

CURRICULUM AND SYLLABI

(7th Semester)

**B.A.LL.B.
(Integrated Law degree course)**

SCHOOL OF LAW



RAFFLES

UNIVERSITY

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CODE OF CIVIL PROCEDURE, 1908

INTRODUCTION TO THE COURSE

Civil Procedure Code is subject of daily use by the courts and lawyers. Students cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of persons affected by the action, judicial decisions will supply the omissions in the law.

The Code of Civil Procedure in India has a chequered history and lays down the details of the procedure for the redressal of civil rights. Many questions may prop up when one goes to vindicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for the institution of suit, the document in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suit.

COURSE OBJECTIVES OF THE

1. To understand the history of civil procedure code, its extent and application, definition, jurisdiction of civil courts and nature of civil suit.
2. To analyse the crucial importance of the Civil Procedure Code in civil proceedings
3. To outline the foundations on which civil litigations are based
4. To analyse the primary requirements of a civil proceeding
5. To illustrate the necessary sequence which must be followed in a civil litigation
6. To examine the procedure of trial of civil nature and differentiate between different kinds of order and judgment.

COURSE OUTCOME

1. Demonstrate the knowledge and understanding of the substantive law, procedural law and Constitutional Law.
2. Develop the ability to perform legal analysis and reasoning, legal research, problem solving, written and oral communication in the legal context and apply it in legal practise and real life situation.
3. Demonstrate the professional skills of pleading, argument, drafting and conveyancing, collaboration, counselling and negotiation required for legal practice.
4. Develop the ability of analysing the law in relating to contemporary developments at national level.

COURSE OUTLINE:

UNIT-I

(Credit 6)

Introduction

(Hours 60)

- A. History of the Code,
- B. Distinction between Procedural Law and Substantive Law,
- C. Extent and Its Application,
- D. Definitions: - Definitions: decree, judgment, order, mesne profits, pleader, legal
- E. representative, judgment-debtor, decree-holder, foreign judgment,
- F. Subordination and Hierarchy of Courts.

UNIT-II

Jurisdiction

- A. Kinds of Jurisdiction
- B. Bar on Suits- Suit of Civil Nature (Section 9)
- C. Doctrine of Res Subjudice, Res Judicate (Section 10 and Section 11) and Section 12 R/w Order II, Rule 1 and Rule 2- (Suit to include the whole claim)
- D. Foreign Judgements (Section 13, 14 and 44A)
- E. Place of Suit (Section 15 to 21-A)
- F. Transfer of Cases (Section 22 to 25)

UNIT-III

Institution of Suit and Parties to the Suit

- A. Parties to the Suit (Order I): Necessary Parties, Proper Parties, Joinder, Misjoinder and Non- Joinder of Parties, Representative Suit (Order I, Rule 8) Interpleader Suit (Section 88, Order XXXV)
- B. Frame of Suit (Order-II) along with Institution of suit (Order-IV, R/w Section 26)
- C. Pleadings (Order VI): Fundamental Rules of Pleading- Plaint and Written Statement- Return and Rejection of Plaint- Defenses (Set Off and Counter Claim)- Order VIII

UNIT-IV

Appearance of Parties

- A. Issue and Service of Summons
- B. Consequences of non-appearance of parties, non- appearance of the plaintiff or
- C. Defendant- Order IX
- D. Setting aside *ex parte* decree- Order IX, Rule 13
- E. Disposal of suit at first Hearing- Order XV
- F. Examination of Parties by the Court- Order X

UNIT-V

Trial, Judgment and Decree

- A. Affidavits- Order XIX
- B. Settlement of Disputes outside Court- Section 89, Order X, Rule 1A,1b and 1C
- C. Summoning and Attendance of Witnesses- Order XVI, Rule 1, 1-A and 6
- D. Attendance of Witnesses confined or detained in prisons
- E. Adjournments- Order XVII
- F. Hearing of suit and examination of witnesses- Order XVIII, R/w Section 138 IEA
- G. Judgement and Decree, Section 33, Order XX

Case: -

- *Gundaji Satwaji Shinde v. Ram Chandra Bhikaji Joshi, AIR 1979 SC 653 1*
- *Indian Bank v. Maharashtra State Cooperative Marketing*
- *Federation Ltd, AIR 1998 SC 1952 13*
- *Iftikhar Ahmed v. Syed Meharban Ali, AIR 1974 SC 749 16*
- *State of U.P. v. Nawab Hussain, AIR 1977 SC 1680 20*
- *C.A. Balakrishnan v. Commissioner Corporation of Madras, AIR 2003 Mad. 170*
- *Anil Rai v. State of Bihar, 2001, SC*
- *SJVNL v. M/S CCC HIM JV and Another 2021, SC*
- *S. Satnam Singh v. Surender Kaur, 2008, SC*
- *Chunilal V. Mehta v. Century Spinning and Manufacturing Co. Ltd., AIR 1962 SC1314*
- *Koppi Setty v. Ratnam v. Pamarti Venka 2009 RLR 27 (NSC)*
- *Gill & Co. v. Bimla Kumari, 1986 RLR 370 39*

Recommended Readings

1. *Mulla, Code of Civil Procedure, Universal, Delhi*
2. *R.N. Choudhary Law of Limitation .*
3. *Gupte & Dighe Civil Manual.*
4. *Mahendra C.Jain THE BOMBAY COURT FEES ACT, 1959.*
5. *Majumdar. P. K. and Kataria. R. P.,Commentary on the Code of civil Procedure 1908 (1998), Universal, Delhi.*
6. *P.S.Narayana's Law of Limitation.*
7. *A.N Saha The Code of civil Procedure (1999),*
8. *Sarkar's Law of Civil Procedure,*
9. *Dr. Subzwari's THE CODE OF CIVIL PROCEDURE,1908.*
10. *C. K. Thacker, The Code of civil Procedure Mulla, Code of civil Procedure.*
11. *C.K.Takwani, Code of Civil Prodecure,Eastern Book Company*

PRINCIPLES OF TAXATION LAW

INTRODUCTION OF THE COURSE

The course is designed to help students to understand the technicality of the Taxation system. The Indian tax system is well structured and has a three-tier federal structure. The tax structure consists of the central government, state governments, and local municipal bodies. When it comes to taxes, there are two types of taxes in India - Direct and Indirect tax.

