

SARDAR PATEL UNIVERSITY

LL.M. (Business Law Group)

Semester-III (Effect from 2022-2023)

<p>Programme Outcome (PO) For LL.M. (Business Law Group) Programme</p>	<p>About Programme: Business Law is a law specialisation which is also referred to as Mercantile Law. Business Law deals with the laws on the basis of which every deal between people and commercial firms are governed. Business Law has two distinct areas of functioning which are:</p> <ul style="list-style-type: none"> • Regulation of commercial entities that is done through laws of company, partnership, bankruptcy and agency. • Regulation of commercial transactions that are done through the laws of contract. <p>The focus of Corporate Law is majorly on how corporate/ companies are formed as well as managed. Thus, Corporate Law revolves around the operation of a corporation. Corporate law deals with legal rights, obligations and privileges. On the other hand, lawyers working in the field of Business Law cover areas such as contracts, employment laws, commercial transactions and taxes.</p>
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<p>Programme Specific Outcome (PSO) – For LL.M. (Business Law Group) Semester - III</p>	<p>PO1</p>	<p>Business Law course gives an in-depth valid knowledge of issues such as corporate governance and business debt.</p>
	<p>PO2</p>	<p>To understand the practical difficulties and firm experience when meeting their valid obligations and complying with executive frameworks.</p>
	<p>PO3</p>	<p>To manage multiple cases, clients, and legal activities which carry different deadlines?</p>
	<p>PSO1</p>	<p>To understand the legal departments of public sector and private sector organizations.</p>
	<p>PSO2</p>	<p>It provides in depth study of international and national regulatory bodies.</p>
	<p>PSO3</p>	<p>To ensure that all business strategies, processes and actions are complying with the relevant local, federal, and international and national laws.</p>
	<p>PSO4</p>	<p>To examining and report any existing or potential legal issues to the authorities.</p>

To Pass	<p>(1) A candidate must have at 70% of attendance in the each semester of the LL.M. programme and shall have satisfactory performance in class participation, seminar, assignment of each paper and must have appeared in the internal written test, to be Eligible for grant of the respective semester except Semester-IV in which there will be no internal test.</p> <p>(2) A candidate for Semester-I if granted as prescribed in (1) above shall be allowed to proceed to Semester-II.</p> <p>(3) A candidate shall be allowed to proceed in Semester-III only after fully passing both Semester-I and Semester-II.</p> <p>(4) A candidate shall be allowed to proceed to the semester-IV only after fully passing both Semester-I and Semester-II and his/her Semester-III has been duly granted.</p> <p>(5) The candidate shall be eligible for the award of LL.M. Degree after successfully passing all papers/courses of Semesters I, II, III & IV. The candidate will be allowed to appear in the respective End-Semester Examination during validity of his LL.M. registration.</p> <p>(6) There shall be no ATKT or provision for exemption in the LL.M. Programme.</p> <p>(7) A candidate who fails in a paper/course due to failure in obtaining minimum marks in the internal head of the paper/course, the marks obtained in attendance, class participation seminar, Assignment, Internal test shall be carried forward till date validity of the registration and the terms granted continue.</p> <p>The University Rules with regard to gracing of marks shall be followed.</p>
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Course Type	Course Code	Name of Course	Theory/ Practical	Credit	Exam Duration in hrs	Component of Marks		
						Internal Total	External Total	Total Total
Core Course	PL03CLBL51	Judicial Process	T	5	3	12/30	28/70	40/100
	PL03CLBL52	Legal Education & Research Methodology	T	5	3	12/30	28/70	40/100
Elective Course	PL03ELBL51	Law of Export Import Regulations	T	5	3	12/30	28/70	40/100
	PL03ELBL52	Legal Regulation of Economic Enterprises	T	5	3	12/30	28/70	40/100
	PL03ELBL53	Insurance Law	T	5	3	12/30	28/70	40/100



Master of Law, (Business Law Group)
LL.M. Business Law Group - Semester: III

Course Code	PL03CLBL51	Title of the Course	Judicial Process
Total Credits of the Course	5	Hours per Week	

Course Objectives:	<ol style="list-style-type: none"> 1. The aim of the course is to make the learners aware about the nature and scope of judicial process, interpretive techniques, relevance of law to provide justice, role of judge's social engineering helping the state to maintain law and order and shape contents of law with the passage of time. 2. The course is useful for the learners in learning the method to read and analyze the judgments, techniques of drawing the analogies by judges from the arguments of the counsels, application of legal principles and legal concepts to resolve the disputes for operationalizing the law. 3. To understand how judicial process is an instrument of social ordering. 4. To understand the various tools and techniques of judicial creativity and precedent. 5. To understand the meaning and limitations of independence of judiciary and the political nature of judicial process. 6. To understand the relation between law and justice with the help of various theories.
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Unit	Description	Weightage* (%)
1.	<p>Nature of Judicial Process</p> <p>1.1 Judicial Process as an instrument of social ordering</p> <p>1.2 Judicial process and creativity in law – common law model – Legal Reasoning and Growth of law – change and stability</p> <p>1.3 The tools and techniques of judicial creativity and precedent</p> <p>1.4 Legal development and creativity through legal reasoning under statutory and codified systems</p> <p>1.5 Doctrine of <i>Stare Decisis</i></p> <p>1.6 Doctrine of <i>Ratio Decidendi</i></p> <p>1.7 Doctrine of <i>Obiter Dicta</i></p>	20%
2.	<p>Special Dimensions of Judicial Process in Constitutional Adjudication</p> <p>2.1 Notions of judicial review</p> <p>2.2 'Role' in constitutional adjudication – various theories of judicial role</p> <p>2.3 Tools and techniques in policy-making and creativity in constitutional adjudication</p>	20%





