



# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## Master of Laws (Business Law)

### SEMESTER II

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBL203	DC	BANKING AND INSURANCE LAWS	3	0	0	3	60	20	20	0	0

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

**\*Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** 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.

**Course Outcomes:** The students should be able to:

1. Understand the Banking Laws and Technology.
2. Demonstrate Insurance Laws and Regulatory bodies.

#### Syllabus:

##### UNIT I: Basic Concept of Banking

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: Banking Relationship

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

##### UNIT III: Use of Technology in Banking


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


##### UNIT IV: Concept of Insurance Laws

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: Compensatory Provisions

The Fatal Accidents Act, 1855, Objects and Reasons, Assessment of Compensation,

  
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# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## Master of Laws (Business Law)

### SEMESTER II

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.

#### References:

1. S.K. Basu, A, Review of Current Banking Theory and Practice (1998) Mac Millan.
2. Ross Cranston, Principles of Banking Law (1997) Oxford.
3. LC. Goyle, The Law of Banking and Bankers (1995) Eastern.
4. M.L Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes.
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 (1975).
12. Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993).
13. Narsimham Committee report on the Financial System (1991)- Second Report (1999).
14. John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong.
15. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hong Kong.
16. J.V.N.Jaiswal, Law of Insurance(2008), Eastern Book Company.
17. John Lowry, Philip Rawlings, Robert Merkin, Insurance Law, Doctrines and Principles (2011) Hart Publishing.
18. B.N. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
19. B.C. Mitra, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad.

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# Shri Vaishnav Vidyapeeth Vishwavidyalaya

## Master of Laws (Business Law)

### SEMESTER II

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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBL204	DC	CYBER LAW	3	0	0	3	60	20	20	0	0

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

**\*Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** 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.

**Course Outcomes:** The students should be able to:

1. Understand the concept of Cyber Law and various crimes in transnational perspective.
2. Demonstrate Legal Aspects of Contemporary trends in Social Networking.

#### 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: 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: 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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### SEMESTER II

#### UNIT IV: Contemporary Trends

Impact of Cyber Warfare on Privacy, Identity Theft, Detailed Study of International Law governing Censorship, online privacy, copyright regulations.

#### UNIT V: Social networking

Online Intermediaries in the Governance of Internet, Social Networking Sites vis-à-vis Human Rights with Special Reference to Information Technology Act, 2000.

#### References:

1. Yatindra Singh: Cyber Laws (2019). Universal Law Publication.
2. Ajit Narayanan and Bennum (Ed. 1998): Law, Computer Science and Artificial Intelligence, Intellect Books.
3. Linda Brennan and Victoria Johnson: Social, ethical and policy implication of Information Technology (2003), Information Science Publishing, Hershey (USA).
4. Kamath Nandan, Law relating to Computer, Internet and E-Commerce (2016), Universal Law Publishing Co.
5. Arvind Singhal and Everett Rogers, India's Communication Revolution: From Bullock Carts to Cyber Marts (2000), Sage Publication.
6. Lawrence Lessing, Code and other Laws of cyberspace (1999), Basic Books.
7. Mike Godwin: Cyber Rights Defencing free speech in the Digital Age (2003), MIT Press.

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## Master of Laws (Business Law)

### SEMESTER II

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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBL205	DC	EMPLOYMENT LAWS	3	0	0	3	60	20	20	0	0

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

\***Teacher Assessment** shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** After studying this paper the students will know:

1. Challenges and Issues with reference labour management relations in 21<sup>st</sup> 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.

**Course Outcomes:** The students should be able to:

1. Understand the Social Security legislations and International perspective.
2. Demonstrate the discriminatory Laws with respect to women, children, and differently-abled persons.


#### Syllabus:

#### UNIT I: Introduction

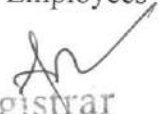
Workers' Rights as Human Rights-Constitutional Edifice and Reflections of ILO Standards in the Indian legal System, Concept of Employment, Non-Employment, Terms of Employment and Conditions of Labour Challenges and Issues with Reference Labour Management Relations in 21<sup>st</sup> Century. Reports of Commissions and Committees.

