SYLLABUS for Ph.D. Entrance Test - 2011

LAW

SECTION - A

1. LAW AND SOCIAL TRANSFORMATION IN INDIA. Weightage 1

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 of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Modernisation and the law. Weightage 2

2.1 Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
   Modernisation of social institutions through law.
   2.2.1 Reform of family law.
   2.2.2 Agrarian reform – Industrialisation of agriculture.
   2.2.3 Industrial reform: Free enterprise v. State regulation.
   2.2.4 Industrialisation v. environmental protection.
   Reform of court processes.
   2.3.1 Criminal law: Plea bargaining; compounding and payment of compensation to victims.
   2.3.2 Civil law: (ADR) Confrontation v. Consensus; mediation and conciliation; lok adalats.
   2.3.3 Prison reforms.
   2.4 Democratic decentralization and local self-government.

3. Law and Public Opinion: Main & Counter-Current. Weightage 1

4. Alternative approaches to law. Weightage 2

4.1 The jurisprudence of Sarvodaya --- Gandhiji, Vinoba Bhave, Jayaprakash Narayan --- Surrender of dacoits; Concept of gram nyayalayas.
4.2 Socialist thought on law and justice: An enquiry. through constitutional debates on the right to property.
4.3. Indian Marxist critique of law and justice.
4.4. Naxalite movement: causes and cure.

5. **Religion and the law.**

5.1. Religion as a divisive factor.
5.2. Secularism as a solution to the problems.
5.3. Reform of the law on secular lines: Problems.
5.4. Freedom of religion and non-discrimination on the basis of religion.
5.5. Religious minorities and the law.

6. **Language and the law.**

6.1. Language as a divisive factor: formation of linguistic States.
6.2. Constitutional guarantees to linguistic minorities.
6.3. Language policy and the Constitution: Official language; Multi-language system.
6.4. Non-discrimination on the ground of language.

7. **Caste and the law.**

7.1. Caste as a divisive factor.
7.2. Non-discrimination on the ground of caste.
7.3. Acceptance of caste as a factor to undo past injustices.
7.4. Protective discrimination: Scheduled castes, tribes and backward classes.
7.5. Reservation; Statutory Commission, Statutory provisions.

8. **Regionalism and the law.**

8.1. Regionalism as a divisive factor.
8.2. Concept of India as one unit.
8.3. Right of movement, residence and business; impermissibility of state or regional barriers.
8.4. Equality in matters of employment; the slogan “Sons of the soil” and its practice.
8.5. Admission to educational institutions: preference to residents of a State.
9. **Women and the law.**

9.2. Gender injustice and its various forms.

10. **Children and the law.**

10.2. Sexual exploitation.
10.3. Adoption and related problems.
10.4. Children and education.

2: **JUDICIAL PROCESS.**

1. **Nature of Judicial Process.**

1.1. Judicial process as an instrument of social ordering.
1.3. The tools and techniques of judicial creativity and precedent.
1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

2. **Special Dimensions of Judicial Process in Constitutional Adjudications.**

Notion of Judicial Review.
‘Role’ in constitutional adjudication – various theories of judicial role.

2.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
2.4. Varieties of judicial and juristic activism.
2.5. Problems of accountability and judicial law-making.

3. **Judicial Process in India.**
3.1. Indian debate on the role of judges and on the notion of judicial review.
3.2. The “independence” of judiciary and the “political” nature of judicial process.
3.3. Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity.
3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges.
3.5. Institutional liability of courts and judicial activism - scope and limits.