COURSE OBJECTIVES

This course has the following objectives

1. The focus is providing an overview of the Indian taxation system
2. Examine in detail provisions of the principles of taxation law
3. To Develop skills in recognizing tax issues in factual situations
4. Enhance your ability to solve tax problems through the development of skills in interpreting legislation and cases and in finding the applicable law
5. Assist you in developing systematic approaches to organizing and retaining knowledge

COURSE OUTCOMES

The students shall be able to:

1. Apply the principles of taxation laws to complex legal problems
2. Understand the technical aspects of taxation laws
3. To file and contest cases writ pertaining to taxation laws before the competent authorities
4. Supervise and guide the persons whose matters are related to taxation laws.

COURSE OUTLINE

Unit-I	Credit 6
Introduction & General Perspective	(Hours 60)
A. Meaning of Tax	
a. History of tax law in India	
b. Fundamental principles relating to tax laws	
c. Governmental financial policy, tax structure, and their role in the national	
d. economy.	
e. Concept of tax:	
f. Nature and characteristics of taxes	
g. Distinction between:	
h. Tax and fee	
i. Tax and cess	
j. Direct and indirect taxes	

- k. Tax evasion and tax avoidance
- l. Scope of taxing powers of Parliament, state Legislature, and local bodies.
- m. Canons of Taxation by Adam Smith and Additional/Modern Canons
- n. Important Definitions
 - Previous Year
 - Assessment Year
 - Income
 - Assess
 - Person
 - Company
 - Average Rate of Income Tax
 - Business
 - Capital Asset
 - Total Income
- B. Charge (Section 4)
- C. Residential Status of Assesses
- D. Scope of Total Income
- E. Basic Concept of Total Deduction at Source (TDS)
- F. Agricultural Income and Its Tax Treatment

UNIT-II

Income from Salaries & Income from House Property

- A. Meaning and Characteristics of Salary
- B. Incomes Forming Part of Salary (a. Basic Salary b. Fees, Commission and Bonus c. Taxable Value of Allowances d. Taxable Value of Perquisites e. Retirement Benefit)
- C. Deductions from Gross Salary (Sections 16 and 80)
- D. Basis of Charge (Section 22)
- E. Applicability of Section 22 (Buildings or lands appurtenant thereto, Ownership of house property, Property used for own business or profession, Rental income of a dealer in house property, House property in a foreign country)
- F. Deduction from Income from House Property

UNIT-III

Income from Profit and Gains of Business or Profession

- A. Concept of Profit and Gains
- B. Scope of Section 28 (Basis of Charge)
- C. Business, Profession, and Vocation
- D. Different Deductions under This Head a. Schemes of Business Deductions b. Specific Deductions under this Act c. Deductions under sections 30 & 31

UNIT-IV

Tax Avoidance, Tax Evasion, Tax Planning & Income Tax Authorities

- A. Basic Concept of Tax Avoidance, Tax Evasion, and Tax Planning
- B. Reason for Tax Avoidance, Tax Evasion
- C. The distinction between Tax Avoidance and Tax Evasion
- D. Recommendation of Wanchoo Committee to Fight Tax Evasion

- E. Effect of Tax Avoidance and Tax Evasion
- F. Hierarchy
- G. Appointment
- H. Powers: Search and Seizure- Section 132 a. Fulfillment of statutory Conditions b. Test of 'Reason to believe'

UNIT-V

- A. Appointment, power and Duties of Income Tax Authorities
- B. Remedies available under income tax law
 - Appeals and Revision: Appealable orders, procedure in appeal, appellate tribunal
 - Reference to High Court: Statement of case to the High Court, Statement of case to the Supreme Court in certain cases
 - Power of Supreme Court and High Court to require statements in amended matters

Prescribed Books:

1. Principles of Taxation Law 2019 By Thomson Reuters
2. Principles of Taxation & Tax Law-I - S.R Myneni 2017
3. Amar Law Publication's Principle of Taxation Law for LLB Paperback – 1 January 2017
4. Taxmann's Guide to Taxation Laws (Amendment) Act 2019 (2020 Edition) Paperback – 1 January 2019
5. V. K. Gupta's Income Tax Ready Reckoner AY 2020-21 and 2021-22 As Amended by Taxation Laws - Finance Act of 2020. - English Paperback. Paperback – 1 January 2020
6. Principles of Taxation Laws with Goods and Service Tax Act, 2017 (GST) by Prof. Ullas Kumar Saha | 1 January 2019
7. Principles of Taxation for Business and Investment Planning, 2014 Edition by Sally Jones and Shelley Rhoades-Catanach | 16 April 2013
8. Lectures on Law of Taxation (Income Tax and GST) by P.K. Singh | 1 January 2018
9. Principles of Taxation by V. Gaurishankar | 1 January 2007
10. Principles of International Taxation by Angharad Miller and Lynne Oats | 21 January 2015
11. A C Sampath Iyengar, The Law of Income Tax, Bharat Law House
12. Chaturvedi and Pithisaria's Income Tax Law
13. Girish Ahuja & Ravi Gupta, Direct Tax- Law and Practice
14. Girish Ahuja & Ravi Gupta, Direct Taxes Ready Reckoner (Bharat Publication)
15. Kanga, Palkhiwala and Vyas, The Law and Practice of Income Tax (Lexis Nexis Butterworths)
16. Vinod K Singhania and Kapil Singhania, Taxman's Direct Tax- Law and Practice.

Case Laws:

1. SC upholds linking of Aadhaar number with PAN: [Justice K.S. Puttaswamy (RETD.) v. Union of India [2018] 97 taxmann.com 585 (SC)]
2. Discounts offered by Flipkart.com to buyers aren't intangible assets: ITAT: [Flipkart

