

## SEMESTER-III

### BRANCH-IV- CORPORATE AND SECURITIES LAWS

#### **PAPER-IX- LAW OF BANKING & NEGOTIABLE INSTRUMENTS**

##### **UNIT-I**

Historical background of Banking system - Evolution of Banks - Classification - Banks and other Financial institutions - Functions of Banks - Recent trends in Banking system-e-Bankingsystem

##### **UNIT-II**

Relationship between Banker and Customer - Definition - Rights and Duties - Special types of customers - Customer accounts – Overdrafts Bankers lien and combining of accounts - Appropriation of payments-Claytons Rule - Pass Book - Forgery, Negligence, Mistake, Wrongful endorsements - Legal protection to paying Banker and collecting Banker Lawful dishonour of Cheques - Effect of Wrongful dishonour of Cheques.

##### **UNIT-III**

Kinds of negotiable instruments, Customary / Deemed Negotiable instruments - Essential features. Crossing of Cheques - Holder in due course and Holder for value - Liability of maker of Notes and acceptor of Bills Drawer of Cheques - Liability and discharge of Endorser -Consideration Effect of Endorsement - Accommodation Bills – Discharge from Liability of Notes, Bills and Cheques. Noting and protest - Presumptions as to negotiable instruments-dishonour of cheques

##### **UNIT-IV**

Bank Guarantees - Kinds of Guarantees - Rights and Obligations of Bankers - Letters of Credit - Types of Letters of Credit – Advances secured by collateral securities - Advances against Goods and Documents of titles to Goods - Recommendations of committees in improving the Banking system RBI and its promotional role in relation to commercial Banks - Banking Regulation Act 1949 - The Securitisation and Reconstruction of Financial Assets and enforcement of security Interest Act, 2002- Salient features.

Suggested Readings:

1. Sheldon: Practice and Law of Banking , Pitman Publ., Toronto.
2. Tannan: Banking Law and Practice in India , India Law House, New Delhi.
3. Lord Chorley and P.E.Smart: Leading Cases in the Law of Banking
4. Bashyam and Adiga , Bharat Law House, New Delhi.

5. Arora & Kalra: All India Banking Law Judgements in 4 Vols, Punjab Law Agency, Delhi.
6. L.C. Goyle: Law of Banking and Bankers, Eastern Law House, New Delhi.

## **PAPER-X- LEGAL PEDAGOGY AND ICT IN EDUCATION**

### **UNIT-I-Legal Pedagogy**

Introduction- Legal Pedagogy: Meaning, Traditional Legal Pedagogy methods and its limitations, Socratic-style, doctrine-heavy pedagogy, Changing Dimensions of Legal Pedagogy- Need for Integrated Pedagogy, Experiential learning: Participative Method, Clinical or Simulated practice: Clinical legal education, Real life Problem solving Method, Group Discussion Method, Case Study and Case analysis Method, Simulation and Role Play Method, Collaborative and cooperative Learning Teaching Method, Research- Interdisciplinary approach: Basic Research, Applied Research and Integrated Research, Legal writing, Advocacy, Fact finding, Client counseling, Negotiation.

### **UNIT-II- Teaching, Learning, Evaluation and Supervision in Legal education**

Supervision, Research Papers and Research Projects, Inculcating Research Habits, Enhancing Research Skills, Inculcation of Good Practices- Research Ethics, Internships, Placements, Outcome Based Education, Curriculum Planning- Developing Teaching Plans, Developing Learning Outcomes (LOs) : Blooms Taxonomy: Six levels of learning,, Designing Programme Objectives (POs) and Course Objectives (COs), Aligning the Curriculum plan with COs and POs; COs and LOs

### **UNIT-III-ICT in Education**

Concept, Need and importance of ICT in Education, Paradigm Shift due to ICT from 'Teaching' to 'Learning'-Curriculum, Methods of Teaching, Role of Teacher, Classroom Environment, Evaluation Procedure, Education Management, Challenges and Barrier to integration of ICT in Indian schools classrooms, ICT skilled teacher, ICT skills and Qualities of ICT teacher. Safe use of ICT, Virus management, Net safety, Netiquettes, Legal and ethical issues.

