



Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Business Law)

2021-23

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*
LLMC201	DC	RESEARCH METHODS AND LEGAL WRITING	4	0	0	4	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. Concept of research and its methodology.
2. Research methods and various steps involved in a research.
3. Collection of data from various sources and their analysis.
4. Process of legal writing and writing for individual purposes.

Course Outcomes: The students should be able to:

1. Understand the methods of legal research, data collection and the steps involved in the research.
2. Demonstrate the process of legal writings for individual and court purposes which are required in the court.

Syllabus:

UNIT I: Research Methods

- Meaning, scope and importance of Research
- Steps of Research
- Selection of Problem
- Research Proposal
- Features of Legal Research
- Interdisciplinary research

UNIT II: Tools & Techniques for Collection of Data in Legal Research

- Primary and Secondary Sources, Literature Review, Observation Method, Questionnaire, Interview, Case study, Sampling, Jurimetrics.
- Doctrinal and Non-Doctrinal Research
- Empirical and Analytical Research



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- Online Legal Research
- Use of Electronic Database
- E-Research Technique
- Case-study
- Formalities of Legal Research
- Data-Collection
- Ethical and Legal Issues: Plagiarism and Copyright Violation.

UNIT III: Hypothesis and Research Design

Meaning and types of Hypothesis, Use of Deductive and Inductive Methods in Research, Preparation of Research Report and Writing of Research report, Budgeting of Research, Research Design

UNIT IV: 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, Citation Methodology, Book Review, Review Article, Plagiarism policy, Bibliography/References.

Unit V: Writing Purposes

Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purposes; Writing for Court Purposes: Briefs, 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.

References:

1. Purohit, Mona. (2016). *Legal Research Methodology*. Central Law Publications.
2. Bruce, L.B. (2001). *Qualitative Research Methods for The Social Sciences*. London. Allyn and Bacon.
3. Kothari, C.R. (1985). *Research Methodology: Methods and Techniques*. New Delhi. Wiley Eastern Ltd.
4. Dennis, P. Forcese and Stephen R. (1970). *Stages of Social Research - Contemporary Perspectives*. New Jersey. Prentice Hall Inc., Englewood Cliffs.
5. Goode and Hall. (1985). *Methods in Social Research*. Singapore. Mac Graw Hill Books Co.



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7. Janathan, A. (1971). *Thesis and Assignment Writing*. New Delhi. Wiley Eastern Ltd.
8. Galtung, J. (1970) *Theory and Methods of Social Research*. London. George Allen & Unwin Ltd.
9. Festinger, L. (1953). *Research Methods in Behavioural Sciences*. New York. Holt, Rinehart and Winston.
10. Pauline, V. Y. (1984). *Scientific Social Surveys and Research*. New Delhi. Prentice Hall of India Pvt. Ltd.
11. Verma, S. K. and Vani, A. (1964). *Legal Research and Methodology*, ILI, New Delhi
Selltiz, Jahoda et.al., *Research Methods in Social Relations*. New York. Holt, Rinehart and Winston.
12. Gupta K. V. (1995). *Decision Making In The Supreme Court of India (A Jurimetric Study)– Alternatives in Judicial Research*. New Delhi. Kaveri Books.



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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMC202	DC	COMPARATIVE JURISPRUDENCE	4	0	0	4	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. Jurisprudence is a window that gives into the making, mechanics and meaning of law.
2. It also throws light on all intricate factors that go on to make up what is known as law.
3. This module intends to take the students to journey into law and legal concepts.

Course Outcomes: The students should be able to:

1. Explain the differences between the major historical schools of jurisprudence concerning the nature of law
2. Identify the major and minor premises of legal arguments and analyze legal debates using appropriate rhetorical vocabulary.

