



MAULANA ABUL KALAM AZAD UNIVERSITY OF TECHNOLOGY, WEST BENGAL
(Formerly WEST BENGAL UNIVERSITY OF TECHNOLOGY)
Main Campus: NH 12, Haringhata, Post Office - Simhat, Police Station – Haringhata, Pin - 741249
City Campus: BF-142, Sector -I, Salt Lake, Kolkata -700 064

Master of Laws (LLM) (Under Choice Based Credit System)

Syllabus and Scheme Session (2022-2024)

1. Duration of Course:

The course of the degree of Master of Laws (Two Years Course) shall be spread over two academic years to be called Part-I and Part-II consisting of two semesters each i.e. semesters 1st& 2nd in Part – I and 3rd& 4th in Part – II.

2. Maximum period for passing the Course

The candidate must pass all the subjects of all the semesters of LLM (in Business Law) within a period of 4 years from the date of joining the LLM (in Business Law) course, failing which his/her registration will be cancelled.

3. Eligibility for admission

A student shall be admitted to LLM Part – I (1st Semester) Two Years course who has passed in LLB (TYC) Degree examination or B.A.LL.B. (Five Years) Degree examination OR in any other equivalent degree of this University/any other recognized University OR as per the criteria notified by this University/UGC from time to time. 5% relaxation in marks shall be given to Schedule Caste/ Schedule Tribe candidates.

4. Medium of Instructions

The medium of instruction during the course and examinations shall be English.

5. Examination Schedule, examination fee and examination forms:

- The examination of 1st and 3rd semesters shall ordinarily be held in the month of January/February and that of 2nd and 4th semesters in the month of May/June, or on such other dates as may be fixed by the competent authority.
 - The candidates will be required to pay examination fees as prescribed by the University from time to time.
 - The Examination Form must reach in the office of the Controller of Examinations as per the schedule notified by the University from time to time.
- a. The Examination Forms must be countersigned by the Director/Head of the Department along with the following certificate:--that he/she has been on the rolls of the University Teaching Department during the academic term preceding the end semester examination;
 - b. that he/she has attended not less than 75% lectures delivered to that class in each paper; and
 - c. that he/she has a good moral character.

The shortage in the attendance of lectures of the candidate may be condoned by the Vice-Chancellor, on the recommendations of Head of the Department, as per rules made by the University from time to time.

6. Re-admission

In case name of a student is struck off from the rolls due to non-payment of fee or absence from classes in any subject and he/she will be re-admitted after payment of re-admission fee as prescribed by the University from time to time. However, the student will be allowed to appear in the end semester examination of that paper (s) only after attending the required lectures/practicals delivered to that paper(s). However, if a student falls short of attendance in all courses offered in a semester, he/she shall be required to repeat the semester, along with the next batch of students.

7. Scheme of Examinations

As prescribed by the University examination rules.

8. MISSION OF THE DEPARTMENT

M1: To become a foremost law institution, propagation students focusing on research and commModule work besides fulfilling their respective ambitions.

M2: To create such lawyers and legal professionals, who are well versed in national and trans-national legal systems by developing their skills in core areas such as IPR's, Corporate Law, Business Law.

M3: To promote cultural, legal and ethical values with a view top remote and foster the rule of law and the objectives enshrined in the Constitution of India.

M4: To organize legal awareness camps in university campus as well as in villages, lectures, seminars, and conferences for dissemination of legal knowledge and to make law and legal process efficient instruments of social development.

9. PROGRAM OUTCOMES

PO1. Legal knowledge: Apply the knowledge of Law and its specialization to the solution of complex Legal problems.

PO2. Problem analysis: Identify, formulate, research literature, and analyze legal and social problems to arrive at substantiated conclusions using different Legal principles.

PO3. Design/development of solutions: Design solutions for complex Socio Legal problems to meet the specifications with consideration for the public health and safety, and the cultural, societal, and environmental considerations.

PO4. Conduct investigations of complex problems: Use research-based knowledge including design of experiments, analysis and interpretation of statutes, legal provisions, and synthesis of the information to provide valid conclusions.

PO5. Modern tool usage: Create, select, and apply appropriate techniques, resources, and modern legal and IT tools including prediction and modelling to complex legal activities with an understanding of the limitations.

PO6. The Law and society: Apply reasoning informed by the contextual knowledge to assess societal, health, safety, legal and cultural issues and the consequent responsibilities relevant to the professional legal practice.

PO7. Environment and sustainability: Understand the impact of the professional Legal solutions in societal and environmental contexts, and demonstrate the knowledge of, and need for sustainable development.

PO8. Ethics: Apply ethical principles and commit to professional ethics and responsibilities and norms of the legal practices.

PO9. Individual and team work: Function effectively as an individual, and as a member or leader in teams, and in multidisciplinary settings.

