous and Judicial Responses;

UNIT-IV

The Public Liability Insurance Act, 1991:

Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses; The Marine Insurance Act, 1963: Marine Insurance; Insurable Interest; Insurable Value; Disclosure And Representations; The Policy; Double Insurance; Warranties, Etc.; The Voyage; Assignment of Policy; The Premium; Loss and Abandonment; Partial Losses (Including Salvage and General Average and Particular Charges); Measure of Indemnity; Rights of Insurer on Payments; Return of Premium; Supplemental Provisions and Judicial Responses;

UNIT-V

Motor Vehicles Act 1988 (Including The Motor Vehicles Amendment Act, 2019):

Need, Importance, Objectives; Definition, Concept, Key Features of the Act/Amendment, Fault and No-Fault Liability of Driver and Owner; Concepts regarding Third Party; Driving Licenses; National and State Register of Driving Licenses; National Transportation Policy; Offences and Penalties, Powers and Jurisdiction of a Motor Accidents Claims Tribunal and Judicial Responses;

SUGGESTED READINGS*:

- I.C.S.I., Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
- Jain, J.N., and R.N. Jain, Modern Banking and Insurance Principles and Techniques, Jain Book Depot., 2015.
- Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.
- Murthy, K.S.N. and V.S. Sarma, Modern Law of Insurance in India, Lexis Nexis, 2013.
- Rejda, G., Principles of Risk Management and Insurance. (12th edition.), Pearson, 2014.



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INTELLECTUAL PROPERTY LAWS

UNIT-I

Introduction to Intellectual Property:

Theories of Intellectual Property (Basic Concepts), Justifications for the Protection of Intellectual Property; Kinds of Intellectual Property Rights: (Basic Overview) Copyright and Related Rights, Patents, Trademarks, Design, Plant Varieties, Farmer's Rights, Traditional Knowledge, Traditional Knowledge Digital Library, Convention on Biological Diversity, Trade Secrets, The Semiconductor Integrated Circuits Layout-Design;

UNIT-II

International Institutions and Basic International Conventions related to Intellectual Property: (Basic Overview) International Copyright Protection: Berne Convention for the Protection of Literary and Artistic Works 1886; Rome Convention for the Protection of Phonograms and Broadcasting Organizations 1961; International Protection of Industrial Property Rights: Paris Convention for the Protection of Industrial Property, 1883; International Agencies and Intellectual Property: (Basic Overview) World Intellectual Property Organization (WIPO); WIPO Copyright Treaty (WCT), WIPO Performances and Phonograms Treaty (WPPT);

UNIT-III

The World Trade Organization (WTO):

Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law; Historical Background; Membership; Institutional Structure; WTO Dispute Settlement; TRIPS Agreement: IPR's covered by TRIP's; Indian response to the TRIP's The Patents Act, 1970: History, Enactment and Implementation etc.; Interpretation Clause; Inventions Not Patentable; Applications for Patents; Publication and Examination of Applications; Opposition and Anticipation; Grant of Patents and Rights Conferred Thereby; Restoration, Surrender and Revocation of Patents; Register of Patents; Patent Office and Its Establishment; Working of Patents, Compulsory Licenses and Revocation; Landmark Cases; Recent Developments in the Law (with Amendments, if any);

UNIT-IV

The Trademarks Act, 1999:

History, Enactment and Implementation etc.; Interpretation Clause; Kinds of Trademarks; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Use of Trademarks and Registered Users; Collective Marks and Certification Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any);

The Geographical Indication of Goods (Registration and Protection) Act, 1999: History, Enactment and Implementation etc.; Interpretation Clause; The Register and Conditions for Registration; Procedure for and Duration of Registration; Effect of Registration; Special Provisions relating to Trademarks; Landmark Cases; Recent Developments in the Law (with Amendments, if any);

UNIT-V

The Copyright Act, 1957:

History, Enactment and Implementation etc.; Interpretation Clause; Copyright Office and Copyright Board; Copyright; Ownership of Copyright and the Rights of the Owner; Term of Copyright, Licences; Rights of Broadcasting Organization and of Performers; Registration of Copyright; Infringement of Copyright; Landmark Cases; Recent Developments in the Law (with Amendments, if any) The Designs Act, 2000: History, Enactment and Implementation etc.; Interpretation Clause; Registration of Designs; Copyright in Registered Designs; Legal Proceedings; Landmark Cases; Recent Developments in the Law (with Amendments, if any);



