



SHRI VAISHNAV VIDYAPEETH VISHWAVIDYALAYA, INDORE

LL.M. (Business Law) CBCS

Semester-II

Name of Program: LL.M. (Business Law)

Subject Code	Category	Subject Name	TEACHING & EVALUATION SCHEME								
			THEORY			PRACTICAL		L	T	P	C
			End Sem University Exam	Two Term Exams	Teacher Assessment*	End Sem University Exam	Teacher Assessment*				
LLMBL 203	DC	Banking and Insurance Laws	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

*Teacher Assessment shall be based on the components like: Quiz / Assignment / Project / Participation in Class. No component shall exceed 10 marks.

Objectives of the course: After studying this paper the students will know-

1. Types and Functions of Banking Organizations.
2. Opportunities in technology banking.
3. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000
4. Apportionment of compensation and liability

Syllabus:

Unit I:

Evolution, Concept and Principles, Types and Functions of Banking Organizations, Regulation and Management of Banks: Central Banks and their functions, Negotiable Instruments: Cheques: Payment of Customers cheques, Collection of Cheques etc.

Unit II:

Changing Relationship, Banker and Customer, Bankers as Borrowers: Loans, Securities and Guarantees, Consumer Protection

Unit III:


Technology, Banking: Opportunities and Challenges, Internet Banking, Mobile Banking, Banking Institutions and Subsidiary Services

Unit IV:

Indian Insurance Law: History and development, The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000, Types of Insurance Contracts, Marine Insurance

Unit V:

The Fatal Accidents Act, 1855, Objects and reasons, Assessment of compensation, Contributory negligence, Apportionment of compensation and liability, The Personal Injuries (Compensation insurance) Act 1963, Compensation payable under the Act, Compensation insurance scheme under the Act-Compulsory insurance


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Suggested Readings:

1. Basu, A. *Review of Current Banking Theory and Practise* (1998) Mac milian
2. Ross Cranston, *Principles of Banking Law* (1997) Oxford.
3. LC. Goyle, *The Law of Banking and Bankers* (1995) Eastern
4. M.L Tannan, *Tarman's Banking Law and Practice in India* (1997) India Law House, New Delhi, 2volumes
5. KC. Shekhar, *Banking Theory and Practice* (1998) UBS Publisher Distributors Ltd. New Delhi.
6. Goodhart, *The Central Bank and the Financial System* (1995): Macmillan, London
7. S. Chapman, *The Rise of Merchant Banking* (1984) Allen Unwin, London
8. K. Subrahmanyam, *Banking Reforms in India* (1997) Tata Maigraw Hill, New Delhi.
9. R.S. Narayana, *The Recovery of Debts due to Banks and Financial Institutions Act, 1993* (51 of 1993), Asia Law House, Hyderabad.
10. Mitra, *The Law Relating to Bankers' Letters of Credit and Allied Laws*, (1998) University Book Agency, Allahabad.
11. R.K Talwar, *-Report of Working Group on Customer Service in Banks*
12. JanakiranlanCrynmittee *Report on Securities Operation of Banks and Financial Institution* (1993)
13. *N3rasimhEii1: Cornmittee report on the Financial System* (1991)- *Second F181}ort* (! 999)
14. John Hanson and ChristopalsHenly, *All Risks Property Insurance* (1999), LLP Asia, Hongkong.
15. Peter Mac Donald Eggers and Patric Foss, *Good Faith and Insurance Contracts* (1998) LLP Asia, Hongkong
16. J.V.N.Jaiswal, *Law of Insurance*, EBC, 2008
17. John Lowry, Philip Rawlings, Robert Merkin, *Insurance Law, Doctrines and Principles*, HartPublishing, 2011
18. Banerjee, *Law of Insurance* (1994), Asia Law House, Hyderabad.
19. Mitra B.C, *Law Relating to Marine Insurance* (1997) Asia Law House, Hyderabad

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LLMBL 204	DC	Cyber Law	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

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Objectives of the course: After studying this paper the students will know-

1. Conceptual and theoretical perspective of cyber law.
2. Jurisdiction Issues in Transnational Crimes
3. Impact of cyber warfare on privacy, identity theft.
4. Social Networking Sites and Human Rights.

