

## LL.M. One Year Course Detail

SHRI J.J.T.UNIVERSITY, Chudela, Jhunjhunu (Rajasthan)

### SYLLABUS for LL.M ONE YEAR COURSE

Institute of Law

Shri J.J.T.University, Chudela, Jhunjhunu ( Rajasthan)

LL.M One Year ( List of Courses Prescribed for Semester I)

Branch:- CORPORATE AND COMERCIAL LAWS

Compulsory Course

Semester 1<sup>st</sup>

Paper Code

Course Title

LL.M- 101

Research Methods and Legal Writing

LL.M- 102

Comparative Public Law

LL.M- 103

Principles of Corporate Law

LL.M- 104

Banking Law

LL.M- 105

Contract Law

LL.M- 101

Research Methods and Legal Writing

Research:-

What is Research ? Meaning and Objectives Research Methods *vis a vis* Research Methodology  
Legal Research- Meaning, scope and purpose. Relation between law and society types/kinds:  
Doctrinal and Non- Doctrinal (empirical); Applied, fundamental; Library research, field research  
and laboratory research, analytical, descriptive, conceptual; Participatory and Non- participatory;  
Comparative, historical, statistical, critical, socio-legal; mono disciplinary and trans disciplinary;  
quasi disciplinary, inter- disciplinary (multi-disciplinary) research; Quantitative and quantitative,  
one time and longitudinal, clinical or diagnostic research; Research for legal reform.

## **Research Methods:-**

Research Design

Various Steps in Research: Research Process

Research Problem: Identification and Formulation

Hypothesis

Use of Library

Use of Modern Technology/Computer Assisted Research

Tool and Techniques for Collection of Data

- Primary and Secondary Sources
- Literature Review
- Observation Method
- Questionnaire. Interview
- Case Study
- Sampling
- Jurimetrics

Analysis and Interpretation of Data

Use of Deductive and Inductive Methods in Research report

Budgeting of Research

Ethics and legal Issues: Plagiarism and Copyright Violation

## **Legal Writing:-**

Essentials of Good Legal Writing

Structured Legal Writing: Organization of Legal Materials

Framing of Write Up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and case laws, Analysis, Discussion, Recommendations and Conclusion Sources of Authority Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for court Purposes; Writing for Court Purposes: Brief, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing Citation, Reference and Footnoting Editing and proof reading Writing of Research Proposal Dissertation/ Thesis Writing

## **Suggested Readings:**

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn And Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985)
3. Dennis P. Force and Stephen Richer (ed.), *Stages of Social Research- Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* ( Lawyers Corporative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hall Book Co. 1985).

## **LL.M- 102- Comparative Public Law**

### **1. Introduction**

Meaning and definition of Public Law . Concept of Public Law . Globalization of Comparative Public law.

### **2. Tool of Comparative Public Law**

Constitutional Law- Common Law, Civil Law . Legislative Mechanism- Common Law, Civil Law . Typology of Federalism- USA, India

### **3. Public Interest Litigation- US India**

Locus standi . Judicial Activism .Judicial Accountability

### **4. Comparative Criminal Law- Common Law, Civil Law**

Domestic Violation- International, National .Provisions relating to Rape .Plea Bargaining- USA, India . White Collar Crimes .Juvenile Justice

### **5. Ombudsman**

Ombudsman in Scandinavian countries . International Scenario- Common law and Civil law . Indian Scenario

i) Lokpal (Ombudsman)

ii) Lokayukta

### **Select Bibliography:-**

1. H.W. Wade- Administrative Law. 2. De Smith- Judicial Review of Administrative Action. 3. Garner- Administrative Law. 4. D.D. Basu- Comparative Administrative Law. 5. Wade and Philips- Constitutional Law. 6. Decey – Introduction to Law of the Constitution. 7. O Hood Philips- Constitutional Law and Administrative Law. 8. M.P. Jain S.N. Jain- Principles of Administrative Law.