SUGGESTED READINGS*:

- Ahuja, V.K., Law of Copyright and Neighbouring Rights, (2007), New Delhi, Lexis Nexis
- Dev Gangjee, Relocating the Law of GI, Cambridge University Press, 2012
- Dr. J.P. Mishra, An Introduction to Intellectual Property Rights (IN HINDI), Central Law Publications, 2013
- Elizabeth Verkey, Law of Patents, Eastern Book Company, 2nd Edition, 2012
- Elizabeth Verkey, Law of Plant Varieties Protection, Eastern Book Company, 200
- Feroz Ali Khader, The Law of Patents - With a Special Focus on Pharmaceuticals in India, Lexis Nexis, 2nd Edition, 2011
- Gyanvati Dhakad, Baudhik Sampada Vidhiyan (Intellectual Property Laws - Hindi) (Hindi, Paperback,), Central Law Publications, Ed. 3rd, 2018



COMMERCIAL ARBITRATION

Unit:I

Historical Background of the Arbitration

Existing justice delivery system in India: effectiveness and weaknesses, Reform in the legal system for achieving effective and speedy resolution of disputes, Historical background of the arbitration & arbitration agreements.

Unit:II

Conduct of Arbitral Proceeding

Composition & jurisdiction of arbitral tribunal, Conduct of arbitral proceeding, Making of arbitral award and termination of proceedings.

Unit:III

Arbitral Award and Appealable Awards

Recourse against arbitral award, Finality & enforceability of arbitral award, Appealable orders and miscellaneous provisions.

UNIT:IV

Foreign Arbitral Awards

Provisions regarding foreign awards and their enforcement.

UNIT:V

International Commercial Arbitration

Meaning and development

Types of laws applicable in ICA

Autonomy of Arbitration Agreement

Recognition and enforcement

Books recommended:

Acharya N.K; Law Relating to Arbitration and ADR; Asia Law House

Bansal, Ashwini Kr.; Arbitration: Procedure and Practice; Lexis Nexis

Arbitration and Conciliation Act, 1996 Malik, S.B; Commentary on Arbitration and Conciliation Act; Universal

.Mustill, Michael J.; Commercial Arbitration; Lexis Nexi



SEMESTER IV

COMPANY LAW

Unit I:

Basic Concepts: Corporate Personality, Memorandum and Article of Association.

Share Capital: Meaning, Alteration, Pricing, Issue and allotment, transfer and transmission,

Reduction of share capital, by Back dividend industrial production.

Unit II

Borrowing powers and raising funds incorporate loans and investment and given of guarantees and charges, Director and Managerial Personnel, Company Meetings Account and Audit report and director report Majority rules and production and operation of mismanagement

Unit III

Inspection and Investigation

Reconstruction amalgamation, merger and takeover

Rehabilitation and binding of companies

Unit IV

National Company Law Tribunal and producer companies

Co-operative movement and Co-operative Societies Act.

UNIT V

Corporate governance and SEBI Regulations

Social responsibility of Company

Suggested Readings:

- ☐ F H I Cassim 'The Companies Act 2008: an overview of a few of its core provisions' (2010) 22 *SA Mercantile Law Journal* 157. [sabinet.co.za]
- ☐ Vivien Chaplin 'A practical guide to the implications of the new Companies Act – classification of companies' (Mar 2010) *De Rebus* 39.
- ☐ Nel de Jager 'A practical guide to the implications of the new Companies Act (10) – transitional provisions' (Dec 2010) *De Rebus* 47.
- ☐ Johan J Henning 'The impact of South African company law reform on close corporations: Selected issues and perspectives' 2010 *Acta Juridica* 456. [[abstract\[sabinet.co.za](http://abstract[sabinet.co.za)]
- ☐ Sulette Lombard & Stefan Renke 'The impact of the National Credit Act on specific company transactions' (2009) 21 *SA Mercantile Law Journal* 486. [sabinet.co.za]
- ☐ S M Luiz 'Company law (including close corporations)' 2008 *Annual Survey of South African Law* 144. [sabinet.co.za]