PO10. Communication: Ability to learn the art of communicating and demonstrating their oral advocacy skills. Projecting the facts in a way suitable to the client and power to convince on legal reasoning forms the essence of communication in courts of law.

PO11. Project management and finance: Demonstrate knowledge and understanding of Laws and legal principles and apply these to one's own work, as a member and leader in a team. Manage projects in multidisciplinary environments.

PO12. Life-long learning: Recognize the need for, and have the preparation and ability to engage in independent and life-long learning in the broadest context of legal change.

10. PROGRAMME EDUCATIONAL OBJECTIVES

PEO1: To endow students with a sound understanding of the foundations of legal knowledge and shall contribute to the society in general by becoming sensitive and legal practitioner of the nation.

PEO2: To be part of Indian/ International judicial system, International Court of Justice like magistrate, civil judge, presiding officers in different judicial forums and act as Legal Services Director in public, private and government organizations and also pursue higher degrees to work in Colleges, Universities as professors.

PEO3: To generate employment by being an entrepreneur such as start their own Law firm and become independent tax consultant, arbitrator and mediator in the process of outside court settlements.

11. PROGRAM SPECIFIC OUTCOME

PSO1: Be capable to grasp theoretical practical legal knowledge and prepared for professional challenges.

PSO2: Be trained in the basic skills essential for every lawyer, including analysis, research, writing, advocacy and problem-solving and develop sense of social responsibility and commitment.

PSO3: Enhance self-learning and develop the skills required by modern Business professionals such as Communication, Negotiation, Problem solving, Team building etc

PSO4: Motivate the students to address the needs arising from the unique dynamics of the current corporate environment and to maximize their potential as business lawyers

PSO5: Equip the students for a career in global business by providing insights on the complexities of transnational business transactions.

Course Outcome

SL NO	Sem	Course Title	Type of Course	Course Outcome		Knowledge Level
1	II	Comparative Constitutional Law	Core Course	CO1	Understand the comparison of various forms of government, its branches and its functioning in different countries.	K2
				CO2	Apply leading constitutional principles in different jurisdictions.	K3
				CO3	Analyze the process of amendment of the Constitution in various countries and the limitations on the amendment power.	K4
				CO4	Evaluate the significance of doctrine of judicial review and limitations thereof	K5
				CO5	Gain insights of the model of	K2

					state, its practices and good governance	
2	II	Law and Social Transformation	Core Course	CO1	Understand the importance of Law, as the instrument of Social Transformation.	K2
				CO2	Analysis of the product of tradition and culture.	K4
				CO3	Examine the common law system and institution in India.	K4
				CO4	Evaluate the development of law and legal institutions in India.	K5
				CO5	Get the insights on interdependence of the law and other social systems in India.	K2
3	II	Intellectual Property Right	Specialized Course	CO1	Enable the students to know the genesis and evolution of Intellectual Property Rights to understand the paper in a better manner	K2
				CO2	Develop the aspect of understanding the legislation and to relate with the promotion and protection of intellectual Property.	K3
				CO3	Promote the significance of copyright industry and its impact across the nations.	K3
				CO4	Analyse the new amendments and change in policies to meet contemporary challenges.	K4
				CO5	Identify the significance of Trademark law for the growth of Ip assets and promotion of secured growing commercial business regime.	K3
4	II	Company Law- II	Specialized Course	CO1	Understand the genesis of Corporate Governance, its theories and its role	K2
				CO2	Apply the effective principles and best practices to enhance the efficacy in corporate governance	K3
				CO3	Analyze the corporate social responsibility and transparency in the corporate governance.	K4
				CO4	Evaluate the significance of key managerial personnel, Audit committee and directors	K5
				CO5	Gain insights on the Institutions and stakeholders that play a major role in corporate structuring.	K2
5	III	Entrepreneurship Laws and Compliances	Specialized Course	CO1	Appreciate the relevance of business law to individuals and businesses and the role of law in an economic, political and social context.	K2
				CO2	Identify the fundamental legal principles behind contractual agreements.	K3
				CO3	Examine how businesses can be held liable in tort for the actions of	K4