### **LL.M-103 – Principles Of Corporate Law**

#### **I. Introduction**

- a. Corporate Personality
- b. Advantages and Disadvantages of Incorporation
- c. Concept of Lifting of Corporate Veil
- d. Convergence of Corporate Legal System in the Present Time –LLP as a type of Corporate vehicle

#### **II. Corporate Finance**

- a. Company Capital- Equality Finance, Debt Finance.
- b. Offer Documents
- c. Public Issues
- d. Under writing of Issues
- e. Corporate Loans
- f. Venture Capital, Institutional Financing
- g. Role of SEBI and stock exchanges

#### **III. Amalgamation, Reconstruction, Mergers and takeovers etc.**

- a. Meaning of the Terms
- b. Statutory Provisions
- c. Powers of the Court/ Tribunal

#### **IV. Corporate and Governance**

- a. Concept, Significance
- b. Dimensions
- c. Legal Framework, Basic Principles and OECD Principles of Corporate Governance
- d. Impact of Globalization

#### **Suggested Readings**

1. J.M. Thomson- Palmer's Company Law
2. Gower- Principles of Modern Company Law

3. Ramaiya- Guide to Companies Act
4. Indian Law and Institute- Current Problems of Corporate Law
5. Compendium on SEBI, Capital Issues and Listing- by Chandratre, Acharya, Israni, Sethuraman
6. Corporate Finance- Ashwath Damodaran

## **LL.M-104- Banking Law**

### **I. A. Introduction**

(i) Nature and Development of Banking.

(ii) Functions Of Banking

### **B. Global Banking Institutions**

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

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

B. Bank as borrowers : Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and E- Banking.

C. Deposit Insurance Corporation Act. 1962.

### **III. A. Bank and Customer Relationship.**

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

C. Interference by third parties.

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

### **IV. A. Social Banking**

B. Basal II norms

C. Letter of Credit

D. Recovery of Debts Due to Banks.

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

F. Recent Trends of Banking System in India.

**Suggested Readings :**

1. Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Milian
2. M. Hapgood (ed.) : Paget” LawsF Banking (1989) Butterworths, London
3. R. Goode : Commercial Law, (1995) Penguin, London
4. Ross Cranston : Principles of Banking Law (1997) Oxford L.C. Goyle : The Law of Banking and Bankers (1995)Eastern
5. M.L. Tannan : Thannan’s Banking Law and Practice in India ( 1997), India Law House. New Delhi, 2 Volumes
6. K.C. Shankar Banking Theory and Practice (1998), UBS Publisher Distributors Ltd. New Delhi
7. R.S. Narayana : The Recovery of Debts due to Banks and Financial Institution Act. 1993 (51 of 1993), Asia Law House, Hyderabad

**LL.M-105- Contract Law**

**1. STANDARD FORM CONTRACTS**

Nature, Advantages and unilateral Character

Principles of Protection against the possibility of exploitation

Exemption clauses

Law Commission of India’s Views

**2. GOVERNMENT CONTRACTS**

Constitutional Provisions

Performance of Government contracts

Tender procedure in public contracts

Statutory Contracts

**3. ELECTRONIC CONTRACTS**

Formation of unjust enrichment

Contract For Necessaries

Provisions Of Indian Contracts Act

## Quasi Contracts in English Law

### **Suggested Readings:-**

1. A.G. Guest (ed.): Anson's Law of Contract.
2. P.S. Atiya, Introduction to the Law Of Contract.
3. Avtar Singh : Law of Contract.
4. G.C. Cheshire, H.S. Fifoot : Cases on the Law of Contract.
5. Chitty : Chitty on Contracts, Vol. I General Principles Vol.2 Specific Contract.
6. Pollock and Mulla on the Indian Contract and Specific Relief Acts.
7. Cheshire and Fifoot, The Law of Contract.
8. Nilima Bhadabhade, Contract Law in India.



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**Institute of Law**

**Shri J.J.T.University, Chudela, Jhunjhunu ( Rajasthan)**

**LL.M One Year (List of Courses Prescribed for Semester II)**

**Branch:- CORPORATE AND COMMERCIAL LAW**

**Compulsory Course**

**Semester II**

**Paper Code**

**Course Title**

**LL.M- 201 Law and Justice in a Globalization World**

**LL.M- 202 Cyber Law**

**LL.M- 203 Company Law**

**LL.M- 204 Intellectual Property Law**

**LL.M- 205 Dissertation**

**LL.M- 201 Law and Justice in a Globalization World**

**Contents:-**

- . Globalization: Meaning, Reach and Form
- . Social, Political, and Economic Dimensions of Globalization
- . Emergence of Transnational Law in a Globalizing World



- . Impact of Globalization on Sovereignty of States
- . Impact of Globalization on Federalism and Democratic Law Making
- . Human Rights
- . Trade Law
- . Globalization and free Market
- . Impact on Welfare state
- . Natural Resources
- . Environment
- . Displacement for Development
- . Problem of Unemployment
- . Concept of Justice in a Globalization World
- . Globalization and Universal Values
- . Concept of Global Justice
- . Cosmopolitanism
- . Globalization and Social Justice/ Global Distributive Justice
- . Impact of Globalization on Judicial Process and Administration of Justice

Suggested Readings:-

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in a Global Institutions (OUP, 2006).
2. Anthony M.C. Grew, Devid Held (eds), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002),
3. Boauventura De Sousa Santos, Casar A. Rodriguez- Garavito (eds.) Law and Globalization from Below ( Cambridge University Press, 2005).