Syllabus:

Unit I:

Fundamentals of Cyber Law

Conceptual and theoretical perspective of cyber law, Computer and Web Technology, Development of Cyber Law – National and International Perspective

Unit II:

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

Data Protection, Cyber Security, Legal recognition of Digital Evidence, Recognition of liability in the digital world, Jurisdiction Issues in Transnational Crimes

Unit III:

Cyber Law: International Perspectives

Budapest Convention on Cybercrime, ICANN's core principles and the domain names disputes, Net neutrality and the EU electronic communications regulatory framework, Web Content Accessibility Guidelines (WCAG) 2.0


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Unit IV:

Cyber Law – Contemporary Trends

Impact of cyber warfare on privacy, identity theft, detailed study of International law governing Censorship, online privacy, copyright regulations

Unit V:

Cyber Law – Social networking

Online Intermediaries in the governance of Internet, Social Networking Sites vis-à-vis Human Rights

Suggestive Readings:

1. YatindraSingh : Cyber Laws.
2. Ajit Narayanan and Bennum (ed.) : Law, Computer Science and Artificial Intelligence.
3. Linda Brennan 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 Cyber Marts.
6. Lawrence Lessing : Code and other Laws of cyberspace.
7. Mike Godwin : Cyber Rights Defencing free speech in the Digital Age

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LLMBL 205	DC	Employment Laws	60	20	20	0	0	3	0	0	3

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P-Practical; C-Credit;

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Objectives of the course: After studying this paper the students will know-

1. Challenges and Issues with reference labour management relations in 21st Century.
2. Impact of globalization on labour market-Indian, US, European & Japanese perspectives
3. ILO norms, measures and standards-its relevance in Indian legal system
4. Compensation, Insurance with respect to wrongful dismissal and employment hazards.

Syllabus:

Unit I:

Introduction

Workers Rights as Human Rights-Constitutional edifice and reflections of ILO standards in the Indian legal System, Concept of employment, non-employment, terms of employment and conditions of labor Challenges and Issues with reference labor management relations in 21st Century.

Unit II:

Social Security and Labor Legislations

National (Constitutional and Statutory) and International Perspectives, ILO norms, measures and standards-its relevance in Indian legal system, Employment Contracts and labor management relations-Trends, Issues and Challenges-A critique of comparative contract labor laws (India, US & Europe).

Unit III:

Transnational Trade and Labor

Impact of globalization on labor market-Indian, US, European & Japanese perspectives, ILO vis-à-vis WTO Developing vis-à-vis developed States, Resolution of Labor Management Disputes-Means and Mechanisms.

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Unit IV:

Law and Policies of Protective Discrimination in Employment Laws

Social security safety and welfare at workplace-women, children, and differently-abled, Compensation, Insurance with respect to wrongful dismissal and employment hazards.

Unit V:

Reports of Commissions, Committees.

Suggested Readings:

1. Ravi Singhania-Employment Law in India, CCH Wolters Kluwer
2. Guide to Employment Law-CCH Wolters Kluwer Business
3. Marian Baird, Keith Hancock, Joe Isaac- Work and Employment RelationsAn Era of Change, Routledge Taylor and Francis group
4. Key Cases: Employment Law By Chris Turner Routledge Taylor andFrancis group
5. New Governance and the European Employment Strategy, By SamanthaVelluti, Series: Routledge Research in European Union Law
6. At Work in the Informal Economy of India: A Perspective from the BottomUp Author(s): Jan Breman Oxford University Press
7. Shrivastava-labour laws.
8. OP Malhotra -Labour Management Relations
9. The reports of Commissions, Committee & Research groups and relevantILO conventions

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LLMBL 206	DC	Intellectual Property Rights	60	20	20	0	0	3	0	0	3

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Objectives of the course:

The main objective of the paper is to introduce to the students the concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects. Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR.

Syllabus:

Unit I:

Introduction

Origin and Genesis of IPR, Theories of IPR – Locke's, Hegel and Marxian, Ethical, moral and human rights perspectives of IPR.

Unit II:

Intellectual Property Rights: International Relevance

Internationalization of IP protection – Paris Convention, Berne Convention, TRIPS, Agreement – basic principles and minimum standards – limits of one-size-fit for all – flexibilities under TRIPS

Unit III:

Intellectual Property: Issues and Challenges

Copyright protection with reference to performers rights and Artist rights, Global governance towards Patents, Trade Marks: Legal recognition, Comparative analysis in India, EU and USA
Trade secrets : Legal recognition, Comparative analysis in India, EU and USA.

Unit IV:

Intellectual Property: Contemporary Trends


Benefit sharing and contractual agreements – International Treaty on Plant Genetic Resources for Food and Agriculture – issues on patent policy and farmers' rights- CBD, Nagoya Protocol and Indian law.


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Unit V:

UNESCO – protection of folklore/cultural expressions, Developments in WIPO on traditional knowledge and traditional cultural expressions.

Suggestive Readings:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Dr. Ellizabeth Verkey, Law of Patents, EBC, 2012 Prabuddha Ganguly, Intellectual Property Rights, Unleashing the Knowledge Economy, Tata McGraw Hill, 2008
3. W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.
5. Nard Madison- The Intellectual Property, Asplan Publication.
6. Carlosm Correa- Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.
7. David Bainbridge – Intellectual Property Law.
8. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
9. David Bainbridge, Software Copyright Law (1999), Butterworths
10. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer

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