					their employees.	
				CO4	Understand the legal and fiscal structure of different forms of business organizations and their responsibilities as an employer.	K5
				CO5	Acquire problem solving techniques and to be able to present coherent, concise legal argument	K3
6	III	Law and Technology	Specialized Course	CO1	Explain, distinguish and apply the fundamental legal principles of information technology law covered in the course	K3
				CO2	Select and apply a range of approaches to written and oral communication in technology and law	K4
				CO3	Critical thinking required to bring about solutions to complex legal problems in the area of information technology law	K5
				CO4	Access, use, interpret and apply a range of domestic primary and secondary legal resources to solve complex problems.	K4
				CO5	To understand the limit of technology for protection of Human Rights	K2
7	III	Direct and Indirect Tax	Specialized Course	CO1	Recognize the working of direct tax regime	K1
				CO2	Understand how direct taxes are being levied.	K2
				CO3	Classify the heads of income and to thoroughly analyze the steps in arriving at the taxable income.	K2
				CO4	Assess the sources of income and tax liability and exemption from tax liability and to appreciate the procedural compliances.	K4
				CO5	Generate ideas for better implementation of direct taxes.	K5
8	III	Competition Law and Consumer Protection	Specialized Course	CO1	To understand the need and rationale for competition law from a developmental perspective.	K2
				CO2	To critically examine some of the crucial issues like the interface with IPR laws, regulatory laws, environmental laws, and public procurement laws.	K3
				CO3	To critically analyse the emerging international competition law and its impact on developing countries.	K3
				CO4	Analysing IPR and Competition Law Interface in Indian Perspective in the concept of social and economic justice.	K4

				CO5	undertake advocacy in consumer matters falling under Consumer Protection laws.	K2
9	IV	Foreign Exchange, Banking and Insurance Laws	Specialized Course	CO1	Understand the concepts and legal dimensions involving various Legislations and Judicial Pronouncements in the arena of Banking Laws.	K2
				CO2	Apply the legal provisions of Law involved in redressal of Banking and Debt Recovery Disputes.	K3
				CO3	Analyze the role of the Central Banking authority in regulating the Banking Sector.	K4
				CO4	Evaluate the Accounting Procedures involved as per the Accounting Standards	K5
				CO5	Gain insights in evolving dimensions in the Insurance areas using the advancements in Technology in the Banking Sector.	K2
10	IV	Labour Laws	Specialized Course	CO1	To know the development and the judicial setup of Labour Laws.	K2
				CO2	To learn the salient features of welfare and wage Legislations.	K2
				CO3	To learn the laws relating to Industrial Relations, Social Security and Working conditions.	K3
				CO4	To understand the laws related to working conditions in different settings	K4
				CO5	To understand the Labour Code	K2
11	IV	Dissertation	Research Course			

12. Structure of Course:

The Basic structure/pattern (Framework) of the postgraduate syllabus for the two year LL.M. course Credit system in the MAKAUT University are given below.

LL.M in Business Law 2ND SEM

Course code	Title of the Course	Type of Course	Marks				Credits			Total Credits
			Internal	Attendance	Theory	Total	L	T	P	
LLMC-201	Comparative Constitutional Law	Core Course-1	25	5	70	100	3	1	0	4
LLMC- 202	Law and Social Transformation in India	Core Course -2	25	5	70	100	3	1	0	4
LLME-201	Intellectual Property Right	Specialized Course-1	25	5	70	100	3	1	0	4
LLME-202	Company Law- II	Specialized Course-2	25	5	70	100	3	1	0	4
	Total		100	20	280	400	12	4	0	16 6

3rd SEM

Course code	Title of the Course	Type of Course	Marks				Credits			Total Credits
			Internal	Attendance	Theory	Total	L	T	P	
LLME-301	Entrepreneurship Laws and Compliances	Specialized Course-1	25	5	70	100	3	1	0	4
LLME-302	Law and Technology	Specialized Course-2	25	5	70	100	3	1	0	4
LLME-303	Direct and Indirect Tax	Specialized Course-3	25	5	70	100	3	1	0	4
LLME-304	Competition Law and Consumer Protection	Specialized Course-4	25	5	70	100	3	1	0	4
	Total		100	20	280	400	12	4	0	16

4th SEM

Course code	Title of the Course	Type of Course	Marks					Credits			Total Credits
			Internal	Attendance	Theory	Practical	Total	L	T	P	
LLME-401	Foreign Exchange, Banking and Insurance Laws	Specialized Course-1	25	5	70		100	3	1	0	4
LLME-402	Labour Laws	Specialized Course-2	25	5	70		100	3	1	0	4
LLME-202	Dissertation	Research Course				200	200	2	0	6	8
	Total		50	10	140	200	400	8	2	6	16

Assessment pattern: 30+70=100 marks for theory subjects & dissertation: 25 (Synopsis) + 25 (Synopsis Presentation) + 125 (Evaluation) + 25 (viva) =200 Marks

DETAILED SYLLABUS

PAPER: Comparative Constitutional Law

Objective: The course aims at familiarizing the students with key political concepts like political obligation, sovereignty, Rule of Law, etc. which interlace the idea and the institution of state. Knowledge of such concepts become imperative for any student of law and politics as some of these political concepts are constitutive of the idea of law. Those coming from a legal background would particularly find this course a useful pedagogic exercise in understanding law as a political and social category while students of politics interested in theory and history of ideas will find it engaging to study the dialectics between law and state as it unfolds within the politico-legal institutional framework and processes.