4. **The Concepts of Justice.**

4.1. The concept of justice or Dharma in Indian thought.
4.2. Dharma as the foundation of legal ordering in Indian Thought.
4.3. The concept and various theories of justice in the western thought.
4.4. Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5. **Relation between Law and Justice.**

5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

3 **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**
1. **Federalism.**

1.1. Creation of new States.
1.2. Allocation and sharing of resources – distribution of grants in aid.
1.2.1. The inter state disputes on resources.
1.3. Rehabilitation of internally displaced persons.
1.4. Centre’s responsibility and internal disturbance within States.
1.5. Directions of the Union to the State under Article 356 and 365.
1.6. Federal Comity : Relationship of trust and faith between Union and State.
1.7. Special status of certain States.
1.7.1. 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. **Freedom of press and challenges of new scientific development.**

4.1 Freedom of speech and right to broadcast and telecast.
4.2 Right to strike, hartal and bandh.

5. **Emerging regime of new rights and remedies.**

5.1.1. Compensation jurisprudence.
5.1.2. Right to education.
5.1.2.1. Commercialisation of education and its impact.
5.1.2.2. Brain drain by foreign education market.

6. **Rights of minorities**

7. **Separation of powers : stresses and strain.**

7.2. PIL Implementation.
7.3. Judicial independence.
7.3.1. Appointment, transfer and removal of judges.
7.4. Accountability of executive.

8. **Democratic process.**

8.1. Nexus of politics with criminals and the business.
8.2. Election.
8.3. Election commission: status.
8.4. Electoral Reforms.
8.5. Coalition government, stability, durability, corrupt practices.

4. **LEGAL RESEARCH METHODOLOGY**

1. **Research Methods.**

1.1. Socio Legal Research.
1.2. Doctrinal and non-doctrinal.
1.3. Relevance of empirical research.
1.4. Induction and deduction.

2. **Identification of Problem of research.**

2.1. What is a research problem?
2.2. Survey of available literature and bibliographical research.
2.2.1. Legislative materials including subordinate legislation, notifications and policy statements.
2.2.2. Decisional materials including foreign decisions: methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
2.2.3. Juristic writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.
2.2.4. Compilation of list of reports or special studies conducted relevant to the problem
3. **Preparation of the Research Design.**

3.1 Formulation of the Research problem.
3.2 Devising tools and techniques for collection of data: Methodology.
3.2.1. Methods for the collection of statutory and case materials and juristic literature.
3.2.2. Use of historical and comparative research materials.
3.2.3. Use of observation studies.
3.2.4. Use of questionnaires / interview.
3.2.5. Use of case studies.
3.2.6. Sampling procedures – design of sample, types of sampling to be adopted.
3.2.7. Use of scaling techniques.
3.2.8. Jurimetrics.
3.3. Computerized Research – A study of legal research programmes such as Lexis and West law coding.
3.5 Analysis of data.

**Section – B**

**Elective – A(Criminal Law Group)**

1. **DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHT**

1. **Introductory**

1.1. Basic conceptions
1.1.1. Drugs ‘narcotics’ “psychotropic substances”
1.1.2. “Dependence,” “addiction”
1.1.3. “Crimes without victims”
1.1.4. “Trafficking” in “drugs”
1.1.5. “Primary drug abuse”.

2. **How Does One Study the Incidence of Drug Addiction and Abuse?**

   2.1. Self-reporting
   2.2. Victim-studies
   2.3. Problems of comparative studies.

3. **Anagraphic and Social characteristics of Drug Users**

   3.1. Gender
   3.2. Age
   3.3. Religiousness
   3.4. Single individuals/cohabitation
   3.5. Socio-economic level of family
   3.6. Residence patterns (urban/rural/urban)
   3.7. Educational levels
   3.8. Occupation
   3.9. Age at first use
   3.10. Type of drug use
   3.11. Reasons given as cause of first use
   3.12. Method of Intake
   3.13. Pattern of the Use
   3.14. Average Quantity and Cost
   3.15. Consequences on addict’s health (physical/psychic)

4. **The International Legal Regime**

   4.3. International collaboration in combating drug addiction
   4.4. The SAARC, and South-South Cooperation.
   4.5. Profile of international market for psychotropic Substances.