4. Devid B. Goldman, Globalization and the Western Legal Tradition : Recurring Patterns of Law and Authority ( Cambridge University Press, 2008).
5. Devid Held, A Globalizing World ? Culture, Economics, Politics (2004).
6. Devid Kinley, Civilizing Globalization : Human Rights and the Global Economy (Cambridge University Press, 2009).

## **LL.M- 202                      Cyber Law**

Contents :-

### **Fundamentals of Cyber Law**

- A. Conceptual and theoretical perspective of cyber law
- B. Computer and web Technology
- C. Development of cyber Law- National and International Perspective

### **Cyber Law : Legal Issues and Challenges in India, USA and EU**

- A. Data Protection, Cyber Security,
- B. Legal recognition of Digital Evidence
- C. Recognition of liability in the digital world
- D. Jurisdiction Issues in Transnational Crimes

### **Cyber Law : International Perspectives**

- A. Budapest Convention on Cybercrime
- B. ICANN' s core principles and the domain name disputes
- C. Net neutrality and the EU electronic communications regulatory framework
- D. Web Content Accessibility Guideline (WCAG) 2.0

### **Cyber Law – Contemporary Trends**

- A. Impact of cyber warfare on privacy, identity theft.
- B. International law governing Censorship, online privacy, copyright regulations,
- C. Online Intermediaries in the Governance of Internet
- D. Social Networking Sites vis-à-vis Human Rights.

### **Suggetive Readings :**

1. Yatindra Singh : Cyber Laws
2. Ajeet Narayanan and Bennan (ed.) : Law, Computer Science and Artificial Intelligence.
3. Linda Bennan and Victoria Johnson : Social, Ethical and policy implication of Information Technology.
4. **Kamath** Nandan : Law relating to Computer, Internet and E- Commerce.
5. Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to

6. Cyber Marts
7. Lawrence Lessing : Code and other Laws of Cyberspace.
8. Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.

## **LL.M- 203                      Company Law**

Contents :-

**Unit-1 :** Meaning Of Company, essential characteristics, corporate personality and lifting the corporate veil, Forms of Corporate and Non Corporate Organizations: Corporations, Partnerships and other associations of persons, state Corporations Government companies, public sector, Private sector, their- role, functions and accountability of companies.

**Unit- 2 :** Incorporation, Memorandum of Association- various clauses- alteration therein- doctrine of ultra vires, Articles of Association- binding force alteration – its relations with memorandum of association – doctrine of constructive notice and indoor management exceptions, Prospectus –issue –contents –liability for misstatements –statement in lieu of prospectus, Promoters –position –duties and liabilities.

**Unit- 3 :** Shareholders : Shares –General principles of allotment statutory restrictions –share certificate its objects and effects –transfer of shares restrictions on transfer –procedure for transfer –refusal of transfer –role of public finance institutions –relationship between transferor and transfers –issue of shares at premium and discount, shareholder –who can be and who cannot be a shareholder modes of becoming a shareholder call on shares –forfeiture and surrender of shares –lien on share rights and liabilities of shareholder, share capital –kinds alteration and reduction of share capital –further issues of capital –conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.

**Unit- 4 :** Director –position –appointment –qualifications, vacation of office –removal, resignation –powers and duties of directors –meeting registers, loans remuneration of directors role of nominee directors compensation for loss of office managing directors and other managerial personal meetings –kinds procedure –voting.

**Units- 5 :** Dividends, Debentures, Borrowing powers : Dividends payment –capitalization of bonus shares, Audit and accounts Borrowing –powers –effects of unauthorized borrowing charges and mortgagees –loans to other companies investment –Contracts by Companies Debentures –meaning –floating charge –kinds of debentures –shareholder and debenture holders.

**Unit- 6 :** Majority rule : Protection of minority rights, Prevention of oppression and mis management, who can apply –when can be apply, powers of the court and of the Central Government.