Module-I

1. Introduction to the significance and importance of Study of Constitution- Types of Constitutions- Forms of government-Parliamentary-Presidential-Monarchical forms
2. Constitution: Concept, Nature and Importance of Constitution-Evolution of Constitutional Values- Requisites of Ideal Constitution-Historical Evolution of Constitutional Government.
3. Constitutionalism: Concept-Evolution-Limitations on Government Power Constitutional Supremacy-Separation of Power.

Module-II

1. Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making.
2. Types of Constitutions: Written Constitutions-U.S.A, Canada, Australia and India; Unwritten Constitutions-England

Module-III

1. Judicial Review-Fundamental Rights; Writ Jurisdiction-A Comparative Study.
2. Civil Liberties/Rights: Structure-Enforcement-Individual Rights-Group Rights-National Security.

Module-IV

1. Federalism: Concepts of Federalism and Federal Government-Conditions Essential for Federalism; Patterns of Federal Government: U.S.A, Australia, Canada and India.
2. New Trends in Federalism: Cooperative Federalism-Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism

Suggested Reading

1. Alexander M. Bickel: The Least Dangerous Branch: The SC at the Bar of Politics, Yale University Press, New Haven.
2. Anata Kumar Giri: 'The Rule of Law and Indian Society: From Colonialism to Post Colonialism', in P. Costa and D. Zolo (ed.), The Rule of Law: History, Theory and Criticism, Springer, The Netherlands.
3. Archibald Cox: Court and the Constitution, Houghton Mifflin, Boston.
4. B. Z. Tamanaha: 'Rule of Law in Moduleed States', in Randall Peerenboom (ed.), Asian Discourses of Rule of Law, Routledge, London.
5. Charles Fried: Saying What the Law Is: The Constitution in the Supreme Court, Universal Publishing Co. Pvt. Ltd., New Delhi.
6. Charles L. Black: The People and the Court: Judicial Review in a Democracy, The Macmillan Company, New York.
7. D. D. Basu: Comparative Constitution Law, LexisNexis India, Gurgaon.
8. D. D. Basu: Introduction to the Constitution of India, Lexis-Nexis, New Delhi.
9. Donald Kommers: 'The Value of Comparative Constitutional Law', 9 J. Marshall J. Prac. & Pro. 685 (1976).
10. M. P. Singh: V.N Shukla's Constitutional Law, Eastern Book Company, Lucknow.
11. Mark Tushnet: The Constitution of the Moduleed States of America: A Contextual Analysis, Hart Publishing Ltd, UK.
12. Mark Tushnet: 'The Possibilities of Comparative Constitutional Law,' 108 Yale. L. J. 1225 (1999).

Paper: Law and Social Transformation in India

Objectives: The objectives of this course are to describe relationship between social transformation and social problems and how law will regulation them. After going through this paper, you will be able to learn about the concept of 'social transformation', its two models of 'modernisation' and 'revolution' and their critical appraisal; understand the relationship between social transformation and social problems; describe the concept of 'social problems' and the related questions; discuss the linkage between social problems, institutions and movements; and explain policy implications in relationship to transformation and problems

Module I:

Law as an Instrument of Social change: A jurisprudential discussion

Law as a means of Social Change: A theoretical perspective

Relation of Law with Social Change

Impact of Social Movements on Social Changes

Module II:

Religion: Meaning and Relationship with Law

Religion as an Integrative or Divisible Factor

Secularism: Meaning and its Contribution in Indian Society

Religious Minorities and the Law

Concept of National Integrity and Brotherhood

Module III:

Languages as an Integrative or Divisive Factor

Formation of Linguistic States and its impact on policy in Governance

Language Policies and the Constitution

Constitutional Protection to the Linguistic Minorities

Non-Discrimination on the ground of language

Module IV:

Caste System in Indian Society

Caste as an Integrative or Divisive Factor

Non-discrimination on the basis of Caste

Reservation policy for Scheduled Castes, Scheduled Tribes and Other Backward Classes as a Protective Discrimination

Suggested reading:

1. Marc Galanter (ed.), Law and Society in Modern India, (1997), Oxford.
2. Robert Lingat, The Classical Law of India (1998), Oxford.
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.
4. Ishwara Bhat, Law and Social Transformation, (2009), Eastern Book House.
5. Oliver Mendelsohn, Law and Social Transformation in India, (2014), Oxford University Press.

Paper: Intellectual Property Right

Objective: The course is designed to provide comprehensive knowledge to the students regarding the general principles of IPR, Concept and Theories, Criticisms of Intellectual Property Rights, International Regime Relating to IPR, as well as the emerging and latest issues relating to IPR, including-but not limited to-digital media and IPR and Artificial Intelligence and IPR.