### **UNIT-IV-ICT in Legal Education: Need and Importance of legal education**

Design of Law Curriculum – Efforts to review Legal Education -Global & India-Traditional Content based Curriculum-Current Challenges- Globalization, Pandemic & Shift from Adversarial to Dispute Resolution Model- Transition to Capability framework- Integrated Models with Transferable generic and legally specific skills for Legal Profession- Demand for Competitiveness in Information & Communication Technology – New Evaluation & Assessment Models– Role of Online teaching. ICT tools in Legal pedagogy: Role and Application- ICT tools in legal pedagogy- Electronic books- E-Books- Electronic Journals- E-Journals-

## **Suggested Readings**

### **BOOKS**

1. Dasgupta, Lovely. "Reforming Indian Legal Education: Linking Research and Teaching." *Journal of Legal Education* 59, no. 3 (2010): 432–49. <http://www.jstor.org/stable/42894129>.
2. Choudhary, T. "Legal Education and Pedagogy in Contemporary Era" (2020)
3. Muntjewerff, Antoinette, *ICT in Legal Education* (September 25, 2009). CLPE Research Paper No. 24/09, Available at SSRN: <https://ssrn.com/abstract=1478726> or <http://dx.doi.org/10.2139/ssrn.1478726>
4. David J. McQuoid-Mason (Ed.), *Legal Aid And Law Clinics In South Africa* (School of Law, Howard College, University of Natal, 1985).
5. Madhava Menon, *Legal Education for Professional Responsibility – An Appraisal of the New Pattern, Legal Education in India Status and Problems* (BCI Trust, New Delhi 1983).
6. N. R. Madhava Menon (ed.) *Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education* (Eastern Book Co., 1998).
7. S. Agrawala, *Legal Education in India* (West Publishing Company, 1973).
8. S.P. Sathe, *Access to Legal Education and the Legal Profession in India*, (Rajeev Dhavan Ed., Butterworths, London, 1989).
9. S.K. Sharma, *Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients* (Rawat Publications, Jaipur, 1984).
10. S.S. Sharma, *Legal Aid to the Poor: The Law and Indian Legal System* (Deep & Publications, New Delhi, 1993).
11. *Integrating Technology in the classroom* Shelly, Cashman, Gunter and Gunter publication.
12. *Essential of Educational Technology*, Madan Lal, Anmol Publication.
13. *Online Teaching Tools and Methods*, Mahesh Varma, Murari Lal & Sons.

### **ARTICLES**

1. A.S. Anand, *Legal Education in India - Past, Present and Future*, 3 S.C.C. (Jour.) 1(1998).
2. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 *Journal of the All India Law Teachers Association* (1968).
3. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 *Clinical Law Review* 307(2000-2001).
4. D.A. Desai, "Role and Structure of Legal Profession", XXII *IBR*(1995).
5. D.C. Mukherjee, "Practical Side of Law Teaching", 2 *Journal of Bar Council of India*,(1973).
6. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 *U. Det. Mercy L. Rev.*(1994).
7. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States", 13 *Clinical Law Review* 165(2006-2007).
8. Frank S. Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", *Mic. J. Int'l. L.*(1990).
9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment", 28 *J.I.L.I.*(1986).
10. Jennifer Howard, "Learning to "Think Like A Lawyer" Through Experience", 2 *Clinical Law Review* 167 (1995).
11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 *S.M.U. L.REV.* 1461 (1997-1998).
12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities

and Achievements”, 5 SCC Jour.(1995).

13. Krishna Iyer, “Professions for the People: A Third World Perspective”, XXIIIIBR(1995).

14. Madhava Menon N.R., “Bar Councils and Management of Legal Profession”, XIII (3 & 4) IBR (1986).

15. Madhava Menon N.R., “Restructuring the Legal Profession for Strengthening Administration of Justice”, XXII, IBR(1995).