5. **The Indian Regulatory System**
5.1. Approaches to narcotic trafficking during colonial India.
5.2. Nationalist thought towards regulation of drug trafficking and usage.
5.3. The penal provisions (under the IPC and the Customs Act).
5.4. India’s role in the evolution of the two international Conventions.
5.5. Judicial approaches to sentencing in drug trafficking and abuse.
5.7. Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

6. The Role of Community in Combating Drug Addiction

   6.1. Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction & aftercare)
   6.2. The role of educational systems.
   6.3. The role of medical profession.
   6.4. The role of mass media.
   6.5. Initiatives for compliance with regulatory systems.

2: PRIVILEGED CLASS DEVIANCE

1. Introduction

   1.1 Conceptions of white collar crimes
   1.2 Indian approaches to socio-economic offences
   1.3 Notions of privileged class deviance as providing a wider categorization of understanding Indian development.
   1.4. Typical forms of such deviance
   1.4.1. Official deviance (deviance by legislators, judges, bureaucrats)
           Professional deviance : Journalists, teachers, doctors, lawyers, engineers, architects & publishers.
   1.4.3. Trade union deviance (including teachers, lawyers/urban property owners)
1.4.4. Landlord deviance (class/caste based deviance)
1.4.5. Police deviance
1.4.6. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
1.4.7. Gender-based aggression by socially, economically and politically powerful.

2. **Official Deviance**

2.1. Conception of official deviance – permissible limit of discretionary powers.
2.3. The Chagla Commission Report on LIC-Mundhra Affair
2.6. The Maruti Commission Report

3. **Police Deviance**

3.1. Structures of legal restraint on police powers in India.
3.2. Unconstitutionality of “third-degree” methods and use of fatal force by police.
3.3. “Encounter” killings.
3.4. Police atrocities
3.5. The plea of superior orders
3.6. Rape and related forms of gender-based aggression by police and para-military forces.
3.7. Reform suggestions especially by the National Police Commissions.

4. **Professional Deviance**

4.1. Unethical practices at the Indian bar.
4.2. The Lentin Commission Report.
4.3. The Press Council on unprofessional and unethical Journalism.
4.4. Medical malpractices.
5. **Response of Indian Legal Order to the Deviance of Privileged Classes.**

5.1. Vigilance Commission
5.2. Public Accounts Committee
5.3. Ombudsman
5.4. Commissions of Enquiry
5.6. The Antulay Case.

3: **FORENSIC SCIENCE**

1. **Principles & Perspectives.**

1.1. Need.
1.2. Function.
1.3. Development.
1.4. Principles.
1.5. Tools & Techniques.
1.6. Problems of Proof.

2. **The Forensic Psychology.**

2.1. Importance.
2.2. Nature.
2.3. Classification.
2.4. Collection of Evidence.
2.5. Hypnosis.
2.6. Truth Serum.
2.7. Brain Printing.
2.8. Case Law.

3. **Road Accidents.**

3.1. Scientific investigation and evaluation of clue, materials, Arson
3.2. Scientific investigation and evaluation of materials trace
Analysis.

4. **Nature, Identification, Classification, Collection, Location of Narcotics clue materials.**

4.1. Opium, Morphine, Heroin, Pathadin Barbiturates.
4.2. Cocaine, Amphetamine, Methaquion.
4.3. Cannabis, LSD, DMT.
4.4. Alcohol and Alcoholic Beverages.

5. **Nature, Classification and mode of action of poison their symptoms, fatal dozes etc.**

5.1. Sodim hydroxide, Annonium Hydroxide and Potassium hydroxide.
5.2. Mercury, Arsenic, Lead, Copper, Zink.
5.3. Sulphuric acid, Nitric Acid, Hydrochloric acid.
5.4. Phenol, Phosphorous, Chlorine, Iodine.
5.5. Castor oilseed, Cotton seeds, Dhatura, Oleander seed, Abrus precatitions seeds.