- India Private Limited v. ACIT [2018] 92 taxmann.com 387 (Bangalore - Trib.)
3. A gift received by an individual from HUF isn't exempt: ITAT: [Gyanchand M. Bardia v. ITO [2018] 93 taxmann.com 144 (Ahmedabad - Trib.)]
 4. Sec. 68 additions not tenable on grounds that relatives gave gift without any occasion: High Court: [Pendurthi Chandrasekhar v. DCIT [2018] 91 taxmann.com 229 (Hyderabad)]
 5. MasterCard shall have a PE in India and its fees for processing card payments are taxable as business income: AAR: [MasterCard Asia Pacific Pte. Ltd., In re. [2018] 94 taxmann.com 195 (AAR - New Delhi)]
 6. The market value of other business assets not relevant to determine FMV value of unlisted shares of a co.: [Minda S M Technocast (P.) Ltd. v. ACIT [2018] 92 taxmann.com 29 (Delhi - Trib.)]
 7. Domain registration fee received by 'GoDaddy' is taxable as royalty: ITAT: [Godaddy.com LLC v. ACIT [2018] 92 taxmann.com 241 (Delhi - Trib.)]
 8. HC upheld additions on basis of 'window-dressed' financials prepared for bank loans: [Binod Kumar Agarwala v. CIT [2018] 94 taxmann.com 422 (Calcutta)]
 9. 'Sachin Tendulkar' entitled to vacancy allowance as he failed to find tenant for vacant flat: [Sachin R. Tendulkar v. DCIT [2018] 96 taxmann.com 253 (Mumbai - Trib.)]
 10. Sum received on relinquishment of 'right to sue' is non-taxable capital receipt: ITAT: [Bhojison Infrastructure (P.) Ltd. v. ITO [2018] 99 taxmann.com 26 (Ahmedabad - Trib.)]
 11. AO should apprise counsel on all facts to avoid delays in disposal of cases: HC: [PCIT v. Grasim Industries Ltd [2018] 94 taxmann.com 81 (Bombay)]
 12. Mushroom farming is an agricultural operation even if vertical space is used instead of horizontal space on soil: [DCIT v. Inventaa Industries (P.) Ltd. [2018] 95 taxmann.com 162 (Hyderabad - Trib.)]
 13. Delhi HC directs I-T Dept. to allow filing of ITR without Aadhaar No.: [Shreyasen, & Anr. v. Union of India & ORS [2018] 95 taxmann.com 256 (Delhi)]
 14. No capital gain tax on 'Power of Attorney' holder just because real owner didn't file ITR: ITAT: [Samir Trikambhai Patel v. ITO [2018] 96 taxmann.com 291 (Ahmedabad - Trib.)]
 15. Brand promotion by 'Shilpa Shetty' not an international transaction in absence of prerequisite agreement: [Shilpa Shetty v. ACIT [2018] 96 taxmann.com 443 (Mumbai - Trib.)]
 16. Compensation received by 'Jackie Shroff' for withdrawing criminal case was capital receipt and not taxable: [ACIT v. Jackie Shroff - [2018] 97 taxmann.com 277 (Mumbai - Trib.)]
 17. Reopening of cases of Rahul Gandhi and Sonia Gandhi is valid as they failed to disclose shares allotted in excess of FMV: HC: [Sonia Gandhi v. ACIT [2018] 97 taxmann.com 150 (Delhi)]
 18. ITAT grants stay of demand for non-deduction of tax by 'Uber' from payment made to drivers: [Uber India Systems (P.) Ltd. v. JCIT [2018] 98 taxmann.com 199 (Mumbai - Trib.)]
 19. Excess share premium not taxable in hands of closely held co. if its shareholders are relatives: ITAT: [Vaani Estates (P.) Ltd. v. ITO [2018] 98 taxmann.com 92 (Chennai - Trib.)]
 20. No concealment penalty if assessee has bonafide belief that notional income isn't taxable: ITAT: [DCIT v. Shah Rukh Khan [2018] 93 taxmann.com 320 (Mumbai - Trib.)]
 21. Australia has taxing rights under Australia-India DTAA even if there is no provision

- in its domestic law: Australian Court: [Satyam Computer Services Ltd. (Now Tech Mahindra Limited) v. Commissioner of Taxation [2018] 98 taxmann.com 358 (FC-Australia)]
22. Madras HC quashes proceedings initiated under Black Money Act against Chidambaram family: [Srinidhi Karti Chidambaram v. PCIT [2018] 99 taxmann.com 181 (Madras)]
 23. Sum received by Sushmita Sen as compensation for being sexually harassed not taxable: [Sushmita Sen v. ACIT [2018] 99 taxmann.com 252 (Mumbai - Trib.)]
 24. Payment of advance salary to defeat the purpose of demonetisation won't come under the purview of Benami transaction: [G. Bahadur v. ACIT [2018] 100 taxmann.com 179 (PBPTA – AT)]
 25. Priyanka Chopra shall pay tax on car gifted to her by 'Toyota' for brand promotion: Mumbai ITAT: [Priyanka Chopra v. DCIT [2018] 89 taxmann.com 286 (Mumbai - Trib.)]

HUMAN RIGHTS LAW AND PRACTICE

Prelude to the Course:

The objective of this subject is to lay the foundation of Human Rights law and acquaint the students with basic documents of human rights. The course caters to provide with all the basic connotations needed for the development of human rights jurisprudence in India.

COURSE OBJECTIVES:

The course has the following objectives:

1. Provide an overview of the historical development of human rights.
2. Explore the various documents on human rights.
3. Enumerate the Indian perspectives on human rights.
4. Evaluate the protection of vulnerable groups.
5. Discuss the modern trends in human rights.

COURSE OUTCOMES:

the students shall be able to:

1. Understand the meaning and historical development of human rights.
2. Classify relevant documents on human rights.
3. Interpret legal provisions on human rights under Indian laws.
4. Examine the effective implementation of human rights of vulnerable groups.
5. Appraisal of contemporary issues on human rights

Unit – I

Credit 6

Introduction to Human Rights Law

(Hours 60)

- A. Origin and Development of Human Rights
- B. Meaning of Human Rights
- C. Evolution of the Concept of Human Rights: First Generation, Second Generation and Third Generation

Unit – II

Relevant Documents on Human Rights

- A. Universal Declaration of Human Rights (1948)
- B. International Covenant on Civil and Political Rights, 1966

C. International Covenant Economic, Social and Cultural Rights, 1966

Unit – III

Human Rights in India

- A. Indian Constitution and Human Rights
- B. Judicial activism & Protection of Human Rights in India
- C. The Protection of Human Rights Act, 1992

Unit – IV

Human Rights and Vulnerable Groups

- A. Rights of Women and Children
- B. Rights of Disabled, Tribal, Aged and Minorities

Unit –V

Contemporary Issues and Human Rights

- Human Rights and the Third Gender
- Human Rights of Homosexuals, Bisexuals and Lesbians
- War against Terrorism and Human Rights

Suggested Readings:

Sl. No.	Name of the Textbooks	Year of Publication
TEXT BOOKS		
1.	Kapoor, S. K., <i>Human Rights</i> , Central Law Publications	2010
2.	Agarwal, H. O., <i>Public International Law & Human Rights</i> , Central Law Agency	2010
REFERENCE BOOKS		
3.	Baxi, U., <i>Human Rights</i> , Allahabad Law Agency	2010

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Statutes are framed by the legislature with the help of legal experts in very clear and express terms and it is perceived that there would be no room for their interpretation. It is, however, found that the Courts are busy unfolding the meaning of the terms and provisions of the statutes. Therefore, the duty of the judges is to interpret the statutes, so that their provisions would become meaningful and devoid of lacunas. Generally, the statutes are designed to meet and solve the problems of society. Different statutes are passed by the legislature dealing with different aspects of society. Therefore, this paper aims to make the students understand how these statutes are interpreted by the Courts. This paper aims to provide the students with exposure to different rules of interpretation. The paper also offers an understanding of the principles of legislation in law-making.