16. Madhava Menon., “Legal Education for Professionals Responsibility – An Appraisal of the Five Year LL.B. Course”, XII, Bar Council Review(1986)

17. Mohammad Ghouse, “Legal Education in India: Problems and Perspective”, (Bookreview) 19 J.I.L.I.(1977).

18. N. R. Madhava Menon, “Lawyer in the Adjudicative Process: An Appraisal of Section 30 of Advocates Act, 1961”, 8 JB Council of India 105(1981).

19. Place of Skills in Legal Education, 43 Columbia Law Review 345(1945).

20. R.K. Gupta, “Legal Aid and Legal Education: Work Brain Teasers”, 2 Delhi Law Review(1973)

21. Resolutions of the 12th All India Law Teachers Conference, 2 Delhi Law Review 291 (1973) (Resolution No.II).

22. Shuvro Prosun Sarker, “Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India”, 19 International Journal of Clinical Legal Education(2013).

23. Steve Sheppard, “An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams”, 65 UMKC Law Review 65

24. Steven I. Friedland, “How We Teach: A Survey of Teaching Techniques In American Law Schools” 20 Seattle Univ. L. R. 1.

25. Upendra Baxi, “Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law”, 51 Journal of the Bar Council of India (1975-76).

26. Upendra Baxi, “The Pathology of the Indian Legal Professions”, XXII IBR,(1995)

## **PAPER XI-MODERN COMPANY LAW-II**

### **UNIT- I**

Majority control and minority protection, Prevention of oppression and Mismanagement, judicial pronouncements on Oppression and Mismanagement, powers of court and central government- legal liability of company - civil, criminal, tortious and environmental.

### **UNIT-II**

Types of Corporate Restructuring, : Key definitions, Compromises, Arrangements, Mergers & Amalgamations; Demergers & Slump Sale, Business Sale; Joint Venture, Strategic Alliance ,Reverse Merger Disinvestment; Financial Restructuring, Takeover of listed and unlisted companies, Fast Track Mergers, cross border mergers, Taxation issues & Stamp Act provisions relating to restructuring.

### **UNIT- III**

Registrar of Companies, Duties and powers of ROC, Appointment, powers and duties of Official Liquidator , Constitution of NCLT and NCLAT, Powers of NCLT and NCLAT, Special Courts under Companies Act.

### **Unit IV**

Historical Background of IBC, Petition for Corporate Insolvency Resolution process, Persons entitled to file petition under IBC, Liquidation on or after failing of resolution plan, Voluntary Liquidation: Procedure for Voluntary Liquidation; Powers and duties of the Liquidator; Completion of Liquidation, Winding-up by Tribunal under the Companies Act, 2013: Procedure of Winding-up by Tribunal; Powers and duties of the Company Liquidator; Fraudulent preferences.

### **Suggested Readings:**

1. Avtar Singh : Indian Company Law
2. Shah S. M : Lectures on Company Law
3. Palmer - Company Law
4. Ramiaya: Guide to Companies Act
5. Gower: Principles of Modern Company Law
6. Indian Law Institute- Current Problems of Corporate Law

7. The Companies Act,2013 and Rules made these under
8. Chandratre, Acharya, Israni, Sethuraman, Compendium on SEBI, Capital Issues and Listing

**SEMESTER-IV**  
**BRANCH-IV - CORPORATE AND SECURITIES LAWS**

**PAPER- XII: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

**(Common Paper for All the Branches)**

**UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes •Central- State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

**UNIT-II**

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code- Freedom of Speech and Expression Right to broadcast and telecast-Right to Strike, Hartal and Bandh.