Syllabus:

UNIT-I

- Introduction to Comparative Jurisprudence
- Schools of Jurisprudence – Natural School, Analytical School, Historical School, Sociological School, Realist School

UNIT II

- Theories of Justice- Utilitarianism: Theories of good, Classical Liberalism
- Liberal Egalitarianism: Rawls
- A Jurisprudence of difference: Caste, Class and Race

UNIT III

- Feminist Jurisprudence-Introduction
- Patriarchy and Feminist Jurisprudence
 - Understanding Patriarchy



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SEMESTER II

- Issues and contradictions in feminism
- Sameness and difference debate
- Liberal feminism
- Radical feminism
- Socialist/Marxist feminist approaches

UNIT-IV

- Approaches to Human Rights: Universalism and Cultural Relativism
- Basic Needs and Legal Response

UNIT V

- Governance and Economy
- Jurisprudential Foundations of Liberal democracy
- The Judiciary, Law and the Comparative Constitutional Adjudication & Courts.
- The Judicial Engagement with Comparative Constitutional Law Perspective. Docket Control and Institutional Success of Constitutional Courts
- The Supremacy of the Constitutions, Rule of Law & Due Process, Comparative Form of Judicial Review and the Rise of Weak-Form of Judicial Review,

References:

1. Stone, Julius. (1965). *Human Law and Human Justice*, Stanford University Press, California
2. Frankena, W. K. 'The Concept of Social Justice', in R. B. Brandt (ed.) *Social Justice*, Englewood Cliffs, NJ.
3. Rawls, J. *A Theory of Justice*, Belknap Press (Harvard University Press), New York.
4. N. R. Madhava Menon (ed.). *Social Justice and Social Process*, Indian Academy of Social Science, Allahabad.
5. Gupta, Datta, S. *Justice and Political Order in India*, K. P. Bagchi, Calcutta
6. Barron, Anne (2005). *Introduction to Jurisprudence & Legal Theory* (Oxford University Press
7. Douzinas, Costas and Gearey, Adam (2005). *Critical Jurisprudence: The Political Philosophy of Justice* (Oxford Port Land Oregon).
8. Dias, *Jurisprudence* (5th Edition London-Butterworth).
9. Newey, Glen (2001). *After Politics: The Rejection of Politics in Contemporary Liberal Philosophy*, Palgrave Macmillan.
10. Dryzek, John. (2002). *Deliberative Democracy and Beyond: Liberals, Critiques, Contestations*, Oxford University Press, New York



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11. Iyer, Krishna. (2004). *Rhetoric versus Reality: Essays on Human Rights, Justice, Democratic Values*, Hope India Publications.
12. Freeman, Michael (2008). *Llyod's Introduction to Jurisprudence* (8th Edition).
13. Delgado, Richard. (2010). *Critical Race Theory: An Introduction* (2nd Edition).
14. Posner, Richard. (2011). *Economic Analysis of Law* (8th Edition).
15. Cotterrell, Roger. (1994). *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy* (2nd Edition, Butterworth).
16. Liu, Goodwin (2008). "Rethinking Constitutional Welfare Rights", Vol. 61 Stanford Law Review 209-271.
17. Robinson, Nick. (2009). "Expanding Judiciaries: India and the Rise of the Good Governance Court", Vol. 8 No.1 Washington University Global Studies Law Review 1-69.



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							THEORY		PRACTICAL		
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LLMBE201	DE	BANKING AND INSURANCE LAWS	4	0	0	4	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.



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UNIT V

Compensatory Provisions 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.

References:

- Basu, S.K. (1998). *“A Review of Current Banking Theory and Practice”* Mac Millan.
- Cranston, Ross. (1997). *“Principles of Banking Law”* Oxford.
- Goyle, L. C. (1995). *“The Law of Banking and Bankers”* (1995) Eastern.
- Tannan, M.L. (1997). *“Tannan's Banking Law and Practice in India”* India Law House, New Delhi, 2 volumes.
- Shekhar, K.C. (1998). *“Banking Theory and Practice”* UBS Publisher Distributors Ltd. New Delhi.
- Goodhart. (1995). *“The Central Bank and the Financial System”* Macmillan, London.
- Chapman, S. (1984). *“The Rise of Merchant Banking”* Allen Unwin, London.
- Subrahmanyam, K. (1997). *“Banking Reforms in India”* Tata Maigraw Hill, New Delhi.
- Narayana, R.S. (1993) *“The Recovery of Debts due to Banks and Financial Institutions Act, 1993”* (51 of 1993), Asia Law House, Hyderabad.
- Mitra, (1998) *“The Law Relating to Bankers' Letters of Credit and Allied Laws,* University Book Agency, Allahabad.
- Talwar, R.K -Report of Working Group on Customer Service in Banks.
- Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993).
- Narsimham Committee report on the Financial System (1991)- Second Report (1).
- Hanson, John and Henly, Christopals. (1999). *“All Risks Property Insurance”* LLP Asia, Hongkong.
- Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hong Kong.
- Jaiswal, J.V.N. Law of Insurance , Eastern Book Company.
- John Lowry, Philip Rawlings, Robert Merkin, Insurance Law, Doctrines and Principles Hart Publishing.
- Banerjee, N. B. (1994). *“Law of Insurance”* Asia Law House, Hyderabad.
- Mitra, C. B. (1997) *“Law Relating to Marine Insurance”* Asia Law House, Hyderabad.