COURSE OBJECTIVES

This course has the following objectives

1. To interpret legal words as used in enacted laws
2. To know about the rules of Interpretation of statute
3. To make the capacity of students for understanding the application of Interpretation in the code of law
4. The aim of this course is to enhance the capability of students for the application of the provisions of the Interpretation.

COURSE OUTCOMES

The students shall be able to;

1. Understand the real thing of interpretation
2. Apply the principles of interpretation in the courts
3. Understanding the capacity of the students will increase for the real application of the law
4. Practically understand the construction of various statute

COURSE OUTLINE

Unit – I Introduction

**Credit 6
(Hours 60)**

- A. Meaning of Interpretation
- B. Need for Interpretation
- C. Understanding Statutes: Its Commencement, Operation, Repeal and Revivaletc.

Unit – II

Rules of Statutory Interpretation

- A. **Primary Rules:** Literal (Grammatical) Rule of Construction-Golden Rule of Construction-Mischief Rule (Heydon's Rule) of Construction-Harmonious Rule of Construction.
- B. **Secondary Rule:** Construction *Expositio*-Construction in *Bonam Partem- Noscitur a Sociis-Expressio Unius* Rule-*Ejusdem Generis* Rule-*Redendo Singula Singulis*

Unit – III

Aides to Construction

- A. **Internal (Intrinsic) Aides:** Title, Preamble, Heading, Marginal Notes, Schedule, Interpretation Clauses, Illustration, Explanation and Proviso.
- B. **External (Extrinsic) Aides:** Historical Setting-History Parliamentary Legislation-International Convention-Reference to Legislation-Objects and Reason of the Act-Dictionaries-Text Books.

Unit – IV

Construction of Different Statutes

- A. Penal Statute
- B. Taxing Statute
- C. Constitution
 - Harmonious Construction
 - Pith and Substance
 - Eclipse
 - Severability
 - Colourable legislation

Unit – V

Principles of Legislation and Presumption in Statutory Interpretation

- A. **Law Making:** Legislature, Executive and Judiciary-Process of Law Making-Relevancy of Each Steps-Draft-Bill-Act-Assent
- B. **Principle of Utility:** Presumption as to Validity and Territorial Operation-Presumption as to Operation of Statutes (Prospective & Retrospective)-Presumption Regarding Court's Jurisdiction

Suggested Readings

1. Amita Dhanda: N S Bindra's Interpretation of Statutes, LexisNexis India, Gurgaon.
2. Avtar Singh & Harpreet Kaur: Introduction to Interpretation of Statutes, LexisNexisIndia, Gurgaon.
3. Justice G P Singh (Revised by Justice A. K. Patnaik): Principles of Statutory Interpretation (Also including the General Clauses Act, 1897), LexisNexis India, Gurgaon.

4. P. St. J. Langan: Maxwell on the Interpretation of Statutes, LexisNexis India, Gurgaon.
5. N. S. Bindra: Interpretation of Statutes LexisNexis India, Gurgaon.
6. P. M. Bakshi: Statutory Interpretation of Statutes, Orient Publishing Company, Orient Publishing Company.
7. P. S. Narayan: Statutory Interpretation, Asia Law House, Asia Law House, Hyderabad.
8. M. P. Tandon: Interpretation of Statutes & Legislation, Allahabad Law Agency, Allahabad.
9. Bawa & Roy: Interpretation of Statues, Allahabad Law Agency, Allahabad.
10. A. B. Kafaltiya: Interpretation of Statues, Universal Law Publishing Co Pvt. Ltd., New Delhi

HONOURS PAPER
(CONSTITUTIONAL LAW GROUP)

INDIAN FEDERALISM

COURSE OBJECTIVE

This course has the following objectives

1. To teach the students about the fundamental principles of federalism
2. To inculcate the learning system of federalism
3. To develop comparative skills about the federalism
4. To provide knowledge about the types of federalism

COURSE OUTCOMES

The students shall be able to:

1. Understand the concept and definition of federalism
2. Know the provision regarding federalism in different countries
3. Analyse the confederation and cooperative federalism
4. Critically apply and compare the federal and unitary systems of government

COURSE OUTLINE

UNIT – I
Federalism

Credit 4
(Hours 40)

- A. Definition and characteristics of federalism
- B. Backgrounds of federal principles under the Indian Constitution
- C. Advantage & Disadvantage
- D. Advantages and disadvantages of the Federal Constitution
- E. Advantages and disadvantages of the Unitary Constitution

UNIT – II

Modification of the strict federal principle under the Indian Constitution

- A. Governor's role
- B. Centre's powers over the State Emergency
- C. Jammu and Kashmir Special status

UNIT – III

Comparative Study on Federalism in

- A. India
- B. U.K. and
- C. USA

UNIT – IV
Centre-state Relations

- A. Legislative Relation
- B. Administrative Relation
- C. Financial Relation

UNIT – V
Types of Federalism

- A. Confederation
- B. Co-operative Federalism

Recommended Readings:

M.P.Jain Indian Constitutional Law, Wadhwa

D.D. Basu, Comparative Federalism

Hamid Hussain, Indian Federalism Emerging Trends

LOCAL SELF-GOVERNMENT

Prelude to the Course:

The course aims to provide insight into the law governing local self-government in India. It given an insight into the development of self-governing institutions and their impact on the governance of Indian Federalism.

COURSE OBJECTIVES:

This course has the following objectives:

1. To know a basic understanding of local government and authorities
2. To Give an insight into the development of self-governing institutions in India.
3. To Provide the constitutional scheme of self-governance in India.
4. To Enumerates the functions of various self-governing institutions in India.

COURSE OUTCOMES:

The students will be able to:

1. Understand the development of Local Self Government in India.
2. Critically analyse the working of self-governing institutions in India.
3. Explore the recent trends in Local Self Government in India.
4. Recognize the provisions under the constitution regarding local government.