#### UNIT II: Social Security Labour Legislations

National (Constitutional and Statutory) and International Perspectives, ILO Norms, Measures and Standards-its Relevance in Indian Legal System, Employment Contracts and Labour Management Relations - Trends, Issues and Challenges-A Critique of Comparative Contract labour laws (India, US & Europe), Employees' Provident Fund Act 1952, Employees' State Insurance Act, 1948 and Payment of Gratuity Act, 1972.

  
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## Master of Laws (Business Law)

### SEMESTER II

#### UNIT III: Transnational Trade and Labour

Impact of Globalization on Labour Market-Indian, US, European & Japanese Perspectives, ILO vis-à-vis WTO Developing vis-à-vis Developed States, Resolution of Labour Management Disputes-Means and Mechanisms.

#### 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: Labour Legislations

Industrial Disputes Act, 1947, Contract Labour (Regulation and Abolition) Act 1970, Wages Bill (2019).

#### References:

1. Ravi Singhania, Employment Law in India (2012), CCH India.
2. Michael Philip, Practical Guide to Employment Law (2019), CCH Wolters Kluwer Legal & Regulatory, US.
3. Marian Baird, Keith Hancock, Joe Isaac(Eds), Work and Employment Relations: An Era of Change (2013), Leichhardt NSW: The Federation Press.
4. Chris Turner. C, Key Cases: Employment Law (2017), Routledge Taylor and Francis group.
5. Samantha Velluti, New Governance and the European Employment Strategy (Series, 2010), Routledge Publication.
6. Jan Breman, At Work in the Informal Economy of India: A Perspective from the Bottom Up, (2013), Oxford University Press.
7. S.C. Shrivastava, Industrial Relations and Labour Laws(2019), Vikas Publishing House.
8. O.P. Malhotra, The Law of Industrial Disputes (2 Volumes, 2019), Lexis Nexis.
9. The reports of Commissions, Committee & Research groups and relevant ILO conventions.

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## Master of Laws (Business Law)

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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBL206	DC	INTELLECTUAL PROPERTY RIGHTS	3	0	0	3	60	20	20	0	0

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

\*Teacher Assessment shall be based following components: Quiz/Assignment/ Project/Participation in Class, given that no component shall exceed more than 10 marks.

**Course Objectives:** After studying this paper the students will know:

1. The concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects.
2. The approaches of International Institutions and introduces the various aspects that are form part of the province of IPR.

**Course Outcomes:** The students should be able to:

1. Understand the genesis and theories of IPR.
2. Demonstrate the contemporary Trends of IPR and International Conventions.

#### 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.

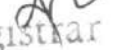
#### UNIT II: Intellectual Property Rights: International Relevance

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.

  
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#### UNIT IV: Intellectual Property: Contemporary Trends

Benefit Sharing and Contractual agreements an International Treaty on Plant Genetic Resources for Food and Agriculture – Issues on Patent Policy and Farmers' Rights- CBD, Nagoya Protocol and Indian law.

#### UNIT V: UNESCO and WIPO

UNESCO – Protection of Folklore/Cultural Expressions, Developments in WIPO on Traditional Knowledge and Traditional Cultural Expressions.

#### References:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Dr. Ellizabeth Verkey, Law of Patents (2019), Eastern Book Company.
3. Prabuddha Ganguly, Intellectual Property Rights, Unleashing the Knowledge Economy (2008), Tata McGraw Hill.
4. William Cornish & David Llewelyn, Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights (2019), Sweet & Maxwell, London.
5. Nard Barn Madison, The Law of Intellectual Property (2017), Aspen Publishers.
6. Carlos M. Correa, Oxford commentaries on GATT/ WTO Agreements: Trade Related Aspects of Intellectual Property Rights (2007), Oxford University Press.
7. David Bainbridge, Intellectual Property Law(2010). Prentice Hall.
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), Woulter Kluwer.

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