	2.4 Varieties of judicial and juristic activism 2.5 Problems of accountability and judicial law-making 2.6 Judicial Activism in Constitutional Amendments with special reference to Basic Structure Doctrine	
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 limitations 3.6 Judicial Over-reach 3.7 Appointments and Removal of Judges 3.8 Recent Trends – 2018 Press Conference by Supreme Court Judges, Post-retirement Appointments	20%
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	20%
5.	Relation between Law & Justice 5.1 Equivalence Theories – Justice as nothing more than the positive law of the stronger class 5.2 Dependence 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.	20%

PSDA (Professional Skill Development Activities)

- ❖ Statutes and Judgment Analysis
- ❖ Preparation of One Research Paper/Research Article
- ❖ Access to Legal Resources: E-Library, E-Books and E-Database
- ❖ Developing Comparative Analysis Skills





Teaching-Learning Methodology	<ul style="list-style-type: none">• Lecture Method• Power Point Presentation(including audio/video)• Expert talk• Case study
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

Course Outcomes: Having completed this course, the learner will be able to	
1.	The course will help the learners to understand the intricacies of judicial process and growth of law through the judgments. It will sharpen the logic and enable the learners to evaluate the impact of the judgments on impact constituencies.
2.	Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Suggested References:	
Sr. No.	References
1.	Text books: <ol style="list-style-type: none">1. The Province and Function of Law, Henry J. Abraham2. The Nature of Judicial Process (1995) Universal, New Delhi3. The Judicial Process (1998)4. Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth<ul style="list-style-type: none">• Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi
2.	Reference books: <ol style="list-style-type: none">1. Legal Theory (1960), Stevens, London, Bodenheimer2. Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi3. The Indian Supreme Court and Politics (1980), Eastern, Lucknow





	<p>4. The Supreme Court of India – A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay</p> <ul style="list-style-type: none">• J. Stone, Legal System and Lawyers' Reasoning's (1999), Universal, New Delhi• Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago
3.	<p>Journal:</p> <ol style="list-style-type: none">1. Indian Journal of Constitutional & Administrative Law <p>Indian Constitutional Law Review</p>

On-line resources to be used if available as reference material

On-line Resources:

1. SWAYAM
2. Manupatra
3. Hein Online
4. JStor
5. Bloomsbury





Master of Law, (Business Law Group)
LL.M. Business Law Group - Semester: III

Course Code	PL03CLBL52	Title of the Course	Legal Education & Research Methodology
Total Credits of the Course	5	Hours per Week	

Course Objectives:	<ol style="list-style-type: none">1. Research is a desire to search or to find out or to explore an unknown area to find an answer. It is a quest for acquiring knowledge. Research is a careful investigation or inquiry especially through search for new facts in any branch of knowledge. Legal Research means research in law which deals with the principles of law and legal institutions.2. The objective may be to discover new facts or to verify the existing facts, to propound a new legal concept or to analyze existing law and give suggestions for a new law. In order to carry out a research to completion successfully a researcher must be aware of the research methods i.e. the method of doing research.3. A research method is a systematized investigation to gain new knowledge about the phenomena or problems. It is the technique of conducting research and study of the technique of doing research is research methodology. In a broader sense the research methodology includes the research methods as well as the philosophy and practice of the whole research process.4. A good research method is crucial for conducting proper research and getting useful results. This course is designed to give an insight into the meaning and significance of research methods for legal research to the law students in contemporary times.5. It aims to provide an understanding of the various types of research methods and the different techniques of legal research and legal writing with a view to equip the students for further research in law.6. To study how and why Legal Education was introduced in India.7. To be enabled to understand the Importance of Legal Education.
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Unit	Description	Weightage* (%)
1.	1.1 Importance of Legal Education 1.2 Objectives of Legal Education 1.3 History of Legal Education in India 1.4 Lecture Method of Teaching – Merits and Demerits 1.5 The problems Method	20%
2.	2.1 Discussion Method and its suitability at postgraduate-level teaching 2.2 The Seminar method of Teaching	20%





	2.3 Examination System and Problems in Evaluation – External and Internal Assessment	
3.	<p>3.1 Student participation in law school programmes-Organization of Seminars, publication of journal and assessment of teachers</p> <p>3.2 Clinical, Legal Education – legal aid, legal literacy, legal survey and law reform</p> <p>3.3 Research Methods</p> <p>3.3.1 Socio-legal Research</p> <p>3.3.2 Doctrinal and non-doctrinal</p> <p>3.3.3 Relevance of empirical research</p> <p>3.3.4 Induction and deduction</p> <ul style="list-style-type: none">• Legal Education & Its Methods: Hands-on training related to Course Design including curriculum development (content, teaching pedagogies and evaluation scheme)	20%
4.	<p>Identification of Problem of Research</p> <p>4.1 What is a Research Problem?</p> <p>4.2 Survey of available literature and bibliographical research</p> <p>4.3 Legislative materials including subordinate legislation, notification and policy statements</p> <p>4.4 Decisional materials including foreign decisions, methods of discovering the rule of the case tracing the history of important cases and ensuing that these have not been over-rules; discovering judicial conflict in the area pertaining to the research problem and the reason thereof.</p> <p>4.5 Juristic writings-a survey of juristic literature relevant to select problems in India and foreign periodicals.</p> <p>4.6 Compilation of list of reports or special studies conducted relevant to the problem.</p>	20%
5.	<p>Preparation of the Research Design</p> <p>5.1 Formulation of the research problem</p> <p>5.2 Devising tools and techniques for collection of date: Methodology</p> <p>5.2.1 Methods for the connection of statutory and case materials and jurists Literature</p> <p>5.2.2 Use of historical and comparative research materials</p> <p>5.2.3 Use of observation studies</p> <p>5.2.4 Use of questionnaires/interview</p> <p>5.2.5 Use of case studies</p> <p>5.2.6 Sampling procedures – design of sample, types of sampling to be adopted</p> <p>5.2.7 Use of scaling techniques</p> <p>5.2.8 Jurimetrics</p> <p>5.3 Computerized Research – A Study of legal research programmes such as Lexis and West Law Coding</p>	20%