6. **Micro traces.**

6.1. Importance.
6.3. Location.
6.4. Collection.
6.5. Forensic Problems.
   6.6.1. Plant material.
   6.6.2. Dusts.
   6.6.3. Soils, Glass.
   6.6.4. Biological Materials.
       Hair & Fibre, Blood, Semen & other body fluids
(Saliva, Urine, Faeces, Sweat, Nasal secretions, Tears)

7. **Elementary Forensic Medicine.**

7.1. Investigation of death.
7.2. Injuries.
7.3. Age determination of living person.
7.4. Insanity

8. **Evaluation of skeletal remains**

8.1. Formage, height, sex, time of death, mode of death, and identification including skull and site marks.

9. **Finger Prints & Foot Prints.**

Nature, Location, Preservation, Collection, Identification, Comparison, Recording, Ridges,

**4: PENOLOGY : TREATMENT OF OFFENDERS**

1. **Introductory**

1.1. Definition of Penology

2. **Theories of Punishment**

2.1. Retribution
2.2. Utilitarian prevention : Deterrence
2.3. Utilitarian : Intimidation
2.4. Behavioural prevention : Incapacitation
2.6. Classical Hindu and Islamic approaches to punishment.

3. **The Problematic of Capital Punishment**

3.1. Constitutionality of Capital Punishment
3.2. Judicial Attitudes Towards Capital Punishment in
India – An inquiry through the statute law and case law.

3.3. Law Reform Proposals.

4. Approaches to Sentencing

4.1. Alternatives to Imprisonment
   4.1.1. Probation
   4.1.2. Corrective labour
   4.1.3. Fines
   4.1.4. Collective fines
   4.1.5. Reparation by the offender/by the court.

5. Sentencing

5.1. Principal types of sentences in the penal code and special laws.
5.2. Sentencing in white collar crime
5.3. Pre-sentence hearing
5.4. Sentencing for habitual offender
5.5. Summary punishment
5.6. Plea-bargaining

6. Imprisonment

6.1. The state of India’s jails today
6.2. The disciplinary regime of Indian prisons.
6.3. Classification of prisoners.
6.4. Rights of prisoner and duties of custodial staff.
6.5. Deviance by custodial staff.
6.6. Open prisons

5: JUVENILE DELINQUENCY

1. The Basic Concepts

1.1. The conception of ‘child’ in Indian Constitution and Penal Code.
1.2. Delinquent juvenile
1.3. “Neglected” juvenile
1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

2. Determining Factors of Juvenile Delinquency

2.1. Differential association
2.2. Anomie
2.3. Economic pressure
2.4. Peer group influence
2.5. Gang sub-culture
2.6. Class differentials

3. Legislative Approaches

3.1. Legislative approaches during the late colonial era.
3.2. Children’s Act
3.3. Legislative position in various States
3.4. The Juvenile (Protection and Care) Act.
3.4.1. Constitutional aspects.
3.4.2. Distinction between “Neglected” and “Delinquent” juveniles.
3.4.3. Competent authorities
3.4.4. Processual safeguards for juveniles
3.4.5. Powers given to government
3.4.6. Community participation as envisaged under the Act.

4. Indian Context of Juvenile Delinquency

4.1. The child population percentage to total sex-ratio, urban/rural/rural-urban.
4.2. Neglected below poverty line, physically and mentally disabled, orphans, destitute, vagrants.
4.3. Labourers
4.3.1. In organized industries like zari, carpet, bidi, glass.
4.3.2. In unorganized sector like domestic servant, shops and establishment, rag-pickers, family trade.
4.4. Delinquent number, sex-ratio, ratio to adult crime, types
of offences committed, recidivism, rate of increase background.

4.1. Drug addicts.
4.2. Victims
4.6.1. Of violence sexual abuse, battered, killed by parents
4.6.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach.

5. **Judicial Contribution**

5.1. Social action litigation concerning juvenile justice.
5.2. Salient judicial decisions
5.3. Role of legal profession in juvenile justice system.

6. **Implementation**

6.1. Institutions, bodies, personnel
6.2. Recruiting and funding agencies.
6.3. Recruitment qualifications and salaries or fund
6.4. Other responsibilities of each agency/person
6.5. Coordination among related agencies.
6.6. Accountability-annual reports and accessibility of public to juvenile justice institution.