UNIT – I Introduction

**Credit 4
(Hours 40)**

- A. Meaning and Genesis of Democratic Decentralization
- B. History, Growth and Development of Panchayati Raj in India- Lord Rippon's Resolution, Royal Commission, Balwant Rai Mehta Committee Report, Ashok Mehta Committee Report
- C. 73rd& 74th Amendment
- D. Gram Swaraj: Gandhian Concept
- E. Community Development Programme
- F. Administrative Framework

UNIT – II Constitutional Scheme

- A. Federalism in India and Local Self Government
- B. Directive Principles of State Policy - Art. 40

- C. Schedules XI and XII of the Constitution
- D. Second Administrative Reforms Commission
- E. Sarkaria Commission, Punchi Commission and Local Governments

UNIT –III

Gram Sabha

- A. Gram Sabha: Meaning, importance, functions, meetings, Social Audit, Nyaya Panchayat
- B. Gram Panchayat: Introduction, Composition, functions, Sarpanch, Powers and functions of Sarpanch
- C. Taluk/Block Panchayat: Introduction, Composition, Functions, Chairman: Powers and Functions
- D. Zilla Panchayat-Introduction, Composition, Functions
- E. Financial Administration: Devolution of Financial Powers, Composition of State Finance Commission
- F. State Control over PRIs

UNIT – IV

Urban Government

- A. Municipal Corporation: Organization and functions; Municipal Council; Mayor: Functions and Powers; committee-wards committees, district planning committee, Metropolitan planning Committee; Municipal Commissioner- appointment, tenure, powers and functions
- B. Cantonment Boards
- C. Special Purpose Urban Development Agencies
- D. Municipal Finance
- E. State Control and Supervision

UNIT – V

Modern Dimensions

- A. Planning for Rural Development: Planning machinery at the National and State Levels
- B. Role of Panchayat Raj Institutions in Planning
- C. Panchayati Raj and Rural Development
- D. Panchayats and NGO's
- E. Panchayati Raj in Tribal Sub-plan Areas
- F. Right to Information and Panchayati Raj
- G. Women Empowerment and Panchayati Raj Institutions
- H. Reservation and Local Governments
- I. Finance Commission & Issues in Local Finance

Sl. No.	Name of the Textbooks	Year of Publication
1.	Myeni, S. R. <i>Local Self Government</i> , Allahabad Law Agency	2019
2.	Sharma, M.P. <i>Local Self Government in India</i> , M. M. Publishers	2019
3.	Smith, J. <i>Local Self Government & Centralization</i> , J Chapman	2015

CRIMINAL LAW GROUP

(CRIMINOLOGY)

INTRODUCTION TO THE COURSE

The classical theorists believe in the concept of free will when explaining crime. If the rewards for being a criminal are greater than the retribution it would bring then criminal behaviour seems more likely. This theory would predict that extreme punishments such as flogging or death would deter people from all crimes.

Cesare Beccaria in the 18th century successfully argued that the punishment should fit the crime. Excessive punishments could be counterproductive as a criminal would reason that if they were to be hung for stealing a sheep they might as well commit more serious offences such as murder and robbery. Jeremy Bentham, the British philosopher of the early eighteenth century, justified punishment in terms of its being able to prevent further crime rather than encouraging it. Why would Bentham, if he were alive today, argue that the Bulger killers should not go to an adult prison?

Classical theory was prominent in the late 18th and 19th Centuries but positivist theories then became popular instead. Since the 1970s there has been a resurgence of interest in the classical theory of crime, with many people calling for harsher punishments.

Positivist theories have been criticised for failing to discover the causes of crime and to develop effective strategies for controlling crime. Positivist theories discount the role of free will; instead, it takes into account factors such as genetic transmission, personality, learning and moral development. The sociological perspective is also taken into account. Emphasis is placed on anomie (a lack of moral standards in society) and strain resulting from poverty imposed by a rigid class structure. Strategies to reduce crime would involve treatment at an individual level or intervention at a social level.

THE FREUDIAN APPROACH:

The central concept of psychoanalysis, and the one that Freud first put forth, is the unconscious. The concept had been around before Freud, but he was the one that made the most out of it, arguing that traumatic experiences in early childhood left their mark on the individual despite the fact that the individual was not aware of these experiences. The idea of unconscious determination of behavior flew headfirst against the idea of free will, and was quickly jumped on by positivistic criminology.

The next most important idea is conflict, and Freud postulated the existence of a three-part personality (an idea going back to Plato) consisting of id, ego, and superego which operated in constant conflict with one another (primarily between the id and superego) producing the basic problem of guilt which required the use of one or more defense mechanisms. The idea of personality conflict as a cause of crime became quite popular among both scientists and the general public.

This course provides an overview of how and why societies punish wrongdoers, and how punishments vary with historical contexts. First, we examine social theories of punishment,

reading and interpreting original philosophical texts about why and how governments and societies punish wrongdoers generally. Second, we examine criminological theories of punishment, evaluating justifications for the punishment of individual wrongdoers. Students analyze a variety of sources, including historical, philosophical and criminological accounts of punishment. We will use theories of punishment to interpret recent legal decisions and debate current punishment policies.

COURSE OBJECTIVE

This course has the following objectives:

1. To explain the basic social and individual justifications for punishment
2. To discuss the relationship between theories of punishment and historical context
3. To evaluate the relevance of theories of punishment to current penal policy
4. To provide detailed knowledge about crime in relate to various groups

COURSE OUTCOMES

The students shall be able to:

1. Understand the relationship between theories of punishment and historical context.
2. Analyze and evaluate the relevance of theories of punishment to current penal policy.
3. Become familiar with basic criminal laws and criminal justice processes in the country.
4. Evaluate the reasons behind the crime and the significance of Penology in the present society and theories of the punishments and its application in the criminal justice system.

COURSE OUTLINE

Unit –I	Credit 6
General principles on criminal law	(Hours 40)

- A. Nature, Definition and elements of crime
- B. General Principles of Criminal Liability

Unit – II
Criminological Theories

- A. Pre classical, Classical, Neo-classical Thoughts Currents
- B. Positive Theories

- C. Psychological Theories
- D. Sociological Theories
- E. Radical Theories
- F. Sociological theory of crime

Unit – III

A. Crime and Justice

- B. Restorative Justice
- C. Theories of Punishment
- D. Victimology
- E. Plea Bargaining
- F. Sentencing Policy in India
- G. Prison Reforms
- H. Alternatives to Punishment

Unit – IV

Crime against vulnerable groups

- A. Domestic Violence
- B. Juvenile Justice

Unit –V

Socio-Economic and Organized Crime

- White Collar Crimes Main characteristics
- Socio-economic Crimes: Origin and Development
- Socio-Economic Laws in India:
- Narcotic Drugs and Psychotropic Substances Act, 1985
- Prevention of Corruption Act, 1988
- Anti-terrorism laws

Suggested Readings*

BOOKS

- 1. Andrew Ashworth, Principles of Criminal Law (2009).**
- 2. Baker Denis J., Glanville Williams, Text Book of Criminal Law (2012).**
- 3. Jerome Hall, General Principles of Criminal Law (1960).**
- 4. K.N.C. Pillai, General Principles of Criminal Law (2005).**
- 5. R.C. Nigam, I Law of Crimes in India (1965).**
- 6. Smith & Hogan's Criminal Law (2011)**
- 7. V.B. Raju, Commentary on Indian Penal Code, 1860 (1982).**
- 8. N.V. Paranjape, Criminology and Penology (2010).**

(PENOLOGY & VICTIMOLOGY)

Prelude to the Course:

The course aims to provide an overview of the various forms of punishment and the sanctioning mechanisms across cultures. The course also projects on the development of Victimological jurisprudence in various jurisdictions as well.