	<p>5.4 Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data</p> <p>5.5 Analysis of data</p> <ul style="list-style-type: none"> • Preparation of Research Proposal • Quantitative Tools and Techniques 	
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PSDA (Professional Skill Development Activities)	
❖	Statutes and Judgment Analysis
❖	Preparation of One Research Paper/Research Article
❖	Access to Legal Resources: E-Library, E-Books and E-Database
❖	Developing Comparative Analysis Skills

Teaching-Learning Methodology	<ul style="list-style-type: none"> • Lecture Method • Power Point Presentation (including audio/video) • Expert talk • Case study
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

Course Outcomes: Having completed this course, the learner will be able to	
1.	To understand the meaning, definition, nature and scope of research.
2.	To understand the implications of research and develop their interest to contribute in addition of knowledge.
3.	To acquaint students with various types of research methodology helping them to formulate hypothesis, awareness about the techniques of data collection, interpretation of data, drawing of observation, etc.





Suggested References:

Sr. No.	References
1.	Text books: 1. Legal Education in India (1973), Tripathi Bombay – S.K. Agrawal
2.	Reference books: 1. Nigel Dunne and Richard Crimes, Clinical Legal Education: Active Learning in your Law School (1998) Blackstone Press Ltd. London 2. H. Bitner and Bysiewicz, Effective Legal Research (1978) – M.O. Price 3. Methods in Social Research, McGraw Hill Book Company, London – William J. Grade & Paul K. Hat 4. The Art of Asking Questions (1965) – Payne 5. Legal Research in Nutshell (1996), West Publishing Co. – Morris L. Cohan 6. Legal Research and Methodology – ILI Publication

On-line Resources

1. SWAYAM

2. Hein Online

3. Manupatra

4. JStor

5. Bloomsbury





Master of Law, (Business Law Group)
LL.M. Business Law Group - Semester: III

Course Code	PL03ELBL51	Title of the Course	Law of Export Import Regulations
Total Credits of the Course	5	Hours per Week	
Course Objectives:	a) To familiarize students with the process of international customs clearance operations. b) To form a base of policy framework in International Business with special emphasis on Indian Customs. c) To apprise them of the documentation procedures and its sanctity in International Business.		

Course Content		
Unit	Description	Weightage* (%)
1.	Introduction: 1.1 State Control over Import and Export of Goods – From Rigidity to liberalisation 1.2 Impact of regulation on economy 1.3 The Basic Needs of Export and Import trade 1.3.1 Goods 1.3.2 Services 1.3.3 Transportation 1.4 International Regime 1.4.1 WTO agreements. 1.4.2 WTO and tariff restrictions 1.4.3 WTO and non-tariff restrictions 1.4.4 Investment and transfer of technology 1.4.5 Quota-restriction and Anti-dumping 1.4.6 Permissible Regulation 1.4.7 Quarantine regulation 1.4.8 Dumping of discarded technology and goods in international market 1.4.9 Reduction of Subsidies and Counter measures	20%
2.	General law on control of import and export 2.1 General Scheme 2.2 Legislative control 2.2.1 Power of Control : central Government and RBI 2.2.2 Foreign trade development and Regulation Act,1992 2.2.3 Restrictions Under Customs Law 2.2.3.1. prohibitions and penalties 2.3 Export Import Formulations : guiding features 2.3.1 Control under FEMA	20%





	2.3.2 Foreign Exchange and Currency 2.3.2.1 Import of goods 2.3.2.2 Export Promotion Councils 2.3.2.3 Export oriented units and Export Processing Zones	
3.	Foreign Trade policy 2015-20 or subsequent policies : Changing Dimensions 3.1 Make in India policy: Salient features 3.2 Joint venture 3.3 Promotion of foreign trade 3.4 Agricultural products 3.5 Textiles and cloths 3.6 Jewellery 3.7 Service sector	20%
4.	Law relating to Customs 4.1 Prohibition on importation and exportation of goods 4.2 Control of smuggling activities in export-import trade 4.3 Levy of, and exemption from, custom duties 4.4 Clearance of imported goods and export goods 4.4 Conveyance and warehousing of goods	20%
5.	Regulation on Investment 5.1 Borrowing and lending of money and foreign Currency 5.2 Securities abroad-issue of 5.3 Immovable property- purchase abroad 5.4 Establishments of business outside 5.5 Issue of derivatives and foreign securities- GDR (global depositories receipts), ADR (American Depository Receipts) and Uro 5.6 Investments in Indian banks 5.7 Repatriation and surrender of foreign securities 5.8 Technology transfer 5.8.1 Restrictive terms in technology transfer agreements 5.8.2 Automatic approval schemes	20%

PSDA (Professional Skill Development Activities)

❖ Statutes and Judgment Analysis
❖ Preparation of One Research Paper/Research Article
❖ Access to Legal Resources: E-Library, E-Books and E-Database
❖ Developing Comparative Analysis Skills
❖ Interaction with Export – Import Expert
❖ Visit to Export – Import Industries
❖ Visit to State Regional RBI office