7. **Preventive Strategies**

7.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid
7.2 Compulsory education
7.3 Role of community, family, voluntary bodies, individuals.

6: **COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

1. **Introductory**
Notions of ‘force’, ‘coercion’, ‘violence’
Legal order as a coercive normative order
Force-monopoly of modern law
“Constitutional” and “criminal” speech: Speech as incitement to violence.
“Collective political violence” and legal order.
Notion of legal and extra-legal “repression”.

2. Approaches to Violence in India.

2.1. Religiously sanctioned structural violence: Caste and Gender based
2.2. Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
2.3. Gandhiji’s approach to non-violence
2.4. Discourse on political violence and terrorism during colonial struggle.
2.5. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period.

3. Agrarian Violence and Repression

3.1. The nature and scope of agrarian violence in the 18-19 Centuries India.
3.2. Colonial legal order as a causative factor of collective Political (agrarian) violence.
3.3. The telangana struggle and the legal order.

4. Violence against the Scheduled Castes

4.1. Notion of Atrocities.
4.2. Incidence of Atrocities.
4.3. Uses of Criminal law to combat Atrocities, aftermath of Atrocities.
4.4. Violence Against Women.

5. Communal Violence
5.1. Incidence and causes of “communal” violence.
5.2. Findings of various commissions of enquiry
5.3. The role of police and para-military systems in dealing with communal violence
5.4. Operation of criminal justice system during, and in relation to, communal violence.

Elective – B(Business Law Group)

1: LEGAL REGULATION OF ECONOMIC ENTERPRISES.

1. The Rationale of Government Regulation. 3

   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 emerging context.
   1.4. Regulation of economic activities.
   1.4.1. Disclosure of information.
   1.4.2. Fairness of competition, Indian Competition Act.
   1.4.3. Emphasis on consumerism.

2. Development and Regulation of Industries. 2

3. Licensing Policy and Legal Process – growing trend of liberalization. 1

4. Deregulation of essential commodities : development sign or a social mishap ? 2

5. Financial services : changing techniques of regulation. 1

6 Special Aspects of Legal Regulation of select Public enterprises. 1
   (Universities may select some such representative public enterprises for example transport, mining and energy.)
6.1. Telecom Regulatory Authority.
6.2. Insurance Regulatory Development Authority.
6.3. Broadcasting Regulatory Authority, (Broadcasting Corporation of India)

2: BANKING LAW.

1. Introduction.

1.1. Nature and development of banking.

2. Law Relating to Banking Companies in India.

2.1. Controls by government and its agencies.
2.1.1. On management.
2.1.2. On accounts and audit.
2.1.3. Lending.
2.1.4. Credit policy.
2.1.5. Reconstruction and reorganization.
2.1.6. Suspension and winding up.
2.2. Contract between banker and customer : their rights and duties.

3. Social Control over Banking.

3.1. Nationalization.
3.2. Evaluation : private ownership, nationalization and disinvestment.
3.3. Protection of depositors.
3.4. Priority lending.
3.5. Promotion of underprivileged classes.


4.2. Characteristics and functions.
4.3. Economic and social objectives.
4.4. The Central Bank and the State – as bankers’ bank.
4.5. The Reserve Bank of India as the Central Bank.
4.5.1. Organisational structure.
4.6. Functions of the RBI.
4.6.1. Regulation of monetary mechanism of the economy.
4.6.1.1. Credit control.
4.6.1.2. Exchange control.
4.6.1.3. Monopoly of currency issue.
4.6.1.4. Bank rate policy formulation.
4.7. Control of RBI over non-banking companies.
4.7.1. Financial companies.
4.7.2. Non-financial companies.

5. Relationship of Banker and Customer.

5.2. Characteristics and functions.
5.3. Economic and social objectives.
5.4. The Central Bank and the State – as bankers’ bank.
5.5. The Reserve Bank of India as the Central Bank.
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5.7. Control of RBI over non-banking companies.
5.7.1. Financial companies.
5.7.2. Non-financial companies.