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LLMBE202	DE	COMPETITION AND CONSUMER LAWS	4	0	0	4	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. Competition Law and Consumer considerations and their protection are very old concepts, but in the last decade there has been a significant development in this branch of law. Globalization of trade, market-dominated economy, information revolution and emergence of e-commerce has further enhanced this process.

Course Outcomes: The students should be able to:

1. Explain about the basic concepts of Competition Law.
2. Students will be aware of the basic procedures for handling consumer dispute.
3. Students will be able to appreciate the emerging questions and policy issues in consumer law for future research.

Syllabus:

UNIT I : Introduction

Basic Concepts: Constitutional aspect of Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c) Relation between Competition Policy and Competition Law: Objectives of Competition Law

UNIT II: History and Development of Competition Law

History and Development of Competition Law/ Antitrust Law, Liberalization and Globalization- Raghavan Committee Report, Competition Act 2002; Difference between MRTP Act and Competition Act, Salient feature of Competition Act, Important Definitions under the Competition Act, 2002.

1. Brahm Dutt v. Union of India, AIR 2005 SC 730
2. CCI v. Steel Authority of India Ltd. & Anr, (2010)10SCC 744



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UNIT-III: Anti-Competitive Agreements

- Anti-Competitive Agreements, Horizontal and Vertical agreement, Rule of Per-se and Reason, Appreciable Adverse Effect on Competition (AAEC) in India, Exemption, Prohibition of Anti-competitive agreement/ Cartel/bid rigging.
 1. Aamir Khan Productions Private Limited v. Union of India, (2010) 4CompLJ580 (Bom)
 2. Builders Association of India v. Cement Manufacturers', Case No. 29/2010, CCI.
 3. All India Tyres Dealers Federation v. Tyres Manufacturers, 2013 COMP LR 92 (CCI), Main Order dated October 30, 2012 and Minority Order by Mr. R Prasad (Member, CCI) dated October 30, 2012.
 4. Exclusive Motors Pvt Ltd v. Automobile Lamborghini SPA, Case No. 52/2012, CCI
 5. Express Industry Council of India v. Jet Airways Ltd & Ors., Case No. 30/2013, CCI
 6. Shamsher Kataria v. Honda Siel Cars India Ltd., 2014 Comp LR 1 (CCI)
- Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI – adjudication and appeals, -Competition Appellate Tribunal (CAT), Director General of Investigation (DGI) - Penalties and Enforcement.
 1. Google Inc. & Ors v. Competition Commission of India & Anr., [2015] 127CLA367(Delhi)

UNIT IV: Regulation of Abuse of Dominant Position

- Enterprise, Relevant Market, Dominance in Relevant Market, Abuse of dominance, Predatory Pricing.
- Regulation of Combinations: Combinations: Merger, Acquisition, Amalgamation and Takeover-Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002 – Regulations, Penalties.

