



DIRECTORATE OF DISTANCE EDUCATION
KURUKSHETRA UNIVERSITY
KURUKSHETRA — 136 119

SYLLABUS.

LL.M. Part-II

Session 2019-20

201DE- Paper- I:	Research Methodology
202DE- Paper- II (Opt.):	Business Law Group(C): Law of Banking and Negotiable Instruments
203DE-, Paper- III (Opt.):	Business Law Group(C): Law of Industrial and Intellectual Property
204 DE- Paper-IV (Opt.):	Business Law Group(C): Insurance Law
205 DE- Paper- V (Opt.):	Business Law Group(C): Legal Regulation of Economic Enterprises
206 DE- Paper- VI:	Dissertation

201DE- Paper- I: Research Methodology

Max. Marks: 100

Time: 3 Hours

- Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

1. Meaning; Objectives and Scope of Legal Research.
2. Socio-legal Research in India
3. Kinds of Legal Research, Doctrinal and non-doctrinal legal research
4. Legal Research and law Reform
5. Legal Reasoning: Use of Deductive and inductive method.

Unit-II

1. Legal **knowledge**- Meaning of Law, Sources of Law and where to find law.
2. **Major steps** involved in doing legal research
3. Identification & Formulation of Research Problem.
 - (a) Survey of available literature and bibliography.
 - (b) Legislative materials including subordinate legislation, notification and policy statement.
 - (c) Decisional material
 - (d) Juristic Writings, compilation of list of reports or special studies
4. Hypothesis: Meaning. Importance. Characteristics. Types, sources and its Formulation

Unit-III

1. Legal Research Design

Meaning of Research Design, Aspects to be considered in Research design, Contents, Steps, Characteristics, Need significance of good research design, types of research design.

2. Sampling Design for Legal Research- Census and sampling methods, Merits and Demerits of Sampling, Characteristics of a good sampling unit, procedure to select a sample, size of a sample and types of sampling, sampling error and standard error.
3. Data to collection and its Methods.
 - (a) Use of observation studies, questionnaires and schedules.
 - (b) Interview techniques
 - (c) Surveying method
 - (d) Case study method
 - (e) Scaling techniques
 - (f) Project Technique
4. Analysis and Interpretation of legal Research DATA

Unit-IV

1. Generalization in Legal Research
2. Sociometry in Socio-Legal Research
3. Preparing Legal Research Report
4. Report Writing
5. Computer Application and Legal Research

Select Bibliography:

- Price. M.O. Bitner, H. and Bysiewicz : Effective Legal Research (1978)
- Young, Pauline V. : Scientific Social Survey and Research (1962)

- Grade, William J. and Paul, K. Hatt : Methods in social Research, McGraw-Hill Book Company, London
- Hyman, H.M. : Interviewing in Social Research (1965)
- Erwin, C. Surrency, B. Fleif and J. Cera : A Guide to Legal Research (1959)
- Morris, L. Cohan : Legal Research in Nuishele (1996) West Publishing House Co.
- Havard Law Review Association, : Uniform System of Citations.
- ILI Publication, : Legal Research and Methodology
- Baxi, Upendra : Social Legal Research in India.

202DE- Paper- II (Opt.): Business Law Group(C): Law of Banking and Negotiable Instruments

Max. Marks: 100

Time: 3 Hours

- Note : (1) Eight questions shall be set with two questions from each unit. The candidate shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

- Nature and Development of banking; Nationalization of Bank, Relationship of Banker and customer; Banking Business; Banker's Lien, Type of Accounts.
- Social control of Banking Institution.
- Banking Regulation Act, 1949- Applicability to Banking Companies and Public Sector Banks; Business of Banking Companies; Control over Management; Prohibition of Certain Activities in Relation to Banking Companies, Acquisition of the Undertaking of Banking Companies in certain cases.
- Winding up of Banking Companies; Special provision for speedy disposal of Winding up proceedings.
- Banking Regulation Act as applicable to certain co-operative Banks.
- Social Control of Banking Institutions.