LAW OF CARRIAGE OF GOODS AND LAW OF INSOLVENCY

UNIT I

Nature and kinds of carriers

1. Introduction
2. Essentials
3. Nature
4. Kinds of carriers

UNIT II

Carriage of goods by land

1. Introduction
2. Rights of a common carrier
3. Duties of a Common carrier
4. Liabilities of A common carrier
5. Liabilities Regarding railway administration
6. Compensation

UNIT III

Carriage of goods by sea

1. Introduction
2. Contract of affreightment
3. Kinds of contract of affreightment
4. Duties of a carrier by sea
5. Liabilities of a Carrier by sea

UNIT IV

Carriage of goods by AIR

1. Introduction
2. (ii) Documents of carrier
3. (iii) Liability of a carrier by AIR
4. (iv) Rules regarding damages

UNIT V

Law of Insolvency

1. (i) Nature of insolvency proceedings
2. (ii) Procedure of insolvency procedure
Debts and property of insolvency
Discharge of an insolvent from the state of insolvency

Suggested Readings

- ❖ P.P.Gogna – Mercantile Law
- ❖ Avtarsingh – Mercantile Law
- ❖ Nolkhav Mercantile Law
- ❖ Kailash Rai- Mercantile Law



COMPETITION LAWS

Unit:I

Introduction

- a. Basic economic and legal principles
- b. Restraint of Trade under Indian Contract Act
- c. Monopolistic Trade Practices
- d. Restrictive Trade Practices

Unit:II

Development of law from MRTP to Competition Act 2002

- a. Aims, Objects and Salient features
- b. Comparison between MRTP Act and Competition Act
- c. Anti-Competitive Agreement
- d. Abuse of Dominant Position
- e. Combination
- f. Protection of consumers

Unit:III

Competition Commission Of India

- a. Structure and function of CCI
- b. Regulatory role

Unit:IV

Competition Appellate Tribunal

- a. Composition, Functions, Powers and Procedure
- b. Award Compensation
- c. Power to punish for contempt
- d. Execution of orders

Unit: V

Other Related Issues:

- a) Competition Advocacy,
- b) Advertisement and Competition Law,
- c) IPRs and Competition,
- d) Educational Initiative and other Contemporary issues

Select Bibliography

(With van Rompuy, Ben.) Economic Efficiency: The Sole Concern of Modern Antitrust Policy?: Non-Efficiency Considerations under Article 101 TFEU. Alphen aan den Rijn: Kluwer Law International, 2012.

Evolution of U.S. Antitrust Enforcement. Northhampton, ME: Edward Elgar, 2011.

(With Gavil, Andrew I., and Jonathan B. Baker.) Antitrust Law in Perspective: Cases, Concepts and Problems in Competition Policy. 2nd edition. St. Paul: Thomson West, 2008.

(With Gellhorn, Ernest and Stephen Calkins.) Antitrust Law and Economics in a Nutshell. 5th ed. St. Paul: West Publishing Co., 2004.

Evaluating the Competitive Effects of Defense Industry Mergers on Research and Development. Washington, DC: Federal Legal Publications, 1996.

The Choice of Forum in Bid Protest Disputes. Washington, DC: Administrative Conference of the United States, 1995

(with Feinstein, Richard and Patrick Sheller). Antitrust Analysis and Defense Industry Consolidation. Chicago, IL: American Bar Association, Section of Public Contract Law, 1994.

(with Sullivan, E. Thomas, et al.). Nonprice Predation under Section 2 of the Sherman Act. Monograph No. 18. Chicago, IL: American Bar Association, Section of Antitrust Law, 1991.



DISSERTATION

OBJECTIVES OF THE COURSE:

This course consists of the Dissertation which will comprise of writing a short project/thesis on a leading / recent topic in the elective branch which will test the research capabilities, aptitude and skills of the student.

Dissertation (Written Part)

Sequence of Pages: Cover Page / Certificate / Declaration / Acknowledgment / Preface / Abbreviations / Table of Cases / Contents / Main Text / Bibliography / Appendixes

Note- The Students are advised to refer to the samples but in no case it should limit the creativity in writing. All the sample pages are based on the minimum requirements of a standard dissertation as well as imaginary particulars. The standard Bluebook Citation should be followed in making the Dissertation.

Viva-Voce

The Projects submitted shall be evaluated by one Internal and one External Examiner and the decision of External Examiner shall be final and binding