Teaching-Learning Methodology	<ul style="list-style-type: none">● Lecture Method● Power Point Presentation (including audio/video)
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	<ul style="list-style-type: none">• Group Discussion• Role Play• Team Exercise• Case study• Expert Talk
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

Course Outcomes: Having completed this course, the learner will be able to	
1.	<ul style="list-style-type: none">• Explain the concepts in custom clearance in international business with respect to foreign trade
2.	<ul style="list-style-type: none">• Apply the current custom clearance phenomenon and to evaluate the global business environment in terms of economic, social and legal aspects
3.	<ul style="list-style-type: none">• Analyse the principle of international business and strategies adopted by firms to for exporting products globally
4.	<ul style="list-style-type: none">• Integrate concept in custom clearance concepts with functioning of global trade

Suggested References:	
Sr. No.	References
1.	Reference books: <ol style="list-style-type: none">1. Government of India, Handbook of Import Export Procedure, (Refer to the latest edition)2. Government of India Import and Export policy (1997-2002)3. The Students should consult the relevant volumes of the Annual Survey of Indian law Institute, New Delhi.4. Industrial Policy Statements 1973, 1977, 1980.





	<ol style="list-style-type: none">5. Foreign Trade Development and Regulations Act 1992 and Rules.6. Foreign Exchange Management Act 19997. Marine Products Export Development Authority Act 19728. Customs Manual (Latest edition)9. Final Treaty of GATT, 1994.
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On-line Resources
1. SWAYAM
2. Coursera
3. Bloomsbury
4. JStor
5. Hein Online





Masters of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-III

Course Code	PL03ELBL52	Title of the Course	Legal Regulation of Economic Enterprise
Total Credits of the Course	05	Hours per Week	

Course Objectives:	<ol style="list-style-type: none">1. To introduce the students regarding the scenario behind the laws pertaining the economic regulations. That how the government will make new economic policies with reference to the Constitution of India. How the small scale, public sector and corporate sectors have different regulations.2. To prepare students in the context of how to examine the development and regulation of industries, so that they have a clear idea regarding take over management and Nationalization of sick undertakings.3. To develop understanding of students regarding legal process and how licensing policy is made and how financial services is changing due to changing techniques of regulations.4. To develop thought process of the students regarding capital, equity and date financing so that they have an understanding for global depositories and problems relating to that. Also, mass disaster and environmental degradation and legal remedies to that.5. To allow the students to understand the special aspects of rules regarding selected public sector units such as, Telecom Regulatory Authority, Insurance regulatory Authority, Broadcasting Regulatory Authority
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Course Content		
Unit	Description	Weightage* (%)
1.	The Rationale of Government Regulation 1.1 Constitutional Perspectives 1.2 The new economic policy-industrial policy resolutions, declaration 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	20%
2.	Development and Regulation of Industries 2.1 Take-over of Management and Control of Industrial Units Sick	20%





	Undertakings: Nationalisations or Winding Up?	
3.	3.1 Licensing Policy and Legal process - Growing Trends of Liberalisation. 3.2 Deregulation of essential commodities: developmental sign or a social mishap? 3.3 Financial Services: Changing Regulations of Techniques	20%
4.	Critical issues regarding the Capital issues 4.1 Equity and Debt finance 4.2 Global depositories 4.3 De-materialised securities Problems of control and Accountability: Regulation of Hazardous activity 4.3.1 Mass disaster and environmental degradation: Legal liability and legal remedies 4.3.2 Public Liability insurance: adequacy 4.3.3 Issues in zoning and location of industrial units	20%
5.	Special aspects of Legal regulations of select public enterprises 5.1 Telecom Regulatory Authority 5.2 Insurance Regulatory Authority 5.3 Broadcasting Regulation Authority Legal Regulation of Multi-Nationals 5.1 Collaboration agreements for technology transfer 5.2 Development and regulation for foreign investments 5.2.1 Investment in India: FDI and NRIs 5.2.2 Investment abroad	20%

PSDA (Professional Skill Development Activities)

❖ Visit to Industries
❖ Visit to Various Authorities
❖ A Project work for Drafting application for FDI and Agreements
❖ A Study on Various Case laws Mass disaster and environmental degradation
❖ A Group discussion on various Economic policies

Teaching-Learning Methodology	<ul style="list-style-type: none"> • Lecture Method • Power Point Presentation (including audio/video) • Group Discussion • Case study
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Evaluation Pattern





Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%

Course Outcomes: Having completed this course, the learner will be able to

1.	Understand the rationale of governmental regulation.
2.	Understand the management and process of takeover of sick industries.
3.	Acquaint with the changing regulatory mechanisms for financial services
4.	Understand critical issues regarding capital issues.
5.	Understand aspects of legal regulation of select public enterprises such as telecom, insurance, broadcasting, etc.

Suggested References:

Sr. No.	References
1.	S. Ashwini Kumar, The law of Indian trademark
2.	Industrial Policy Resolutions 1948,1956,1991
4.	Industrial Licencing Policy of 1970,1975
5.	Law of Industrial Trade Transactions
6.	Industries Act, 1951

On-line Resources





a. SWAYAM

b. Coursera

c. EdX

d. Hein Online

e. SCC Online

f. LexisNexis





Master of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-III

Course Code	PL03ELBL53	Title of the Course	Insurance Law
Total Credits of the Course	05	Hours per Week	
Course Objectives:	<ol style="list-style-type: none"> 1. To assess critically the old and new law, identifying the strengths and weaknesses of each Constitutional provisions 2. To identify which set of insurance law rules apply in any given situation and to advice in their impact. 3. To explain when the service offered by the Financial Ombudsman Service is available and how its approach may differ from that of the courts. 4. To evaluate the effectiveness of the law reform process, using insurance as a case study. 		