Unit-II

- Reserve Bank of India Act, 1934- Purpose and scope, organizational structure of RBI; Powers and Functions of RBI: Incorporation, Capital, Management and Business, Central Banking Business, Provision relating to non-banking institutions receiving deposits and Financial Institutions, Prohibition of Acceptance of deposits by unincorporated bodies.
- State Bank of India Act, 1955- Objectives and purposes, Incorporation and Share Capital of SBI; Establishment of SBI, Authorized Capital, Issued Capital, Management; Business of State Bank of India- State Bank as agent of Reserve Bank, Business which SBI may or may not transact, Power of Acquisition of Business of other Banks.

Unit-III

- The Negotiable Instruments Act- Purpose and object, Historical development of law relating to Negotiable Instruments.
- Definition, kinds of negotiable instruments, promissory note, kinds of crossing and their effect, holder and holder in due course; payment in due course; inland and foreign instruments; Ambiguous instruments, Inland and Foreign instruments, Parties to Negotiable Instrument, Capacity to make; Maker, drawer and acceptor principal; Negotiable Instrument without consideration; position of Minor, agency and Legal representative.

Unit-IV

- Negotiation and Liability, Negotiation and assignment; Negotiation by delivery and by Indorsement: Kinds of Indorsement- Indorsement in blank and Indorsement in full, restrictive Indorsement, Indorsement sans recourse, conditional Indorsement, Partial Indorsement, Liability of Parties- Liability of acceptor, maker, drawer, Drawee. Discharge from liability by cancellation, delay in presenting material alteration, negotiation back, allowing more than 48 hours to accept; Presentation for acceptance and payment, presentment to agent etc, Time and place of presentment, when presentment unnecessary. Dishonour and notice of dishonour, noting and protests, Acceptance and payment for honour and reference in case of need.
- Special rules of evidence- Presumptions and estoppel, penalties for dishonour of certain cheques for insufficiency of funds in account.

Select Bibliography:

Bhashyam & Adiga	: The Negotiable Instrument Act
Parthsarthy	: Cheques in Law and Practice.
Aggarwal, C.L.	: Law of Hundi and Negotiable Instruments.
Canygton	: Business Law.
Smith and Keenan	: Essential of Mecantile Law.
Tannan's	: Banking Law and Practice in India
Sethi	: Commentary on Banking Regulation Act, 1949.

203DE-, Paper- III (Opt.): Business Law Group(C): Law of Industrial and Intellectual Property

Max. Marks: 100

Time: 3 Hours

- Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Objective of the Course:

The concept of Intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IP regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to 'unfair and restrictive trade practices as affecting the regime of intellectual property rights.

Unit-I

- Meaning and concept of Intellectual property; National and International protection of intellectual property, an overview of TRIPS Agreement, WTO and WIPO.
- Paris Convention for Protection of Industrial Property.
- The Trade Marks Act, 1999- Object and scope of the Act; The concepts of mark, trade mark, registered trade mark; certification trade mark, deceptively similar mark; goods and services, Registration of trade mark- conditions for registration; procedure

for registration and Duration of registration; fact of Registration, Assignment and Transmission of registered trade mark and unregistered trade mark; Infringement of trade mark and remedies.

Unit-II

- Object and purpose of Copyright Law, International Conventions on Copyright; Berne Convention, WIPO Copyright Convention and Phonogram Treaty.
- The Copyright Act, 1957 with the latest Amendments, Object and Scope of the Act; The concept of author, work, literary work, artistic work, musical work, Cinematography film, work of sculpture, reprography, computer programmer, copyright ; and adaptation Copyright office, Term of copyright; Registration of copyright, infringement of copyright and remedies.

Unit-III

- Object and purpose of Patent Law; value of patent system; International character of patents, Advantage of Patent to Inventor; Rights and obligations of patental.
- The Patents Act, 1970 with the latest amendments- Object and scope of the Act.; Concept of patent, invention, patented article and patented process. Registration of patents; inventions not patentable' infringement of patents and remedies.

