



**C. U. SHAH UNIVERSITY**  
**Wadhwan City**

**FACULTY OF:- LAW (LL.M.)**

**SEMESTER: -I**

**CODE: - 5LW01LST1**

**NAME: – LAW AND SOCIAL TRANSFORMATION IN INDIA**

**Teaching and Evaluation Scheme:-**

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
5LW01LST1	<b>LAW AND SOCIAL TRANSFORMATION IN INDIA</b>	6	0	0	6	6	30	1.5	70	3	---	---	---	<b>100</b>

**Syllabus**

**LAW AND SOCIAL TRANSFORMATION IN INDIA**

**Objectives of the course**

This course is to be designed to offer (a) awareness of India approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary India society.

**Syllabus**

**1. Law and social change**

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

**2. Religion and the law**

- 2.1.1. Religion as a divisive factor.
  - 2.1.2. Secularism as a solution to the problem.
  - 2.1.3. Reform of the law on secular lines: Problems.
  - 2.1.4 Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law

**3. Language and the law**

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system
- 3.4. Non-discrimination on the ground of language

#### **4. Community and the law**

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the grounds of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions, Statutory provisions.

#### **5. Regionalism and the law**

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.

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5.3. Right of movement, residence and business; impermissibility of state or regional barriers.

5.4. Equality in matters of employment: the slogan “Sons of the soil” and its practice.

5.5. Admission to educational institutions: preference to residents of a state.

#### **6. Women and the law**

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women’s Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

#### **7. Children and the law**

- 7.1. Child labour
- 7.2. Sexual exploitation
- 7.3. Adoption and related problems.
- 7.4. Children and education

#### **8. Modernisation and the law**

8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.

8.2. Modernisation of social institutions through law

8.2.1. Reform of family law

8.2.2. Agrarian reform – Industrialisation of agriculture

8.2.3. Industrial reform: Free enterprise v. State regulation – Industrialisation

Environmental protection.

8.3. Reform of court processes

8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims

8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats

8.3.3. Prison reforms

8.3.4. Democratic decentralization and local self-government

#### **9. Alternative approaches to law**

9.1. The jurisprudence of Sarvodaya---Gandhiji, Vinoba Bhave; Jayaprakash Narayan---

Surrender of dacoits; concept of grama nyayalayas

9.2. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property

9.3. Indian Marxist critique of law and justice

9.4. Naxalite movement: cause and cure

#### **Select Bibliography**

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.

Robert Lingat, The Classical Law of India (1988), Oxford.

U.Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.

U.Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.

Manushi, A Journal about Women and Society.

Duncan Derret, *The State, Religion and Law in India* (1999). Oxford University Press, New Delhi.

H.M.Seervai, *Constitutional Law of India* (1996), Tripathi.

D.D. Basu, *Shorter Constitution of India* (1996), Prentice – Hall of India(P) Ltd., New Delhi.

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India Law Institute, *Law and Social Change: Indo-American Reflections*, Tripathi (1988)

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J.B.Kripalani, *Gandhi: His life and Thought*, (1970) Ministry of Information and Broadcasting, Government of India.

M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay

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## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW (LL.M.)

**SEMESTER:-** -I

**CODE:-** - 5LW01ICL1

**NAME:-** INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

### Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
5LW01ICL1	INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES	6	0	0	6	6	30	1.5	70	3	---	---	---	100

## 02. INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

### *Objectives of the Course*

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

### **Syllabus**

#### **1. Federalism**

- 1.1. Creation of new states
- 1.2. Allocation and share of resources – distribution of grants in aid
- 1.3. The inter-state disputes on resources
- 1.4. Rehabilitation of internally displaced persons.
- 1.5. Centre's responsibility and internal disturbance within States.
- 1.6. Directions of the Centre to the State under Article 356 and 365.
- 1.7. Federal Comity: Relationship of trust and faith between Centre and State.
- 1.8. Special status of certain States.
- 1.9. Tribal Areas, Scheduled Areas
2. "State": Need for widening the definition in the wake of liberalization.
3. Right to equality: privatization and its impact on affirmative action.
4. Empowerment of women.
5. Freedom of press and challenges of new scientific development

Freedom of speech and right to broadcast and telecast

Right to strike, Hartal and Bandh.