6.1. Meaning and kinds.
6.2. Transfer and negotiations.
6.3. Holder and holder in due course.
6.4. Presentment and payment.
6.5. Liabilities of parties.
7. **Lending by Banks.**

7.1. Good lending principles.
7.1.1. Lending to poor masses.
7.2. Securities for advances.
7.2.1. Kinds and their merits and demerits.
7.3. Repayment of loans: rate of interest, protection against penalty.
7.4. Default and recovery.
7.4.1. Debt recovery tribunal.

8. **Recent trends of Banking System in India.**

8.1. New technology.
8.2. Information technology.
8.3. Automation and legal aspects.
8.4. Automatic teller machine and use of internet.
8.5. Use of expert system.
8.6. Smart Card.
8.7. Credit cards.

3: **INSURANCE LAW.**

1. **Introduction.**

1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity.
1.2. Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance.
1.3. Constitutional perspectives the entries 24, 25, 29, 30, 47 of list 1 Union List; 23, 24 of list III.

2. **General Principles of Law of Insurance.**

2.1. Definition, nature and history.
2.2. The risk – commencement, attachment and duration.
2.3. Assignment and alteration.
2.4. Settlement of claim and subrogation.
2.5. Effect of war upon policies.

   3.1. History and development.
   3.3. Mutual insurance companies and cooperative life insurance societies.
   3.3. Double insurance and re-insurance.

4. Life Insurance.
   4.2. Event insured against life insurance contract.
   4.3. Circumstances affecting the risk.
   4.4. Amounts recoverable under life policy.
   4.5. Persons entitled to payment.
   4.6. Settlement of claim and payment of money.

5. Marine Insurance.
   5.2. Classification of marine policies.
   5.2.2. Marine insurance.
   5.2.3. Insurable interest, insurable value.
   5.2.4. Marine insurance policy – condition – express warranties, construction of terms of policy.
   5.2.5. Voyage – deviation.
   5.2.6. Perils of the sea.
   5.2.7. Assignment of policy.
   5.2.8. Partial laws of ship and of freight, salvage, general average, particular charges.
   5.2.9. Return of premium.

6. Insurance Against Accidents.
   6.1.1. Objects and reasons.
   6.1.2. Assessment of compensation.
   6.1.3. Contributory negligence.
   6.1.4. Apportionment of compensation and liability.
6.2.2. Compensation insurance scheme under the Act - Compulsory insurance.

7. **Property Insurance.**
   7.1. Fire insurance.
   7.2. The Emergency Risks (Factories) Insurance.
   7.3. The emergency Risks (Goods) Insurance.
   7.4. Policies covering risk of explosion.
   7.5. Policies covering accidental loss, damage to property.
   7.6. Policies covering risk of storm and tempest.
   7.7. Glass-plate policies.
   7.8. Burglary and theft policies.
   7.9. Live stock policies.
   7.10. Goods in transit insurance.
   7.11. Agricultural insurance.
   7.13. Liability Insurance

8. **Insurance Against Third Party Risks.**
   8.1.2. Effect of insolvency of death on claims of insolvency and death of parties, certificate of insurance.
   8.1.3. Claims tribunal: Constitution, functions, application for compensation, procedure, powers and award.
   8.2.1. Nature and kinds of such insurance.
   8.2.2. Public liability insurance.
   8.2.3. Professional negligence insurance.

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## 4: LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY.

1. **IPR and International Perspectives.**
2. **Trademarks and Consumer Protection (Study of UNCTAD report on the subject).**

3.1. United Nations approaches (UNCTAD, UNCITRAL)
3.2. EEC approaches.
3.3. Position in U.S.
3.4. The Indian situation.


5. Biotechnology Patents :

5.1. Nature and types of biotechnology patents.
5.2. Patent over new forms of life : TRIPS obligations.
5.3. Plant patenting.
5.4. *Sui generis* protection for plant varieties.
5.5. Multinational ownership.
5.6. Regulation of environment and health hazards in biotechnology patents.
5.7. Indian policy and position.