Course Content		
Unit	Description	Weightage* (%)
1.	<p>Introduction</p> <p>1.1 Nature of Insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity</p> <p>1.2 Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance</p> <p>1.3 Constitutional perspectives-the Entries 24, 25, 29, 30, 47 of List 1 Union List 23, 24 of List III</p> <p>1.4 General Principles of Law of Insurance</p> <p style="padding-left: 20px;">1.4.1 Definition, nature and history</p> <p style="padding-left: 20px;">1.4.2 The risk – commencement, attachment and duration</p> <p style="padding-left: 20px;">1.4.3 Assignment and alteration</p> <p style="padding-left: 20px;">1.4.4 Settlement of claim and subrogation</p> <p style="padding-left: 20px;">1.4.5 Effect of war upon policies</p>	20%
2.	<p>Indian Insurance Law: General</p> <p>2.1 History and development</p> <p>2.2 The Insurance Act, 1938 and the Insurance Regulatory Authority Act, 2000</p> <p>2.3 Mutual Insurance companies and cooperative life insurance societies</p> <p>2.4 Double Insurance and re-insurance Life Insurance</p> <p style="padding-left: 20px;">2.4.1 Nature and Scope</p> <p style="padding-left: 20px;">2.4.2 Event insured against life insurance contract</p> <p style="padding-left: 20px;">2.4.3 Circumstances affecting the risk</p> <p style="padding-left: 20px;">2.4.4 Amounts recoverable under life policy</p> <p style="padding-left: 20px;">2.4.5 Persons entitled to payment</p>	20%





	2.4.6 Settlement of claim and payment of money	
3.	<p>A- Life Insurance</p> <p>3.1 Nature and scope 3.2 Event insured against life insurance contract 3.3 Circumstances affecting the risk 3.4 Amounts recoverable under life policy 3.5 Persons entitled to payment 3.6 Settlement of claim and payment of money</p> <p>B - Marine Insurance</p> <p>3.1 Nature and Scope 3.2 Classification of marine policies 3.2.1 The Marine Insurance Act, 1963 3.2.2 Marine Insurance 3.2.3 Insurable Interest, insurable value 3.2.4 Marine insurance policy-condition-express warranties conditions of terms of policy 3.2.5 Voyage-deviation 3.2.6 Perils of the sea 3.2.7 Assignment of policy 3.2.8 Partial laws of ship and of freight, salvage, general average, particular charges 3.2.9 Return of premium</p>	20%
4.	<p>Insurance Against Accidents</p> <p>4.1 The Fatal Accidents Act, 1855 4.1.1 Objects and reasons 4.1.2 Assessment of compensation 4.1.3 Contributory Negligence 4.1.4 Apportionment of compensation and liability</p> <p>4.2 The Personal Injuries (Compensation Insurance) Act, 1963 4.2.1 Compensation payable under the Act 4.2.2 Compensation insurance scheme under the Act-Compulsory Insurance</p> <p>4.3 Property Insurance</p> <p> 4.3.1 Fire Insurance 4.3.2 The Emergency Risks (Factories) Insurance 4.3.3 The Emergency Risks (Goods) Insurance 4.3.4 Policies covering risk of explosion 4.3.5 Policies covering accidental loss, damage to property 4.3.6 Policies covering risk of storm and tempest 4.3.7 Glass-plate policies 4.3.8 Burglary and theft policies 4.3.9 Livestock policies 4.3.10 Goods in transit insurance 4.3.11 Agricultural insurance</p>	20%





5.	Insurance Against Third Party Risks 5.1 The Motor Vehicles Act, 1988 5.1.1 Nature and scope 5.1.2 Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance 5.1.3 Claims tribunal, constitution, functions, application for compensation, procedure, powers and award 5.2 Liability Insurance 5.2.1 Nature and kinds of such insurance 5.2.2 Public Liability Insurance 5.2.3 Professional negligence insurance Miscellaneous Insurance Schemes: New Dimensions 5.3 Group life insurance 5.4 Mediation, sickness insurance	20%
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PSDA (Professional Skill Development Activities)

❖ Visit to IRDA
❖ A Study on various Incidents of MV Act, 1988
❖ Interaction with Insurance Experts
❖ A Project work on different policies
❖ A Study on various Insurance Laws

Teaching-Learning Methodology	<ul style="list-style-type: none">• Lecture Method• Power Point Presentation (including audio/video)• Group Discussion• Role Play• Team Exercise• Case study
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Evaluation Pattern

Sr. No.	Details of the Evaluation	Weightage
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	20%
2.	Internal Continuous Assessment in the form of Practical, Viva-voce, Quizzes, Seminars, Assignments, Attendance (As per CBCS R.6.8.3)	10%
3.	University Examination	70%





Course Outcomes: Having completed this course, the learner will be able to

1.	Demonstrate a detailed and comprehensive knowledge of the law relating to insurance and a substantial range of major concepts, values and principles relevant to its application.
2.	Compare, analyse and synthesise the principal rules and theories relating to insurance.
3.	Identify, explain and critically evaluate key issues in insurance and to apply relevant rules and theories.
4.	Flexibly define complex legal problems, identify their relative significance and select appropriate methods for investigating and critically evaluating them.
5.	Select, integrate and present coherently and relatively, orally and/or in writing, relevant law and legal/theoretical arguments.
6.	Apply legal knowledge to a case study and to suggest a conclusion supported by relevant arguments.
7.	Communicate and engage in debate effectively and accurately, orally and/or in writing, in a manner appropriate to the discipline and in different contexts.
8.	Identify, retrieve and use effectively a range of library-based and electronic resources with minimum guidance.
9.	To work independently, within a limited time frame, and without access to external sources, to complete a specified task.