Module I: INTRODUCTION

Brief history of IP Rights: Indian and International Perspective

Trade-Related Aspects of Intellectual Property Rights (TRIPs)

IPRS covered by TRIPs

Rights of patentees under the TRIPs.

Compulsory licensing.

Indian response to the TRIPs.

Module II: Patent

Legal fundamentals of patent protection for useful inventions

Design and plant patents

Product and Process Patents

Module III: Copy Rights

Historical background and Development of Copyright Law

Leading International Instruments, Berne Convention, Universal Copyright Convention,

International Copyright under Copyright Act

WIPO Phonograms and Performances treaty

Module IV: Trade Marks

Need for Protection.

Kinds of trademarks

Concept of Well-known trademark

Module V: Emerging Issues of IPR

Economic rights vis-à-vis IPR

International Trade and IPR

Digital Media and IPR

Artificial Intelligence and IPR

Suggested books:

1. Narayanan, Law of Copyright and Industrial Designs (Latest edition)
2. WIPO Intellectual Property Handbook: Policy, Law and Use (2004)
3. Copinger and Skone James on Copyright (Latest edition)
4. R Cornish and David Liewelyn, Intellectual Property: Patents, Copyright, Trademark and Allied rights (Latest edition)
5. K. Ahuja Intellectual Property Rights in India (2015)
6. Alka Chawla, Law of Copyright and Related Rights: National and International Perspectives (2012)
7. Raman Mittal, Licensing Intellectual Property (2011)
8. MihalyFicsor, The Law of Copyright and the Internet (2002)
9. Suman Gupta, Copyright Education Programs in Academic Institutions, XII-XIII, National Capital Law Journal (2007-2008) page 37
10. Suman Gupta, Trips agreement: Enforcement Provisions for Intellectual Property Protection
11. National Capital Law Journal, vol ix (2004), p.57
12. Artificial Intelligence and Intellectual Property Jyh-An Lee (Editor), Reto Hilty (Editor), Kung-Chung Liu (Editor)

PAPER: Company Law II

Objectives: The paper focus on the history and development of company law. It provides a thorough study of various provisions of the Companies Act relating to raising of fund and its proper allotment under the law in a corporate. The Module assumes importance in the corporate law studies, as it deals with corporate transparency, administration, and conduct of affairs of Companies while merger. The paper discusses the regulations regarding management of winding up process. It also discusses the rights protection mechanism for investors and creditors under Indian company law. The Indian laws contain elaborate provisions on the status of insolvent person, legal conditions of insolvency, insolvency proceedings, distribution of property of the insolvent and on litigation by and against insolvent person

Detailed Syllabus

Module-I : Corporate Transparency & Accountability

1. Accounting and Auditing-Legal Issues
2. Inspection & Investigation : Serious Fraud Investigation Office & Role of SEBI
3. Majority rules and oppression & Mismanagement, class action, Derivative Suit

Module-II : Corporate Mergers & Acquisitions

1. Reconstruction amalgamation, merger and take over
2. SEBI Takeover regulations

Module-III: Corporate Winding Up and Insolvency

1. Winding Up: Types and Nature
2. Official Liquidators
3. Removal of Companies
4. Salient features of IBC

Module- IV: Corporate Governance

1. Corporate Governance ; Concept and practice
2. CG under Companies Act and LODR

References Books:

1. L.C.B. Gower, Principles of Modern Company Law, 1997 Sweet & Maxwell, London
2. A Ramaiya, Guide to the Companies Act, 2011 Lexis Nexis
3. Companies Act, 2013, (bare act)
4. Dr A.K. Majumdar & Dr G.K. Kapoor, Taxmann's Company Law and Practice 2013 18 th Ed.
5. Robert R. Penington, Company Law, Oxford University Press
6. Boyle and Birds, Company Law (Universal Law Publishing Co. Pvt. Ltd., ed. 5 th 2004) 1
7. Gopalsamy, N,A : Guide to Corporate Governance, (New Age International (p)Ltd, ed 1st 2006)
8. Nicholas Bourne, Lecture Notes on Company Law, (Cavendish Publishing)
9. Madhumita Chatterji, Corporate Social Responsibility, Oxford University Press
10. Company Law Journal Published by L.M. Sharma (Editor), Company Law
11. Journal Office, New Delhi Corporate Law Advisor
12. LODR .
13. IBC Code

Paper: Entrepreneurship Laws and Compliances

Objective: This course is designed to provide the student with knowledge of the legal environment in which a business's operates, and to provide the student with knowledge of legal principles to start their own entrepreneurship and its modalities.