**Unit- 7 :** Other Allied Aspects : Private companies –nature advantages conversion into public company foreign companies, Government companies, holding and subsidiary companies, Investigation –powers Reconstruction and amalgamation, Defunct companies : National company law Tribunal, powers and functions.

**Unit- 8 :** Law and Multinational Companies : Collaboration agreements for technology transfer, control and regulation of foreign companies taxation of foreign companies, share capital in such companies.

**Unit- 9 :** Winding Up : Winding up –types by court –reason –grounds who can apply – procedure, powers of liquidator –powers of court consequences of winding up order – voluntary winding up by members and creditors winding up subject to supervision of court.

**Unit-10 :** Winding up proceeding : appointment of liquidator, powers and duties of official liquidator; Liability of past members –payment of liabilities –preferential payments unclaimed dividends –winding up of unregistered company.

***Books Recommended :***

1. Avtar Singh : Company Law, Eastern Book Company, Lucknow
2. Anantha Raman, Lectures on Company Law, Wadhwa and Company
3. KailashRai, Company Law, Allahabad Law Agency, Allahabad
4. Majumdar, Company Law, Taxman Publications
5. TandonM.P., Company law, Allahabad Law Agency, Allahabad
6. Palmer, Company Law
7. Gover, Company Law
8. Ramaith, A Guide to Companies Act, Wadhwa Publication

**LL.M- 204**

**Intellectual Property Law**

**I. Copyright**

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for Protection
- d. Enforcement and remedies

**II. Patents**

- a. Nature and Meaning

- b. Scope of protection
- c. Procedure for Protection
- d. Enforcement and remedies

### **III. Trademarks**

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for Protection
- d. Enforcement and remedies

### **IV. Designs**

- a. Nature and Meaning
- b. Scope of protection
- c. Procedure for Protection
- d. Enforcement and remedies

### **Text Books :**

1. Paris Convention for the Protection of Industrial Property, 1883;
2. Barne Convention for the Protection of Literary and Artistic Works, 1886:
3. Indian Copyright Act,1957:
4. Indian Patents Act, 1970;
5. Agreement on Trade- Related Aspects of Intellectual Property Rights, 1994 (the TRIPS Agreement);
6. Indian Trademarks Act, 1999;
7. Indian Design Act, 2000;

### **LL.M- 205                      Dissertation**

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of legal problem of contemporary significance in the field chosen by the candidate and

the must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The Dissertation will carry 100 marks and it should be submitted (Three copies) to Head of the Department one month before the semester ends i.e. the second semester.

The supervisor for Dissertation shall be the teaching member of the Dept. of law. The students will be assigned the topic for Dissertation by their supervisor in consultation with the head of Department within a month after the semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the head of department and/ internal examiner. The examiner will evaluate the dissertation taking into account the following points:

- (a) Coverage of subjects matter. (b) Arrangement and presentation. (c) Research Methodology (d) Nature of references and materials used. (e) Critical appreciation and original contribution of the candidate.**

*Note : The Students have to write their dissertations as per the guidelines of Research Methodology given below.*

#### ***GUIDELINE FOR DOCTRINAL RESEARCH.***

#### **A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research**

##### **Research Methodology :**

1. Title of the Study
2. Problem of the Study
3. Relation able of the Study
4. Objectives of the Study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the Study
8. Research Design
  - (i) Nature/ Type of the Study
  - (ii) Method of Data Collection
  - (iii) Sources of Data Collection
9. Limitations of the Study
10. Time Schedule
11. Possible contribution of the Study
12. Chapterization

#### **B. Doctrinal Research shall have the following structure :**

Cover page Certificate Acknowledgement

List of Case Laws. List of Tables Abbreviations contents

Introduction A. Theoretical Background B. Research Methodology (As given in A.) Chapter I

Chapter II

Chapter III, Chapter IV, Chapter V Major Finding, Conclusions and Suggestion.

## **Bibliography**

**Annexure :**

**Acts, Bills, Maps, etc.**

### **C. Step by step procedure to be followed for Doctrinal Research :**

1. Approval of the title
2. Collection of material
3. Review of literature
4. Problem
5. Objectives
6. Rationale
7. Hypothesis
8. Chapterization
9. Collection of Data
10. Analysis and Interpretation of Data
11. Report Writing
12. Preparation of Bibliography
13. Preparation of list of cases
14. Abbreviation