COURSE OBJECTIVES:

This course has the following objectives:

1. Give an overview of the concept and rationale behind punishment.
2. Conceptualize capital punishment and its nuances across countries.
3. Enumerate sentencing and discuss the need for sentencing guidelines.
4. Enunciate the Victimological jurisprudence and its need in India.
5. Discuss the treatment to the victims of crime.

COURSE OUTCOMES:

The students will be able to:

1. Understand the basics and rationale of punishment.
2. Discourse the law and efficacy of capital punishment in the Indian context.
3. Interpret the sentencing policies of India, the U.K. and the U.S.A.
4. Examine the typologies and theories of victimization.
5. Evaluate the procedure for the proper treatment of victims.

Unit – I Introduction to Penology

**Credit 4
(Hours 40)**

- A. Meaning, Definition and Objectives of Penology
- B. Punishment – Meaning, Objectives and Rationale
- C. Theories and Kinds of Punishment under the Indian Penal Code, 1860
- D. Corporeal & Other forms of Punishment
- E. Law relating to Probation, Parole and Furlough

Unit – II Capital Punishment

- A. Conceptualising Capital Punishment
- B. Effect of Death Penalty: Deterrent and Retributive
- C. Death Penalty across Cultures – U.S., U.K. and India

- D. Arguments For & Against Capital Punishment
- E. Safeguards against Miscarriage of Justice
- F. Aggravating & Mitigating Circumstances
- G. Postulates of the Rarest of Rare Doctrine

Unit – III Sentencing Policy

- Meaning of Sentences and Sentencing
- Factors to be considered while awarding any sentence
- Comparative Analysis of the Sentencing Policies of U.S. and India

Unit – IV Victimology

- A. Conceptualising Victimology – Meaning and Theories of Victimology
- B. Meaning and Types of Victims and Impact of Victimization
- C. Victim Offender Relationship
- D. Concept of Restorative Justice
- E. International Perspectives of Victim’s Rights: United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985

Unit – V Treatment to Victims

- A. Specific Victimization: Children, Women, Prisoners, SC/ST, Restitution, Compensation and Assistance to Victims in U.S.A, U.K. and India
- B. Victim’s Right to Compensation under the Indian Criminal Justice System
- C. Victim Welfare Schemes and Programmes

Suggested Readings:

Sl. No.	Name of the Textbooks	Year of Publication
TEXT BOOKS		
1.	Sutherland, E. H., <i>Criminology</i> , Eastern Book Company	2009
2.	Siddique, A., <i>Criminology and Penology</i> , Allahabad Law Agency	2009
REFERENCE BOOKS		
3.	Maguire & Morgan, <i>Crime, Criminology & Criminal Justice Administration</i> , Oxford University Press	2009
4.	Sverdlik, S. <i>Punishment and Reform</i>	2011

INTELLECTUAL PROPERTY RIGHTS GROUP

COPYRIGHTS AND TRADITIONAL CULTURAL EXPRESSION

COURSE OBJECTIVES

This course has the following objectives;

1. To develop proper understanding of the student with the basic concept of Copyrights, related rights and traditional Cultural Expressions.
2. To make aware with the international and national treaties and laws dealing with them.
3. To develop critical understanding of the subject matters.
4. To make them understand when infringement takes place and what is remedies and defenses available in case of infringement.

COURSE OUTCOMES

The students shall be able to:

1. Understand the concept of copyrights and folklore.
2. Analyse the authorship and ownership under copyrights
3. Develops procedural knowledge to Legal System and solving the problem relating to copyrights
4. Skill to understand the concept of Traditional Cultural Expressions (TCEs) or Expressions of Folklore.

COURSE OUTLINE

Unit –I

Copyright: Introduction

**Credit 4
(Hours 40)**

- A. Historical evolution of the law
- B. Meaning of copyright
- C. Subject Matter of Copyright
- D. International Conventions and Treaties dealing with Copy rights and related rights
- E. Historical development of copyright law in India

Unit –II

Scope, Authorship and Ownership etc. of Copyright

- A. Literary, dramatic and musical works
- B. Sound records and cinematograph films

- C. Copyright in digital Environment
- D. Authorship and ownership
- E. Exceptions and limitations
- F. Assignment of copyright
- G. Transfer and Duration of copyright

Unit – III

Neighbouring rights, Copyright Management

- A. Subject Matters of the rights
- B. Duration
- C. Exceptions and limitations
- D. Copyright Management Society

Unit –IV

Infringement, remedies and defenses

- A. Criteria of infringement
- B. Importation and infringement
- C. Remedies- injunctive relief in India.
- D. Defenses in case of infringement

Unit –V

Traditional Cultural Expressions (TCEs) or Expressions of Folklore

- A. Meaning and its characteristics
- B. Challenges in its protection through classical intellectual property laws
- C. Historical development for protection of TCEs
- D. Options for protection of TCEs
- E. Reasons for Sui generis protection of TCEs
- F. WIPO/ UNESCO model law on sui generis protection of TCEs

LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATIONS

COURSE OBJECTIVES:

This course has the following objectives;

1. Develop a proper understanding of the student with the basic concept of Trade Marks and Geographical Indications
2. Make aware of the international and national treaties and laws dealing with them.
3. Develop a critical understanding of the subject matter.
4. Make students understand when infringement takes place and what are remedies and defenses available in case of infringement.