Module 1: CONCEPTS IN ENTREPRENEURSHIP

Evolution of the concept of Entrepreneurship, Entrepreneur Vs Intrapreneur, Entrepreneur Vs Entrepreneurship, Entrepreneur Vs Manager, Characteristics of a successful Entrepreneur, Entrepreneurial Culture. The Entrepreneurial decision process, Role of Entrepreneurship in Economic Development

Module 2: CREATING THE ENTREPRENEURIAL VENTURE

Environment Analysis, Preparing the Business Plan, Venture Financing and role of Venture Capitalists, Understanding various start up business models. Creating and Starting the Venture: Sources of new Ideas, Methods of generating ideas, creating problem solving, product planning and development process.

Module 3: LEGAL ASPECTS AND ROLE OF GOVERNMENT IN ENTREPRENEURIAL DEVELOPMENT

Overview of basic Corporate, Contract, Intellectual Property, Employment and Securities law issues encountered by start-up and early stage companies.

Role of Central Government and State Government in promoting Entrepreneurship in terms of incentives, subsidies, grants and tax concessions, Role of several agencies in India constituted for Entrepreneurship and small business development – DIC, SISI, EDII, NIESBUD, NEDB,, SIDBI etc.,

Module 4: SMALL BUSINESS ENTERPRISES

Concept of Small Business enterprise, Government policy for promotion of small and tiny enterprises in India, Sickness of Small business enterprises and its rehabilitation in India.

Module 5: ENTREPRENEURIAL CHALLENGES

Entrepreneurial Opportunities in contemporary business environment, The reason why Entrepreneurs fail, Women Entrepreneurs – role, problems and prospects, Case studies of Successful Entrepreneurial Ventures, Failed Entrepreneurial Ventures and Turnaround Ventures.

Book Reading:

Dynamics of Entrepreneurial Development and Management – Vasant Desai

Entrepreneurship Development and Small Business Enterprises – Poornima M Charantimath

Entrepreneurship – Successfully Launching New Ventures – Bruce R. Barringer , R.Duane Ireland

Entrepreneurial Development – S.S.Khanka

Entrepreneurship – Robert D Hisrich; Madhurima Lall & Shikha Sahai

Paper: Law and Technology

Objectives: The aim of the course is to introduce in brief to the student about the developments in the field of Science and Technology and the relationship between Law and Science and Technology. The paper further seeks to explore some specific aspects to test the possible interactions, controversies, and their interrelationships between both the aspects. Further, it focuses on the relationship between Human Rights and Science and Technology and the need to regulate science and technology in order to preserve the basic concept of sustainable development.

Module I: Introduction:

- a) Developments in Science and Technology
- b) Science & Technology Vis a Vis Sustainable and equitable development.
- c) Impact of Human Rights on Science & Technology
- d) Human Rights and preservation of human health

Module II: Science -Technology and Relationship with Law

- a) Nexus between science technology and law
- b) Problems and Perspectives between Law and Science
- d) The need for legal control of Science and Technology.
- e) Clinical Trials and the Need Professional responsibility and ethical principles.

Module III: Privacy, Law and technology

- a) Origin and Development of Law of Privacy
- b) Concept and Nature and Law of Privacy
- c) Law of Privacy Vis-a Vis Science and Technology

Module V: Use of Science and Technology in Judicial Investigations

- (a) The Significance of Science and Technology in the Legal Proceedings.
- (b) The Significance of Forensic science in the Criminal Matters
- (c) The Indian Judiciary on the Use of Science and Technology

Module VI: Biotechnology & Law

- a) Origin and Development of Bio Technology
- b) Debatable issues in biotechnological innovations
- c) Ethical and Moral implications on the use of Genetic Engineering

Module VII: Nuclear Technology and Law:

- a) Uses & misuses.
- b) Legal control- national and international scenario.
- c) Human Rights vis-à-vis Nuclear Technology

Suggested Readings:

- 1) Markandey Katju, Law in scientific Era (2000) Universal, New Delhi
- 2) Cees J.Hamelink, the ethics of cyber space(2001)sage.
- 3) Jonh Zinian et.al(ed) World of Science and Rule of Law (1986) Oxford
- 4) U.Baxi,Biotechnology and Legal Order: Dilemmas of the nature of Law and Human nature. (1993)

Paper: Direct and Indirect Tax

Objective: To acquaint the students with underlying provisions of direct and indirect tax laws and to develop a broad understanding of the tax laws and accepted tax practices.

Module-I

Concept of Tax- Nature and characteristics of different types of taxes- Direct and Indirect taxes. Direct Tax Laws- Income Tax Act 1961: Introduction and brief history of Income tax in India, Scope of the Act, Meaning and concept of Income, Assessment Year, Previous Year, Assesse, Person, Agriculture Income, Basis of Charge, Determination of residential status

Module-II

Heads of Income- Computation of income under the Head of Salaries, House Property, Capital Gains, Profits & Gains from Business and Profession and Other sources. Computation of Gross Total Income and Deductions from gross total income.