6. Emerging regime of new rights and remedies

6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights

6.2. Compensation jurisprudence

6.3. Right to education

6.4. Commercialization of education and its impact.

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Brain drain by foreign education market.

7. Right of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

**9. Separation of powers: Stresses and strain**

9.1. Judicial activism and judicial restraint.

9.2. PIL: implementation.

9.3. Judicial independence.

9.4. Appointment, transfer and removal of judges.

9.5. Accountability: executive and judiciary.

9.6. Tribunals

**10. Democratic Process**

10.1. Nexus of politics with criminals and the business.

10.2. Election

10.3. Election commission: status.

10.4. Electoral Reforms

10.5. Coalition government, 'stability, durability, corrupt practice'

10.6. Grass root democracy.

### **Select Bibliography:**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research paper and lastly contemporary emerging ethos impacting on constitutional values.



## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW (LL.M.)

**SEMESTER:-** I

**CODE:-** 5LW01LRE1

**NAME:-** Legal Regulation of Economic Enterprises

### Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
5LW01LRE1	Legal Regulation of Economic Enterprises	6	0	0	6	6	30	1.5	70	3	---	---	---	100

### Paper-1: Legal Regulation of Economic Enterprises

#### Objectives of the course

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalisation starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities. This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments. It will comprise of about 42 units of one-hour duration each spread over a period of one semester.

#### Syllabus

##### 1. The Rationale of Government Regulation

- 1.1. Constitutional perspectives
- 1.2. The new economic policy - Industrial policy resolutions, declarations and statements
- 1.3. The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context
- 1.4. Regulation of economic activities
  - 1.4.1. Disclosure of information
  - 1.4.2. Fairness in competition
  - 1.4.3. Emphasis on consumerism

##### 2. Development and Regulation of Industries

##### 3. Take-over of Management and Control of Industrial Units

##### 4. Sick Undertakings: Nationalisation or Winding Up?

##### 5. Licensing Policy and Legal Process - Growing Trends of Liberalisation

**6. Deregulation of essential commodities: developmental sign or a social mishap?**

**7. Financial Services: Changing Techniques of Regulation**

**8. Critical Issues Regarding the Capital Issues**

8.1. Equity and debt finance

8.2. Global depositories

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8.3. De-materialised securities

**9. Problems of Control and Accountability: Regulation of Hazardous Activity**

9.1. Mass disaster and environmental degradation : legal liability and legal remedies

9.2. Public Liability Insurance : adequacy

9.3. Issues in zoning and location of industrial units

**10. Special Aspects of Legal Regulation of Select Public Enterprises**

(Universities may select some such representative public enterprises for transport, mining and energy).

10.1. Telecom Regulatory Authority

10.2. Insurance Regulatory Authority

10.3. Broadcasting Regulatory Authority

**11. Legal Regulation of Multi-Nationals**

11.1. Collaboration agreements for technology transfer

11.2. Development and regulation of foreign investments

11.2.1. Investment in India : FDIs and NRIs

11.2.2. Investment abroad

**SELECT BIBLIOGRAPHY**

S.Asواني Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.

Dr. C.L Bansal, Corporate Governance Law, Practice & Procedures with Case Studies, EBC, 2006

Dr. Sanjeev Kumar, Corporate Offences Director's Liability, Prosecution, Punishment, Remedies & Procedures, Bharat Law House Pvt Ltd, 2005

Dr. J.C.Verma and dr Sanjeev Kumar, Corporate merger, Amalgamation and Take Overs, Bookshop of India

Industrial Policy Resolutions of 1948,1956, 1991

Industrial Licensing Policy 1970,1975

Industrial Policy Statements 1973,1977, 1980

Reports of Committees on Public Undertakings of Parliament.