Suggested References:

Sr. No.	References
1.	John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia Hongkong
2.	Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hong Kong
3.	Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad
4.	Mitra B.C., Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
5.	JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance (1981), Sweet & Maxwell





6.	Birds, Modern Insurance Law (1997) Sweet & Maxwell
7.	Collinvaux's Law of Insurance (1997) Sweet & Maxwell
8.	O'Mary on Marine Insurance (1993), Sweet & Maxwell
9.	International Labour Office, Administration Practice of Social Insurance (1985)
10.	E.R. Hardy Ivamy, General Principles of Insurance Law (1979)
11.	Edwin W. Patterson, Cases & Materials on Law of Insurance (1955)
12.	M.N. Sreenivasan, Law and the Life Insurance Contract (1914)

On-line Resources

a. Manupatra

c. SCC Online

c. Hein Online

d. LexisNexis



SARDAR PATEL UNIVERSITY

LL.M. (Business Law Group)

Semester-IV (Effect from 2022-2023)

<p>Programme Outcome (PO) For LL.M. (Business Law Group) Programme</p>	<p>About Programme: Business Law is a law specialisation which is also referred to as Mercantile Law. Business Law deals with the laws on the basis of which every deal between people and commercial firms are governed. Business Law has two distinct areas of functioning which are:</p> <ul style="list-style-type: none"> • Regulation of commercial entities that is done through laws of company, partnership, bankruptcy and agency. • Regulation of commercial transactions that are done through the laws of contract. <p>The focus of Corporate Law is majorly on how corporate/ companies are formed as well as managed. Thus, Corporate Law revolves around the operation of a corporation. Corporate law deals with legal rights, obligations and privileges. On the other hand, lawyers working in the field of Business Law cover areas such as contracts, employment laws, commercial transactions and taxes.</p>
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<p>Programme Specific Outcome (PSO) – For LL.M. (Business Law Group) Semester - IV</p>	<p>PO1</p>	Business Law course gives an in-depth valid knowledge of issues such as corporate governance and business debt.
	<p>PO2</p>	To understand the practical difficulties and firm experience when meeting their valid obligations and complying with executive frameworks.
	<p>PO3</p>	To manage multiple cases, clients, and legal activities which carry different deadlines?
	<p>PSO1</p>	To understand the legal departments of public sector and private sector organizations.
	<p>PSO2</p>	It provides in depth study of international and national regulatory bodies.
	<p>PSO3</p>	To ensure that all business strategies, processes and actions are complying with the relevant local, federal, and international and national laws.
	<p>PSO4</p>	To examining and report any existing or potential legal issues to the authorities.

To Pass	<p>(1) A candidate must have at 70% of attendance in the each semester of the LL.M. programme and shall have satisfactory performance in class participation, seminar, assignment of each paper and must have appeared in the internal written test, to be Eligible for grant of the respective semester except Semester-IV in which there will be no internal test.</p> <p>(2) A candidate for Semester-I if granted as prescribed in (1) above shall be allowed to proceed to Semester-II.</p> <p>(3) A candidate shall be allowed to proceed in Semester-III only after fully passing both Semester-I and Semester-II.</p> <p>(4) A candidate shall be allowed to proceed to the semester-IV only after fully passing both Semester-I and Semester-II and his/her Semester-III has been duly granted.</p> <p>(5) The candidate shall be eligible for the award of LL.M. Degree after successfully passing all papers/courses of Semesters I, II, III & IV. The candidate will be allowed to appear in the respective End-Semester Examination during validity of his LL.M. registration.</p> <p>(6) There shall be no ATKT or provision for exemption in the LL.M. Programme.</p> <p>(7) A candidate who fails in a paper/course due to failure in obtaining minimum marks in the internal head of the paper/course, the marks obtained in attendance, class participation seminar, Assignment, Internal test shall be carried forward till date validity of the registration and the terms granted continue.</p> <p>The University Rules with regard to gracing of marks shall be followed.</p>
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Course Type	Course Code	Name of Course	Theory/ Practical	Credit	Exam Duration in hrs	Component of Marks		
						Internal Total	External Total	Total Total
Core Course	PL04CLBL51	Dissertation	T	5	3	12/30	28/70	40/100
	PL04CLBL52	Classroom Teaching	T	5	3	12/30	28/70	40/100
	PL04CLBL53	Doctrinal Research	T	5	3	12/30	28/70	40/100
	PL04ELBL54	Non-Doctrinal Research	T	5	3	12/30	28/70	40/100
	PL04ELBL55	Clinical Research Report	T	5	3	12/30	28/70	40/100



Masters of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-IV

Course Code	PL04CLBL51	Title of the Course	Dissertation
Total Credits of the Course	9	Hours per Week	
Course Objectives:	Developing research tempore is quintessence of lawyering. This course is designed to test the research skill and aptitude of the students and their analytical skills on various current challenges of law and society. It is aimed at enabling the students to hone their skills as a researcher that would of immense help to them in their career.		