Module-III

Clubbing of income, set off and carry forward of losses, Procedure of Assessment, advance payment of tax and deduction of tax at source. Practical work: Preparation of Form 16 and 16 A, Preparation and Filling of ITR Forms, Preparation of PAN Request Forms.

Module -IV

GST Act 2017: Overview of Goods and Services Tax, Implementation of GST, Reasons for GST introduction, Liability of Tax Payer, Structure of GST (SGST, CGST, UTGST & IGST); GST Council, Levy and collection of CGST/ SGST Registration: Introduction, Registration Procedure, Special Persons, Amendments /Cancellation. GST Portal: Introduction, GST Eco-system, GST Suvidha Provider (GSP), Uploading Invoices

Book Readings:

1. Mehrotra H. C. and Goyal S.P., Income Tax Law & Practice, Sahitya Bhawan, Agra.
2. Hariharan, N, Income Tax Law and Practice, Tata McGraw Hill.
3. Singhanian V K, 2014, Direct Taxes Planning and Management, Taxmann.
4. Datey V.S., Taxmann's GST Ready Reckoner Taxman, Publications (P) Ltd.
5. Garg K. R., GST Ready Reckoner, Bharat Law House, Delhi.
6. The Central Goods and Services Tax Act, 2017 of Ministry of Law and Justice (Legislative Department) 12th April, 2017) published in The Gazette of India dated 12th April, 2017.
7. Goods and Services Tax in India -----Notifications by Government of India.

Paper: Competition Law and Consumer Protection

Objective: To acquaint the students with underlying provisions of Competition and Consumer laws and to develop a broad understanding of the competition laws practices and its effect in the market.

Module – I

1. Competition: An Introduction - Definition of Competition - Definition of Competition Law - Objectives of Competition Law
2. History of Competition Law (USA, UK, Europe) Relevant provisions of Sherman's Act - Indian scenario with an overview of MRTP Act, 1969 - Raghavan Committee Report
3. International co-operation for competition - WTO agreements and the Act

MODULE - II

1. Anti-competitive Agreement - Appreciable adverse effect - Horizontal and Vertical agreements - Effects doctrine
2. Prohibition of anti-competitive agreements - Concerted practices and parallel behaviour - Cartel and Cartelisation - Bid rigging and collusive bidding - Tie-in-arrangements - Exclusive supply agreement - Resale price maintenance agreement
3. Abuse of Dominant Position - Relevant market - Predatory behaviour - Predatory pricing - Discriminatory practices - Relevant market

MODULE - III

1. Combination - Value of Assets - Turnover - Acquisition - Conglomeration - Joint Venture - Merger and Amalgamation - Notification
2. Competition Commission of India - Establishment and composition - Duties - Procedure for inquiry - Powers - Competition fund
3. Competition Advocacy - Competition Policy

MODULE - IV Consumer Protection Act, 2019 and its applicability to Competition Law

1. Definition of Consumer
2. Definition of Service

3. Deficiency in Service
4. Unfair Trade Practices
5. Overlapping areas

Books Recommended:

1. Mittal D.P., Taxmann's Competition Law (2007)
2. Universal Guide to Competition Law in India-2003, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., Competition Law in India- Policy, Issues and Development (2006) Oxford University Press.
4. Nahar. S. Mahala, Law, Practice and Procedure (2006), Commercial Law Publishers.
5. Dhall .Vinod, Competition Law Today, (ed.) 2007, Oxford University Press
6. Bangia R.K., A Handbook of Consumer Protection Laws and Procedure, 2004, Allahabad Law Agency.
7. Singh Avtar, Law of Consumer Protection; Principles and Practice, 2005, Eastern Book Company.
8. Verma S.K. & M.Afzal Wani, A Treatise on Consumer Protection Laws, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law, 2006, Universal law Publishing Company, New Delhi. 10. Pavleen, Consumer Decision- Making, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Ed. (2008).

Paper: Foreign Exchange, Banking and Insurance Laws

Objective:

Module – I Introduction:

- i) State Control over import and export of goods from rigidity to liberalization
- ii) Impact of regulation on economy
- iii) The Basic Needs of Export and Import Trade: Goods, Services, Transportation.
- iv) International Regime: WTO agreement, WTO and tariff restrictions, WTO and non-tariff restrictions, Investment and transfer of technology, Quote restriction and anti dumping, Permissible regulations, Quarantine regulation, Dumping of discarded technology and goods in international market, Reduction of subsidies and counter measures.