Industries (Development and Regulation) Act, 1951

U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986) U. Baxi &

T. Paul (eds.), Mass Disasters and Multinational Liability (1986)

U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)

Indian Law Institute, Law of international Trade Transactions, (1973)



## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW (LL.M.)

**SEMESTER:-** -I

**CODE:-** - 5LW01COF1

**NAME:-** Corporate Finance

### Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
5LW01COF1	Corporate Finance	6	0	0	6	6	30	1.5	70	3	---	---	---	100

## Corporate Finance

### Objectives of the course

Industrialisation has played, and has to play, a very vital role in the economic development of India. In the post independent era, industrial development is regarded, and hence employed, as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring, utilising and

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managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives the broad objectives of this cause may be formulated as follows:

- To understand the economic and legal dimensions of corporate finance in the process of industrial development in establishing social order in the context of constitutional values
- To acquaint the students with the normative, philosophical and economic contours of various statutory rules relating to corporate finance
- To acquaint the students with the organisation, functions, lending, and recovery procedures, conditions of lending and accountability of international, national and state financing institutions and also of commercial banks; and
- To acquaint the students with the process of the flow and outflow of corporate finance.

### Syllabus

#### 1. Introduction



- 1.1. Meaning, importance and scope of corporation finance
- 1.4. Capital needs - capitalization - working capital - securities-borrowings-deposits debentures
- 1.5. Objectives of corporation finance - profit maximisation and wealth maximisation
- 1.6. Constitutional perspectives - 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.
- 2. Equity Finance**
- 2.1. Share capital
  - 2.1.1. Prospectus - information disclosure
  - 2.1.2. Issue and allotment
  - 2.1.3. Shares without monetary consideration
  - 2.1.4. Non-opting equity shares
- 3. Debt Finance**
- 3.1. Debentures'
  - 3.1.2. Nature, issue and class
  - 3.1.3. Deposits and acceptance
  - 3.1.4. Creation of charges
  - 3.1.4.5. Fixed and floating charges
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- 3.1.5. Mortgages
- 3.1.6. Convertible debentures
- 4. Conservation of Corporate Finance**
- 4.1. Regulation by disclosure
- 4.2. Control on payment of dividends
- 4.3. Managerial remuneration
- 4.4. Payment of commissions and brokerage
- 4.5. Inter-corporate loans and investments
- 4.6. Pay-back of shares
- 4.7. Other corporate spending
- 5. Protection of creditors**
- 5.1. Need for creditor protection
  - 5.1.1. Preference in payment
- 5.2. Rights in making company decisions affecting creditor interests
- 5.3. Creditor self-protection
  - 5.3.1. Incorporation of favourable terms in lending contracts
  - 5.3.2. Right to nominate directors
- 5.4. Control over corporate spending
- 6. Protection of Investors**
- 6.1. Individual share holder right
- 6.2. Corporate' membership right
- 6.3. Derivative actions
- 6.4. Qualified membership right
- 6.5. Conversion, consolidation and re-organization of shares
- 6.6. Transfer and Transmission of securities
- 6.7. Dematerialization of securities
- 7. Corporate Fund Raising:**
- 7.1. Depositories - IDR (India Depository Receipts), ADR (American depository receipts), GDR (Global Depository receipts)
- 7.2. Public financing institutions - IDBI, ICICI, IFC and SFC
- 7.3. Mutual fund and other collective investment schemes
- 7.4. Institutional investments - LIC, UTI and banks
- 7.5 FDI and NRI investment - Foreign institutional: investment (IMF and World Bank)
- 8. Administrative Regulation on Corporate Finance**
- 8.1. Inspection of accounts
- 8.2 SEBI

## **BIBLIOGRAPHY:**

### **Selected Bibliography:**

1. Gower's *Principles of Company Law*, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon's *Company Law*, Pearson Education Ltd., 2009
3. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, 1992
4. Companies Act, 1956
5. Verma J.C., *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, 2008