COURSE OUTLINE

Unit –I

Credit 4

Meaning, kinds and evolution of Trademarks Law (Hours 40)

- A. Historical evolution of Trademarks law
- B. International treaties and convention dealing with Trademarks law
- C. Basis and need for protection of the Trademarks
- D. Meaning and essential characteristics of a of Trademarks
- E. Well known Trademarks, Collective Marks, Certifications Mark, Property marks and Associated Marks
- F. Distinctions between Trademarks and Doman name

Unit – II

Conditions for Registration and procedure for registration of Trademarks

- A. Criteria for registration
- B. Absolute grounds for refusal for registration of a trade marks
- C. Relative grounds for refusal of registration of a trademarks
- D. Procedure for registration
- E. Duration and renewal
- F. International Registration of trademarks under Madrid protocol

Unit –III

Effect of Registration of a Trademarks and Infringement and Remedies

- A. Effects of Registration of a Trademarks
- B. Infringement of trademark
- C. Passing off remedy

Unit –IV

Geographical Indications; Meaning and Historical Evolution of law

- A. Historical evolution of GIs protection law at international level
- B. Need for protection
- C. Meaning and Characteristic
- D. GIs and Appellate of Origin

Unit –V

Conditions, procedure, and effect of registration of GIs

- A. Main features of The Geographical Indication of Goods Act,1999
- B. Conditions for registrations of GIs
- C. Procedure for registration of GIs
- D. Effect of registration of a GIs
- E. Infringements of GIs and remedy of passing off

Text Books and Reference Material

1. KC Kailasam and Ramu Vedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis,2013.
2. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search for Identity, Lexis Nexis, 2005
3. Office of the Controller General of Patents, Designs & Trade (CGPDTM) : Revised Draft Manual of Trademarks Practice and Procedure
4. <https://www.icsi.edu/media/webmodules/publications/9.4%20Intellectual%20Property%20Rights.pdf>

(CORPORATE LAW GROUP)

CORPORATE GOVERNANCE

COURSE OBJECTIVES

This course has the following objectives:

1. Discuss the Corporate governance is the set of processes, customs and policies.
2. It provides institutions affecting the way a corporation is directed or controlled.
3. To provide the emergence of corporate social responsibility affecting all the stakeholders seeks to make corporations socially responsible.
4. To providing basic idea about corporate governance and its implications on society and legal system.

COURSE OUTCOME

The students shall be able to:

1. Understanding of Corporate Governance from a managerial as well as legal point of view.
2. Learn the importance of good governance which is an important tool to achieve shareholder democracy.
3. Enumerate the importance of the responsibilities of a corporation towards society.
4. Critically apply the knowledge of corporate law in the court proceedings.

Unit – I

Credit 4

Introduction to Corporate Governance

(Hours 40)

- A. Meaning, need, Origin, History and objectives of corporate governance
- B. Importance of corporate governance
- C. Principles of Corporate Governance
- D. Globalization and Corporate Governance
- E. Reports of the various Committees on Corporate Governance-
 - Corporate governance in India: Reforming BOD-Birla Committee- Naresh Chandra Committee- Narayana Murthy Committee- Audit Committee-Corporate Governance Code.
 - Comparing the recommendations of various committees
 - Criticisms on the recommendation of committees
- F. Does corporate governance really matter?
- G. Protection of minority shareholder
- H. Theory of Corporate Governance with Stakeholder theory
- I. Shareholder Democracy as per New Companies Act,2013
- J. Corporate Governance in family business
- K. Corporate governance in state-owned business- the MOU System

Unit –II

Corporate Governance Mechanism

- A. The procedural aspects of Corporate Governance- Clause 49 of Listing Agreement
- B. Reason behind shareholder being the real owner and the voting rights
- C. Various facets of agency problem
- D. Study on the Sarbanes- Oxley Act
- E. Corporate governance and the Indian banking system
- F. **Corporate Ethics:** Concept and Importance, benefits of corporate ethics, corporate philosophy and culture, managing ethics and legal compliance –case analysis.
- G. **The Legal and regulatory Setting:** Company Law, SEBI Regulations, FEMA – Banking and Capital Market Regulations, Takeover Code and Corporate Governance Issues. Tools for ensuring Corporate Governance: Cost Audit Methodology and Corporate Governance, Statutory Audit for Governance, An introduction to e-governance and XBRL.

Unit –III

Board of Directors

- A. Director as agents of a company- legal provisions-comparison with the new Act, 2013- increased responsibilities
- B. Kinds of directors
- C. Concept of independence in corporations and independent directors
- D. Non-executive directors
- E. Relevance of risk management by directors and the extent of its effectiveness
- F. Role of directors- comparison with other countries
- G. Corporate criminal liability (Analysis of various Scams)
- H. Analysis of Whistle Blower Policy of various companies in contemporary society- the success stories and the failures
- I. The need for transparency in the affairs of the company and its limitations.
- J. Corporate Governance Practices/Codes in India
- K. Clause 49 of the Listing Agreement

Unit –IV

Auditors and other Disclosures

- A. Importance of an Audit Committee
- B. Accountability and responsibility of the authorities
- C. Legal Framework Under Companies Act, 2013
- D. Ethics and Values for an Auditor
- E. Role of an auditor in strengthening the business of a company
- F. The Companies (Auditor's Report) Order, 2015, Ministry of Corporate Affairs
- G. Analysis of Satyam Scam: An Eye-opener
- H. Need for transparency in the affairs of a company

Unit –V
CORPORATE SOCIAL RESPONSIBILITY

- A. Need and New Developments.
- B. Strategies to create Business and Social Values
- C. Innovative ideas under New Companies Act, 2013.
- D. CSR to CNR (Corporate Nature Responsibility)
- E. Recent relief Activities by corporations in the aftermath of Hud Hud cyclone, Nepal Earthquake,etc
- F. Analysis of CSR reports of random popular corporations.
- G. CSR is criticized as a distraction from the objectives of a corporation
- H. Achievement of Good governance by way of providing training to the employees- limitations
- I. The possibility of the effective implementation of the new improved and innovative tools for corporate democracy in Indian society.
- J. Corporate crimes-company and society relations corporate social challenges- corporate accountability –business and ecology-cases analysis.
- K. Whistle-blowing policy

Note: 1. Corporate Governance and post Enron scam- Worldtel, Enron, Arthur Enderson etc.
2. Corporate Governance and scam from the Indian perspective- Harsed Mehta, Satyam, Fiasco etc.