Module II General Law on Control of Imports and Exports

- i) General scheme,
- ii) Legislative control
- iii) Power of control : Central government and RBI
- iv) Foreign Trade Development and Regulation Act 1992
- v) Restrictions under cutoms law, Prohibition and penalties
- vi) Export- Import formulation : Guiding features
- vii) Control Under FEMA, Foreign Exchange and currency, Import of goods, Export promotion councils, Export oriented units and export processing zones, Control of Exports: Quality control, Regulation on goods, Conservation of foreign exchange, Foreign exchange management, Currency transfer, Investment in foreign countries.

Module III Policy:

- i) Changing Dimensions: Investment Policy : NRIs, FIIs (Foreign institutional Investors), FDIs, Joint venture, Promotion on foreign trade, Agricultural products, Textile and cloths, Jewellery, Service Sector
- ii) Law relating to Customs : Prohibition on importation and exportation of goods, Control of smuggling activities in exportimport trade, Levy of, and exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods

Module IV: Banking Law

1. History of Banking in India
2. RBI Act and its supervision of Indian Economy
3. Banking Regulation Act
4. Banking Ombudsman Act

Module V: Insurance Law

1. Definition, nature and history.
2. Contract of insurance and principles.
3. Types of insurances.
4. Policy and its Legal Status.
5. Recent Trends in Insurance - Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.), Liability Insurance and Consumer Protection and Banking and Insurance Services

Book Recommended

1. Tanna, M.L., Tanna's Banking Law and Practice in India, 2008, Wadhwa and Co.
2. Tanna, M.L., Tanna's Banking Law and Practice in India, 2004, India Law House.
3. Tanna: Banking Law and Practice in India (in 3 vols.), 22nd Ed., R. Cambray & Co. Pvt. Ltd.
4. Gupta, S. N., The Banking Law in Theory and Practice (in three volumes), 2006, Universal Law Publishing Co.
5. Sharma, B.R. and Nainta, R.P., Principles of Banking Law and Negotiable Instruments Act 2004, Allahabad Law Agency
6. Nainta, R.P., Banking System, Frauds and Legal Control, 2005, Deep and Deep Publications.
7. Foreign Exchange Management Manual with FEMA and FDI Ready Reckoner & FEMA Case Laws Digest | Set of 2 Volumes
8. Sudhir Kochar, Reporting & Compliances under Indian Foreign Exchange Laws (FEMA & Allied Laws)

Paper: Labour laws

Objective: The labour movement has been instrumental in the enacting of laws protecting labour rights in the 19th and 20th centuries. Labour rights have been integral to the social and economic development since the industrial revolution. After the Independence the government of India has enacted numerous legislations for the regulation of labour relations and their welfare. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers, and employees. It defines the rights and obligations of workers, union members and employers in the work place. An understanding of Labour Laws is very essential for law students because the scope and ambit of these laws is very wide and is touching the lives of millions of people in the country.

Module I Constitutional Provisions on Labour Legislations :

Labour legislations and relevant Constitutional provisions - Fundamental

Rights, Directive Principles of State Policy and Distribution of legislative powers

Module II Settlement of Industrial Disputes :

The Industrial Disputes Act, 1947 : Objectives, Basic Definitions, Industry and

Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strikes, Lock-outs, Lay off, Retrenchment and Recovery of Dues

Module III Unfair Labour Practices and Model Standing Orders :

1. Unfair Labour Practices Under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971

2. The Industrial Employment (Standing Orders) Act, 1946 :

a) Model Standing Orders - Misconducts

b) Disciplinary Proceedings in Industries / Domestic Inquiry - Preliminary

Enquiry, Charge-sheet, Procedure of Domestic Inquiry, Enquiry report and Punishment

Module IV The Factories Act, 1948 :

Module V New Labour Code

Recommended Readings:

1. Avtar Singh and Harpreet Kaur, Introduction to Labour and Industrial Law, LexisNexis.
2. G.M. Kothari, How to Conduct and Defend Disciplinary Inquiry and Cases, Eastern Book Company.
3. H.L. Kumar, Law Relating to Disciplinary Proceedings in Industries, Universal Publishing Co Pvt. Ltd.
4. P.L. Malik, Handbook of Labour and Industrial Law, Eastern Book Company.
5. S.D. Puri and Sandeep Puri, Treatise on the Contract Labour (Regulation and Abolition) Act,1970, Snow White Publications.
6. S.K. Puri, Labour and Industrial Law, Allahabad Law Agency.
7. S.N. Mishra, Labour and Industrial Laws, Central Law Publications.
8. S.P. Jain, Industrial and Labour Laws, Dhanpat Rai & amp: Co.
9. Taxmann's Labour Law.
10. V.G. Goswami, Labour and Industrial Laws, Central Law Agency.