Sr. No.	Description
1.	<p>This course is a research oriented. Every student has to carry out Dissertation should be on topics from the area of specialization chosen topic or issue from the subjects taught in the last three semesters and approved by the Departmental Committee. The dissertation is expected to be an in depth and critical/analytical/comparative analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, articles and books relevant to the topic in the form of footnotes and bibliographical references, Typed and bound dissertation shall be of uniform pattern with applying Legal Research Methodology which is to be submitted for evaluation internally and externally has to appear for viva-voce.</p> <p>1. Students are required to follow the STEPS given below for preparation of dissertation:</p> <ul style="list-style-type: none">• Title of the Study• Introduction• Significance of the Study• Literature Review• Objectives of the Study• Hypothesis• Research Methodology• Scope and Limitations of the study <p>LL.M. Students are required to follow the following STRUCTURE for dissertation:</p> <ul style="list-style-type: none">• Cover Page• Certificate• Declaration/Certificate by Candidate• Acknowledgement• List of Case Laws• List of Tables• Abbreviations• Table of Contents• Chapters





	<ul style="list-style-type: none">• Bibliography (Books, Journals, Newspapers, Websites, Research Reports, Magazines, etc.)• Appendix (Interview Schedules, Questionnaires, Master Charts, Acts, Bills, Maps, etc.)
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Teaching-Learning Methodology	<ul style="list-style-type: none">• Lecture Method• Power Point Presentation (including audio/video)• Case study• Expert talk
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal	
2.	Viva Voce	

Course Outcomes: This subject will help the students to enhance their research, analytical and writing skills:	
1.	This subject will help the students to enhance their research, analytical and writing skills
2.	Student could improve their research and cognitive abilities.

On-line Resources
<ul style="list-style-type: none">• SCC Online
<ul style="list-style-type: none">• Manupatra
<ul style="list-style-type: none">• HeinOnline
<ul style="list-style-type: none">• Coursera
<ul style="list-style-type: none">• Jstor
<ul style="list-style-type: none">• Bloomsbury





Masters of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-IV

Course Code	PL04CLBL52	Title of the Course	Classroom Teaching
Total Credits of the Course	4	Hours per Week	

Course Objectives:	It is quite evident that a scholar pursuing master degree may choose his career either as a teacher or as a researcher. In both the cases, it becomes inevitable to inculcate teaching ability and aptitude among the students. With this objective this course has been introduced in the curriculum.
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Sr. No	Description
1.	Each student will be assigning two topics in advance to deliver class room teaching. Topic should be on from the area of specialization chosen topic or issue from the subjects taught in the last three semesters. Each class will be of 60 minutes by selecting any methods of teaching relating to Law and shall be assessed according to his/her performance.

Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	100

Course Outcomes: Having completed this course, the learner will be able to	
1.	The students after completion of their master degree will be well equipped with teaching styles, teaching objectives and teaching methods.
2.	Students can assist departments and program to think about their curriculums. When outcomes are defined, departments can map the outcomes onto the courses that they teach to identify areas within the program where outcomes may overlap (or otherwise be redundant) or where gaps may exist.
3.	Allow instructors to indicate what knowledge, skills and abilities students are expected to have mastered at the end of their course allow them to communicate expectations to students.
4.	Provide students with a way to articulate the knowledge and abilities that they have





gained and to express what they know to others.

On-line Resources
• SCC Online
• Manupatra
• HeinOnline
• Coursera
• Jstor
• Bloomsbury





Masters of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-IV

Course Code	PL04CLBL53	Title of the Course	Doctrinal Research
Total Credits of the Course	4	Hours per Week	

Course Objectives:	Each student has to submit a doctrinal research work on the basis of the doctrinal research method taught in the legal research methodology by collecting secondary data from various sources collating with legal issues.
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Unit	Description
1.	<ul style="list-style-type: none">• The doctrinal research is concerned with analysis of the legal doctrine and how it has been developed and applied “and these types of research known “as pure theoretical research” or “typical legal research”.• Doctrinal research typically involves source-based research (Secondary Data) and it would be unusual to undertake qualitative or quantitative research under the doctrinal methodology.• The doctrinal legal research method involves an analysis of legal propositions or legal concept is the main base of the studies. However, the legal propositions from enactments, administrative rules and regulation, case laws of courts, statutes and other legal sources etc. can be a part of doctrinal legal research.• Despite this, it is not impossible to exclude doctrinal analysis from other methods. For example, used qualitative methods to analyse the language and language use of statutes. (Whilst the project had other, non-doctrinal goals, the aim to analyse statute language use is a function of doctrinal research).
2.	Tools of doctrinal Research: <ol style="list-style-type: none">1. Statutory materials.2. Reports of Committees.3. Legal history.4. Judgments.5. Case Reports.6. Case and Digest7. Conference Proceedings8. Online available information9. Any information which is already published
3.	Steps in Doctrinal Research Report: <ol style="list-style-type: none">1. Introduction (context and general background)2. Statement of research problem.3. Objectives





	<ol style="list-style-type: none"> 4. Literature review 5. Hypotheses/research question. 6. Data Collection (Identification of material and cases etc. 7. Discussion (Critical commentary by examining the objectives and hypotheses and deriving inferences) 8. Conclusions/Recommendations 9. Bibliography 10. Appendix
4.	<p>The Doctrinal Research must comply with the following format:</p> <ol style="list-style-type: none"> 1. Size of paper: A4. 2. Margins: Top: 1”, Left: 1.5”, Right:1”and Bottom:1”. 3. Paper quality: Normal Paper. 4. Printing: printing on one side only with1.5 line spacing. 5. Font: Times New Roman. 6. Title/ Top and Inner first pages: Title of Project Report. 7. Declaration by the Scholar. 8. List of Cases 9. Table of contents.