Text Books and Reference Books:

- 1. Richard Smerdon, A Practical Guide to Corporate Governance, Sweet & Maxwell
- 2. N. Bala Subramaniam, Corporate Governance, and Stewardship- Emerging Role and Responsibilities of Corporate Boards and Directors, 2010, Tata Mc Graw Hill Education Pvt Ltd
- 3. Sami Parthasarathy, Corporate Governance, Principles, Mechanisms, and Practice
- 4. Mark Cardale, A Practical Guide to Corporate Governance, 5th edn 2014, Sweet & Maxwell, Thomson Reuters UK Ltd
- 5. Dr. N.V.Paranjape, Company Law, 5th edn 2012, Central Law Agency, Allahabad
- 6. Dimple Grover, Amulya Khurana, Ravi Shankar, the Regulatory Norms of Corporate Governance in India.
- 7. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
- 8. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
- 9. Sanjay Anand, Essentials of Corporate Governance
- 10. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
- 11. The Institute of Directors, Hanbook of International Corporate Governance
- 12. Christine Mallin, International Corporate Governance- A case Study approach
- 13. Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGOs.
- 14. Frank B. And Robert A., Law and corporate governance, Elgar financial law series

15. Edited by Alberto Chong, Florencio Silanes, Investor protection and corporate governance, Stanford University Press.
16. Jayati Sarkar, Subrata Sarkar, Corporate governance in India, Sage Publications.

Essential Reading / Recommended Reading

1. Renu Jatanas, Crowther, David, Corporate Socusl Responsibility, Deep and Deep Publication, Delhi, 2007
2. Chatterji, Mdhumita, Corporate Social Responsibility, Oxford Publications, Delhi, 2011
3. Sehgal, B.P.Singh, Emerging Trends in Corporate Governance: Legal Issues and Chanllenges in India, Satyam Law International, New Delhi, 2015

LAW OF CORPORATE FINANCE

INTRODUCTION

Corporate Finance is concerned with the financing and investment decisions made by the management of companies in pursuit of corporate goals. This subject is concerned to the study of how the companies actually make financing and investment decisions, and it's is often the case that theory and practice disagree. In Corporate Finance, the fundamental goal is usually taken to be to increase the wealth of shareholders. Corporate finance gives an understanding of the reasons why shareholder wealth maximization is the primary financial objective of a company, rather than other objectives a company may consider.

COURSE OBJECTIVES

This course has the following objectives

1. To study the acquisition and allocation of corporate funds or resources with maximizing shareholders' wealth.
2. To provide the financial management of a corporation, funds are generated from various sources and allocated or invested for desired assets.
3. To discuss the primary function of corporate finance is resource acquisition, which refers to the generation of funds from both internal and external sources at the lowest possible cost to the corporation.
4. This course provides function of corporate finance is resource allocation and investment of funds with the intent of increasing shareholders' wealth over a period of time.

COURSE OUTCOMES

The students shall be able to:

1. Understand the basic concept and scope of corporate finance.
2. Know the provisions related to corporate finance under constitutional law.
3. Analyse the key concept of Share Capital and non-opting equity shares.
4. Apply critically the provision of company law and constitutional law in the proceeding before the court of law.

Unit – I Introduction

**Credit 4
(Hours 40)**

- A. Meaning, Importance, and Scope of Corporate Finance.
- B. Capital Needs.
 - Working Capital, Securities, Borrowings, Debentures
- C. Objectives of Corporate Finance
 - Profit Maximization and Wealth Maximization
- D. Constitutional Perspective - The Entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; Entry 24 of List 11 - State List.

Unit – II

Equity and Debt Finance

- A. Prospectus - Information Disclosure
- B. Share Capital - Issue, Allotment, Shares without Monetary Consideration, Non-Opting Equity Shares, and EPOS
- C. Debentures - Nature, Issue and Classification of Debenture and Debenture Bond
- D. Deposits and Acceptance
- E. Creation of Charges, Fixed and Floating Charges, and Mortgages
- F. Classification of Company Securities
- G. Inter-corporate Loans
- H. Role of Court to Protect Interests of Creditors and Shareholders, Class Action Suits, Derivative Actions

Unit – III

Conservation of Corporate Finance and Corporate Fund Raising

- A. Regulation by Disclosure
- B. Control on Payment of Dividends
- C. Managerial Remuneration
- D. Protection of Creditors, Investors and its Need
- E. Preference in Payment
- F. Right of Individual Share Holder, Corporate Membership and Qualified Members
- G. Depositories - IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR (Global Depository Receipts)

Unit – IV

Administrative Regulation on Corporate Finance

- A. Inspection of Accounts
- B. Central Government Control
- C. Control by Registrar of Companies
- D. RBI Control
- E. Statutory Control:
 - The SEBI Act, 1992
 - The Security Contract (Regulation) Act, 1956
 - The Depositories Act, 1996
 - The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
 - The Prevention of Money Laundering Act, 2002
 - The Foreign Trade (Development & Regulation) Act, 1992
- F. Control & Regulation of Foreign Companies in India: Specific reference to foreign collaborations, joint ventures & foreign direct investment

Unit – V

Corporate Fund Raising from Outside India

- A. Automatic Route of Investment
- B. Foreign Investment Facilitation Portal
- C. Angel Investment
- D. Venture Capital
- E. Private Equity
- F. Hedge Funds
- G. Compliances
 - RBI/FEMA – FEMA 20 and FEMA 24 (Amended)
 - SEBI – SEBI (Alternative Investment Fund) Regulation, 2012

Suggested readings

1. Alastair Hundson: The Law on Financial Derivatives (1998), Sweet & Maxwell.
2. Ell's Ferran, Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham: Fair Shares: The Future of Shareholder Power and Responsibility (1999), Oxford.
4. Ramaiya A.: Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen: Ford's Principle of Corporations Law (1999) Butterworths.
6. J.H. Farrar and B.M. Hanniyan: Farrar's Company Law (1998) Butterworths.
7. Austen, R.P.: The Law of Public Company Finance (1986) LBC.
8. R.M. Goode: Legal Problems of Credit and Security (1988) Sweet and Maxwell.
9. Altman and Subrahmanyam: Recent Advances in Corporate Finance (1985) LBC.
10. Gilbert Harold: Corporation Finance (2nd rev. ed. 1956).
11. Henry E. Hoagland: Corporation Finance (3rd ed. 1947) Maryin M. Kristein: Corporate Finance (2nd ed. 1975) R.C. Osbom: Corporation Finance (1959).
12. S.C. Kuchhal: Corporation Finance: Principles and Problems (6th ed. 1966).
13. V.G. Kulkarni: Corporate Finance (1961).
14. V.D. Kulshreshta: Government Regulation of Financial Management of Private Corporate Sector in India (1986).
15. Journals – Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems.
16. Statutory Materials – Companies Act and Law relating SEBI, Depositories, Industrial Financing and Information Technology.

Note: Student is expected to collect latest information from journals and e-sources.