Unit-IV

- Industrial Design and Geographical Indications- Scope and purpose, subject matter of protection.

- The Design Act, 2000- Object and scope of the Act, Concept of design, proprietor of a new or original design; Registration of Design; Copyright in registered design, piracy of Designs and remedies.
- Geographical Indications of Goods Act, 2002- object and scope of the Act; concept of Geographical Indications; conditions for registration; procedure and duration of Registration, Effect of Registration.

Select Bibliography:

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

- Terence P. Stewart (ed.) : The GATT Uruguay Round: a Negotiating History (1986-1994) the End Game (Part-I) (1999), Kluwer.
- Iver P. Cooper : Biotechnology and Law (1998), clerk Boardman Callaghan, New York.
- David Bainbridge : Software Copyright Law (1999), Butterworths.
- Sookman : Computer Law (1998), Carswell.
- Patent Co-operation Treaty Handbook (1998): Sweet and Maxwell.
- Cornish, W.R. : Intellectual Property Law (1999), Sweet and Maxwell
- Narayanan, P. : Intellectual Property Law
- Vashishth, Vikas : Intellectual Property in India- Law and Practice.
- Wadehra, B.L. : Law Relating to Patents, Trade Mark, Copyright and Designs.
- Bansal, Ashwani K. : Law of Trade Mark

204 DE- Paper-IV (Opt.): Business Law Group(C): Insurance Law

Max. Marks: 100

Time: 3 Hours

Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

Objective of the Course:

The insurance idea is an old-institution of transactional trade. The age-old form of insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. With in the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, livestock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such losses arising from risks of life over a large number of persons.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of "just" order in insurance and to develop the appreciative and evaluative faculties of the students.

Unit-I

1. Introduction

- Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity.
- Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance
- Constitutional perspectives- the Entries 24,25,29,30,47 of list I Union List 23, 24 of List III.

2. General Principles of Law of Insurance

- Definition, nature and history.
- The risk- commencement, attachment and duration
- Assignment and alteration, Settlement of Claim and Subrogation
- Effect of war upon policies.

3. Indian Insurance Law: General

- History and development
- The Insurance Act 1938 and the Insurance Regulatory Authority Act, 2000.
- Mutual Insurance companies and cooperative life insurance societies.
- Double insurance and re-insurance

Unit-II

4. Life Insurance

- Nature and scope
- Event insured against life insurance contract. - Circumstances affecting the risk
- Amounts recoverable under life policy - Persons entitled to payment
- Settlement of claim and payment of money
- Miscellaneous Insurance Schemes: New Dimensions- Group Life Insurance. - Mediclaim, sickness insurance.

Unit-III

5. Insurance Against Accidents

- The Fatal Accidents Act, 1985.
- Objects and reasons
- Assessment of compensation - Contributory negligence
- Apportionment of compensations and liability.
- The Personal injuries (Compensation Insurance) Act, 1963. - Compensation payable under the Act
- Compensation insurance scheme under the Act-Compulsory insurance.

6. Insurance Against Third Party Risks

- The Motor Vehicle Act, 1988
- Nature and Scope
- Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance.
- Claims tribunal: constitution, functions, application for compensation, procedure, powers and award.
- Liability insurance
- Nature and kinds of such insurance
- Public Liability insurance
- Professional negligence insurance

7. Marine Insurance

- Nature and scope
- Classification of marine policies
- The Marine insurance Act, 1963
- Marine Insurance
- Insurable interest, insurable value
- Marine insurance policy- condition- express warranties construction of terms of policy
- Voyage-deviation
- Perils of the sea
- Assignment of policy
- Partial laws of ship and of freight salvage, general average, particular charges.
- Return of Premium

8. Property Insurance

- Fire insurance
- The Emergency Risks (Factories) Insurance
- The Emergency Risks (Goods) Insurance
- Policies covering risk of explosion