UNIT-V: Consumer Protection Law

- An Introduction to Consumer Protection Law and Policies
- Consumer Rights
- Legislative Framework on Consumer Protection in India- Prevention of Food Adulteration Act, 1954, Standards of Weights and Measures Act, 1976, The Drugs and Magic Remedies (Objectionable Advertisement) Act 1954, MRTP Act, Sale of Goods Act, 1930, Consumer Protection Act, 1986-the vision of the legislation
- Salient Features and Emerging issues in Consumer Protection Law and Policies

References:

1. Agarwal, V.K. (2002). *Competition Act – Principles and Practices*
2. Agarwal, V.K. (2002). *Competition Act*, (Students Edition).
3. Vishwanathan, T. Suresh *Law and Practice of Competition Act*, 2000.



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5. Furse, Mark. (2008). *Competition Law at the EC and UK*, 6th ed. Oxford University Press
6. Dugar, M. (2006). Commentary on MRTP Law, *Competition Law & consumer Protection Law*, 4th ed., Wadhwa Nagpur.
7. Roy, Abir & Kumar, Jayant. *Competition Law in India*, Eastern Law House, New Delhi
8. Prasad, Satyanarayana. (2007). *Competition Law and Cartels*, Amicus Books, ICFAI University Press
9. Middleton, Kristy, Rodger Barry & Culloch, Mac, Angus. (2003). *Cases and Materials on UK and EC Competition Law*, Oxford University Press
10. Vinod, Dhall. (ed.), (2007) *Competition Law Today*, Oxford University Press
11. Areeda, E., Philips & Hovenkoup, H. (2006). *Fundamentals of Anti-Trust Law*, ASPEAN Publications
12. Ramappa, (2013). *Competition Law in India: Policy, Issues and Developments*, 3rd ed., Oxford University Press, New Delhi
13. Chhachhar, Varun. (2013). "Competition Law and Telecom Sector in India", 1st ed, VLMS Publishers, New Delhi.



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LLMBE203	DE	GENERAL PRINCIPLES OF COMPANY LAW-I	4	0	0	4	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. To teach the Law related to companies and its promotion.
2. To teach the management of corporate structure and meetings of the Companies.

Course Outcomes: After the completion of the course the students should be able to

1. Understand the concept of Corporate Personality, MOA and AOA etc.
2. Demonstrate the corporate structure in a Company and the provisions related to dissolution and liquidation of Companies and its liability

Syllabus:

UNIT-I: Corporate Jurisprudence

- Corporate Personality and abuse of Corporate Personality.
- Comparative Legal Regimes of U.K., U.S., and European Union of Corporate Law.
- Legislative Dimensions of Corporation-Socio-Economic Changes in India.

UNIT-II: Corporate Documents

- Prospectus : Types, Nature and Role in Issue, Liability for Mis-statement
- Memorandum of Association: Contents & Amendment Forms and Doctrine of
- Ultra Vires.
- Article of Association: Forms Contents & Amendment & Doctrine of Indoor
- Management, Doctrine of Constructive Notice

UNIT-III: Corporate Finance

- Capital of the Corporation
- Shares: Classification, Listing, Issue, IPO & FPO, IDR, GDR, Capital Market
- Management, Listing of Shares.



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- Intermediaries & Regulation of Intermediaries, Insider Trading.
- Charge and Securitization-concept
- Inter-corporate Investment: Misuses of Subsidiaries as Financial Vehicle.

UNIT-IV: Corporate Management

- Membership : Nature of Membership & Rights of Shareholders in Management
- Minority and Majority Shareholding : Conflict of Issues
- Directors : Types, Qualification, Remuneration : Legal Positions of Directors
- Board of Director : Powers, Ultra Vires Acts & Liability

UNIT-V- Meetings

- Corporate Meeting: Types and Legality of Meeting, Resolution
- General Meetings
- Statutory Meetings

References:

- Singh, Avtar. (1999). Indian Company Law, Eastern Book Company: Lucknow.
- Gower, L.C.B. (1997). Principles of Modern Company Law, Sweet and Maxwell: London.
- Palmer, Palmer's (1987). Company Law, Stevens Publication: London
- Pennington, R.R. (1990). Company Law, Lexis Nexis Butterworths.
- A. Ramaiya, (1998). Guide to the Companies Act, Wadhwa and Company.
- Shah, S.M. (1998). Lectures on Company Law, M.N. Tripathi, Bombay.