**UNIT-III**

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation- Compensatory Jurisprudence-Right to Education-Right to Information- Right to wholesome environment- Doctrine of publictrust

**UNIT-IV**

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post independence era - Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members-Judicial Activism and Judicial Accountability-Contempt of Courts-Political Morality and effect of Anti- defection Law

**Suggested Readings:**

1. H. M. Seervai, Constitutional Law of India (in 2- Volumes), Universal Book Traders, New Delhi.
2. Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report), (in 5 Books and 12 Volumes), Lok Sabha Secretariat, New Delhi.
4. B. Shivan Rao, Framing of the Indian Constitution (in 5- Volumes), Indian Institute of Public Administration, New Delhi.
5. M.P. Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.
6. Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP
7. Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

### **PAPER-XIII- PAPER SECURITIES MARKETS AND INVESTMENT LAWS**

#### **UNIT- I**

Primary Markets- Investment Institutions, Qualified Institutional Buyers, HNI, Venture Capital, Alternative Investment Funds etc. Capital Market Instruments- Equity, Preference, Debt Instruments, FCCB, IDR, GDR etc

#### **UNIT-II**

Secondary Markets- History and Development of Stock Markets in India, Trading Mechanism, Suspension and Penalties, Impact of Various Policies on Stock Markets such as Credit Policy of RBI, Fed Policy etc.

#### **UNIT- III**

Primary Market and Secondary Market Intermediaries, Role, Functions and Law relating to Merchant Bankers, Registrar and Transfer Agents, Bankers to an issue, underwriters, Portfolio Managers etc.

#### **UNIT-IV**

Real Estate (Regulation and Development) Act, 2016 - Concept - Evolution – Registration Procedure – REIT Issues - Advantages – Kinds of REITs – Real Estate Regulatory Authority – Composition – Powers and Functions – Role of NCLT and NCLAT in RERA Cases. Start-ups in India – Definition - Characteristics – Types - Advantages and Disadvantages – Ideation - Exemptions – Provisions for raising Capital and modes – Legal Provisions.

#### **Suggested Readings:**

1. Palmer - Company Law.
2. Ramayya: Guide to the Companies Act, in three volumes, Wadhwa and Company, Nagpur.
3. Avtar Singh: Company Law, Eastern Book Company
4. H.K. Saharay: Principles and Practice of Company Law in India, Prentice Hall of India Private Limited, New Delhi.
5. S.M. Shah: Lectures on Company Law, N.M. Tripathi Private Ltd Bombay.

6. Chalesworth & Cain: Company Law, Geoffrey Morse, Stevens and Sons, London.
7. L.C.B. Grover: The Principles of Modem Company Law, Stevens and Sons, London.
8. Pennigton: Company Law, Butterworths, London. Taxmann's Publications Journal on SEBI and Corporate Laws.
9. Pahwa : Law relating to on-Banking financial companies B.K.Pahwa.

#### **PAPER- XIV: DISSERTATION**

**Introducing the component of conducting Research Design Seminar, in third semester after finalizing the topics for LL.M Students. In Fourth Semester Progress Seminar and Pre-Submission Seminar to be conducted for every candidate in respect of the topic allotted to him/her.** Such Three seminars are to be conducted on the weekends during the III and IV semester, and the teaching workload for conducting such seminars during the LL.M IV semester will be two teaching periods per week. The seminars to be conducted as condition precedents i.e first Research Design seminar, **once it is satisfactorily conducted**, then followed by the progress seminar to appraise the progress of writing the thesis, and finally, the pre-submission seminar along with a plagiarism check report (with less than 25% Similarity). When the supervisor, the HOD and the Principal of the respective college sign on the dissertation, the same can be submitted to the University followed by the conduct of Viva-Voice as per the existing procedure. This change is recommended w.e.f the Academic Year 2024-2025 (even for those who will be submitting their dissertation during this year).

**\* Note: All the three stages of the research to be satisfied one after the other, finally the candidate is allowed for viva voce.**

1. Allotment of topic in III semester
2. Research design in III semester
3. Progress Seminar in IV semester
4. Pre-Submission Seminar in IV semester
5. TA/DA to the examiners to be paid by the respective colleges.