- Policies covering accidental loss; damage to
- Policies covering risk of storm and tempest
- Glass-plate policies
- Burglary and theft policies
- Live-stock policies
- Goods in transit insurance
- Agriculture Insurance

Select Bibliography:

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|---------------------------------------|---|--|
| John Hanson and Christopals Henly | : | All Risks Property Insurance (1999) |
| Peter MacDonald Eggers and Patne Poss | : | Good Faith and Insurance Contracts (1998) |
| Banerjee | : | Law of insurance (1994) |
| Mitra. B.C. | : | Law Relating to Marine Insurance (1997) |
| JCB Gilmar and Mustill | : | Arnold on the Law of Marine insurance (1981) |
| Birds | : | Modern Insurance Law (197) |
| O'Mary | : | Marine Insurance (1993) |
| International Labour Office | : | Administration Practice of Social Insurance (1985) |
| Hardy Ivamy | : | ER. General Principles of insurance Law. (1979) |
| Edwin W. Patterson | : | Cases and Materials on Law of insurance (1955) |
| Sreenivasan, M.N. | : | Law and the Life insurance Contract (1914) |
| Murthy and Sarma | : | Modern Law of Insurance in India |

205 DE- Paper- V (Opt.): Business Law Group(C): Legal Regulation of Economic Enterprises

Max. Marks: 100

Time: 3 Hours

Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.

(2) All questions shall carry equal marks.

Objective of the Course:

After independence, we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez-faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalization starting in the early nineties and continuing to this day bring a shift in focus of regulations in diverse fields of economic activities.

This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments.

Unit-I

- Constitutional Provisions to Regulate Economic Enterprises in India. Industrial policy resolutions of 1948, 1956 and 1991.
- Development and Regulation of Industries- Industrial (Development and Regulation) Act. 1951; Regulation, control and Development of Industries, Agencies under the Act
- Development and Prospects of Consumerism in India.

Unit-II

- Securities Contracts (Regulation) Act, 1956; Object, basic features, Recognition of Stock Exchanges, Contracts and options in Securities, Listing of Securities, Penalties and Procedure.

- Securities and Exchange Board of India Act,1992; Basic Features, Establishment of SEBI, Powers and Functions of SEBI, Registration of Capital Market Intermediaries, Offences and Penalties, powers and jurisdiction of securities Appellate Tribunal, Capital Markets Regulation(2009) of SEBI.
- Depositories Act, 1996.

Unit-III

- Essential Commodities Act,1955; Object, Salient Features, Essential Commodities, Powers of the Central Government, Confiscation of Essential Commodities, offences and Penalties.
- Competition Act,2002; Object, Prohibition of Certain Agreements, Abuse of Dominant Position, Regulation of Combinations, Competition Commission of India, Duties, Powers and Functions of Commission, Penalties, Appeal to Competition Appellate Tribunal.
- Foreign Trade(Development and Regulations) Act,1992; Object, Regulations of Import and Export, Import-Export License, Penalties.

Unit-IV

- Foreign Exchange Management Act,1999; Object, Regulation and Management of Foreign Exchange, Authorized Persons, Penalties.
- Insurance Regulatory and Development Authority Act,1999.

Select Bibliography:

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| Aggarwal, V.K. | : Consumer Protection- Law and Practice. |
| Myeni, S.R. | : Corporate Law-II |
| Sharma, Gokulesh | : Financial and Economic Laws |
| Cherunilam, Francis | : Business Environment |
| SEBI Act,1992. | |
| Industrial(Development and Regulation) Act, 1951 | |

Essential Commodities Act, 1955

Competition Act, 2002

Securities Contracts(Regulation) Act, 1956

Insurance Regulatory and Development Authority Act, 1999.

Foreign Trade(Development and Regulation) Act, 1992.

Depositories Act, 1996.

206 DE- Paper- VI: Dissertation

Max. Marks: 100