6. Patent Search, Examination and Records :

6.1. International and global patent information retrieval systems (European Patent Treaty).
6.3. Differences in resources for patent examination between developed and developing societies.
6.4. The Indian situation.

7. Special Problems of Proof of Infringement :

7.2. The evidentiary problems in action of passing off.
7.3. The proof of non-anticipation, novelty of inventions protected by patent law.
7.5. Need and Scope of Law Reforms.
8. **Intellectual Property and Human Rights.**

8.1. Freedom of speech and expression as the basis of the regime of intellectual property right – copyright protection on internet – WCT (WIPO Copyright Treaty, 1996).

8.2. Legal status of hazardous research protected by the regime of intellectual property law.

8.3. Human right of the impoverished masses, intellectual property protection of new products for healthcare and food security.


5: **CORPORATE FINANCE.**

1. **Introduction.**

1.1. Meaning, importance and scope of corporation finance.


1.5. Objectives of corporation finance – profit maximization and wealth maximization.

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.**

Debentures.


3.1.3. Deposits and acceptance.

3.1.4. Creation of charges.
3.1.4.5. Fixed and floating charges.
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 creditor**
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 favorable terms in leading 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 (Indian 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 investments (IMF) and World bank.

8. Administrative Regulation on Corporate Finance.

8.1. Inspection of Accounts.
8.2. SEBI
8.3. Central government control.
8.4. Control by registrar of companies.
8.5. RBI control.

6: EXIM LAW

INTRODUCTION:

1. 1.1. State control over import and export of goods - from rigidity to liberalization.
1.2. Impact of regulation on economy.

2. International Regime.

2.1 WTO agreement.
2.2 WTO and tariff restrictions.
2.3 WTO and non-tariff restrictions.
2.4 Investment and transfer of technology.
2.5 Quota restriction and anti-dumping.
2.6 Permissible regulations.
2.7 Quarantine regulation.
2.8 Dumping of discarded technology and goods in International market.
2.9 Reduction of subsidies and counter measures.

3. General Law on Control of Imports and Exports.

3.1. General scheme.
3.2. Legislative control.
3.2.1. Power of control : Central Government and RBI.
3.2.2. Foreign Trade Development and Regulation Act 1992.
3.2.3. Restrictions under customs law.
3.2.3.1. Prohibition and penalties.
3.3. Export-Import formulation : guiding features.
3.3.1. Control under FEMA.
3.3.2. Foreign exchange and currency.
3.3.2.1. Import of goods.
3.3.2.2. Export promotion councils.
3.3.2.3. Export oriented units and export possessing zones.

4. Control of Exports.

4.1. Quality control.
4.2. Regulation on goods.


5.1. Investment policy: NRIs, FIIs.
5.2. Joint venture.
5.3. Promotion of foreign trade.
5.4. Agricultural products.
5.5. Textile and cloths.
5.6. Jewellery.
5.7. Service sector.


6.1. Prohibition on importation and exportation of goods.
6.2. Control of smuggling activities in export-import trade.
6.3. Levy, of and exemption from, customs duties.
6.4. Clearance of imported goods and export goods.
6.5. Conveyance and warehousing of goods.

7. Regulation of investment.

7.2. Foreign exchange management.
7.3. Currency transfer.
7.4. Investment in foreign countries.
7.5. Borrowing and Lending of money and foreign currency.

Securities abroad – issue of
Immovable property – purchase abroad.
Establishment of business outside.
Issue of derivatives and foreign securities - GDR
(global depositories receipts), ADR (American
depository receipts) and Uro.
Investment in Indian banks.
Repatriation and surrender of foreign securities

8. **Technology transfer.**
   8.2. Restrictive terms in technology transfer agreements.
   8.3. Automatic approval scheme.

TOTAL 100