Teaching-Learning Methodology	<ul style="list-style-type: none"> • Lecture Method • Power Point Presentation (including audio/video) • Case study • Expert talk
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	

Course Outcomes: Having completed this course, the learner will be able to	
1.	This subject will help the students to enhance their research, analytical and writing skills.
2.	Student could improve their analytical and cognitive abilities
3.	It will help student to use available published information for research work





On-line Resources
<ul style="list-style-type: none">• SCC Online
<ul style="list-style-type: none">• Manupatra
<ul style="list-style-type: none">• HeinOnline
<ul style="list-style-type: none">• Coursera
<ul style="list-style-type: none">• Jstor
<ul style="list-style-type: none">• Bloomsbury





Masters of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-IV

Course Code	PL04CLBL54	Title of the Course	Non-Doctrinal Research
Total Credits of the Course	4	Hours per Week	

Course Objectives:	Each student has to submit a non-doctrinal research on the basis of the non-doctrinal research method taught in the legal research methodology by collecting primary data using various methods of data collection from various sources collating with legal issues.
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Sr. No.	Description
1.	<ul style="list-style-type: none">• The Non-doctrinal research is carried on by collecting or gathering information by first hand study of the subject, it relies on experience or observation without due regard to any theory or system and hence it is also called as experimental type of research.• In Non-doctrinal research, the researcher attempts to investigate effect or impact by actual examination or observation of the functioning of law and legal institutions in the society.• Non-doctrinal research, also known as social-legal research, is research that employs methods taken from other disciplines to generate empirical data that answers research questions. It can be a problem, policy, or are form of the existing law.• A legal non-doctrinal finding can be qualitative or quantitative, and a dogmatic non-doctrinal finding can be part of a large-scale project.• The non-doctrinal approach allows the researcher to conduct research that analyses the law from the perspective of other science disciplines, and to employ those disciplines in drafting the law.• This study combines both primary /secondary research methods.• Thus, gathering and analysing the data will be done on the basis of literature review, magazine, journals, articles, newspaper, law books, news on web portal, survey, questionnaire etc.
2.	<p>Steps in Non-Doctrinal Research:</p> <ol style="list-style-type: none">1. Introduction (context and general background)2. Statement of research problem.3. Objectives4. Literature review5. Hypotheses/ research question.6. Data Collection/Survey7. Data analysis8. Discussion (Critical commentary by examining the objectives and hypotheses–





	<p>this part can be divided into Chapters)</p> <p>9. Conclusions/Recommendations</p> <p>10. Bibliography</p> <p>11. Appendix</p>
3.	<p>The Non-Doctrinal Research must comply with the following format:</p> <ol style="list-style-type: none"> 1. Size of paper: A4. 2. Margins: Top: 1”, Left: 1.5”, Right: 1” and Bottom: 1”. 3. Paper quality: Normal Paper. 4. Printing: printing on one side only with 1.5 line spacing. 5. Font: Times New Roman. 6. Title/ Top and Inner first pages: Title of Project Report. 7. Declaration by the Scholar. 8. Others papers 9. Table of contents.

Teaching-Learning Methodology	<ul style="list-style-type: none"> • Lecture Method • Power Point Presentation (including audio/video) • Case study • Expert talk
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	

Course Outcomes: After completion of the course the student will be able to:	
1.	To understand the importance of Socio Legal Research
2.	To understand the important aspects of Doctrinal and non-doctrinal
3.	To understand the Relevance of empirical research
4.	To understand the difference between Induction and deduction
5.	Learn various methods of primary data collection such as questioner method, interview method, sampling method.





6.	Learn the Tabulation of collected primary data.
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On-line Resources
• SCC Online
• Manupatra
• HeinOnline
• Coursera
• Jstor
• Bloomsbury





Masters of Laws (Business Law Group)
LL.M. (Business Law Group) Semester-IV

Course Code	PL04CLBL55	Title of the Course	Clinical Research Report
Total Credits of the Course	4	Hours per Week	

Course Objectives:	Each Student are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of NGO, tackling of Human Rights disputes, or other deeds and with public interest litigation.
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Unit	Description
1.	<p>As a part of clinical research each student has to visit for 10 working days in two different Legal Institutions / NGO to each to understand the functioning of these institutions and its relation with the Human rights and society related issues at large and has to submit is port for evaluation.</p> <p>Steps are required to follow in Clinical Research Report:</p> <ol style="list-style-type: none">1. Certificate issued by Institution2. Summary of Report3. Table of Content4. Introduction of visited institution5. Constitution of Institution6. Functions7. Work areas8. Contribution9. Analysis10. Conclusion. <p>The Clinical Research Report must comply with the following format:</p> <ol style="list-style-type: none">1. Size of paper: A4.2. Margins: Top: 1", Left: 1.5", Right:1"and Bottom:1".3. Paper quality: Normal Paper.4. Printing: printing on one side only with 1.5 line spacing.5. Font: Times New Roman.6. Title/ Top and Inner first pages: Title of Clinical Research Report.7. Declaration by the Scholar.8. If Photographs available





Teaching-Learning Methodology	<ul style="list-style-type: none">• Lecture Method• Power Point Presentation (including audio/video)• Case study• Expert talk
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Evaluation Pattern		
Sr. No.	Details of the Evaluation	Weightage (%)
1.	Internal Written / Practical Examination (As per CBCS R.6.8.3)	
Course Outcomes: After completion of the course the student will be able to:		
1.	This subject will help the students to acquaint with analyse the practical approach dealt by different institute.	

On-line Resources
<ul style="list-style-type: none">• SCC Online
<ul style="list-style-type: none">• Manupatra
<ul style="list-style-type: none">• HeinOnline
<ul style="list-style-type: none">• Coursera
<ul style="list-style-type: none">• Jstor
<ul style="list-style-type: none">• Bloomsbury

