

COURSE PLAN

Subject: Banking Law

Class: IV BBA, IV BA & ILL.B

Date of commencement P.L - 2019

Mr
IVBAUR

Course Objectives: To understand the basic objectives of the various legislations on the subject of banking and other financial institutions. The course is designed to primarily acquaint the students with the conceptual and operational parameters of banking law and to help students understand recent statutory and policy developments in this area with the help of case laws.

Module s/Units	Topic	No of Hours	Prerequisites- Readings/Assignments	Method of Teaching	Supplementary Reading	Unit Outcomes (Student will be able to)
Unit I: (15 hrs)	History and evolution of banking in India and in other countries.	3	Tannan, M.L., <i>Banking Law and Practice</i> , (Lexis Nexis, 2014).	*Lecturing *Mind mapping	Amrut S. Joshi & M.P. Karik, "The development of universal banking: an analysis of the legal regimes in USA and India" 14 SBR 1 (2002)[Westlaw India]	Discuss & pen down evolution of banking in India & in other countries. * spell out what is indigenous bank.
	Different kinds of banks & their functions: Commercial banks, IDBI, RRBs, Local bank	6		*Students presentation: 3 *Visit to NABARD, IDBI.	Murtuza Bohra, "Islamic Banking Too Big to Ignore: Indian Banking System", (2011) PL September S-28.	* list different kinds of banks and discuss their functions.
	Multi functional banks, growth & legal issues.	2		Lecturing		* make out multifunctional banks, their growth & legal issues surrounding it.
	Controls by Govt. & its agencies: on management, on	4		Lecturing & discussion	Ayushi Mishra, "Analysis of Draft Guidelines for On-Tap Licensing of Universal Banks	Analyze control mechanism on banks which ensures their

<p>accounts & audit -Lending-credit policy- Reconstruction & reorganization- Suspension & winding up</p>			<p>Lecturing & discussion</p>	<p>in Private Sector” (2016) 2 HNLU SBJ 100.</p>	<p>accountability. They are also able to describe concepts like reorganization, reconstruction & winding up.</p>
<p>i. Evolution of Central Bank. ii. characteristic & functions iii. economic & social objectives iv. The Central Bank & the state as banker’s bank, The RBI as the Central Bank.</p>	4	<p>Tannan, M.L., <i>Banking Law and Practice</i>, (Lexis Nexis, 2014).</p>	<p>*RBI visit *Lecturing *Discussion * Writing research based write-ups</p>	<p>*Basu , Saroj Kumar and Alak Ghosh, <i>A Review of Current Banking Theory and Practice</i>, (Mc Millan, 1974)</p>	<p>Describe evolution of central bank.</p>
<p>Unit II (14 hrs) i. Functions of RBI ii. regulation of monitory mechanism of the economy iii. credit control iii. exchange control iv. monopoly of currency issue v. bank rate policy formation control of RBI over non banking companies, financial companies, non financial</p>	3		<p>Lecturing & discussion</p>	<p>Aditya Alok & Nihal Joseph, “Regulating the Growing Commercialisation of Microfinan ce Institutions in India”, (2012) 5 NUS L Rev 65.</p>	<p>Analyze functions of central bank.</p> <p>Differentiate between banking companies and financial companies and analyze control of RBI over non banking, financial, non financial</p>

	companies					companies.
	i. Objects & reasons for establishment of DIC ii. registration of banking companies insured banks iii. liability of DIC to depositors iv. relations between insured banks, DIC & RBI	3		Lecturing followed by small group presentation.		* Analyze & evaluate Objects & reasons for establishment of Deposit Insurance Corporation. * restate liability of DIC to depositors. * Locate relations between insured banks, DIC & RBI
	i. Legal character, control between banker & customer	2		Lecturing method with blend of interaction method.	Preeti Sukthanker, "Legal position of a nominee: legatee or trustee?" 22(2) NLSI. Rev. 137 (2010) [Westlaw India]	Analyze relation between banker & customer.
	ii. banker's lein,	1	Tannan, M.L., <i>Banking Law and Practice</i> , (Lexis Nexis, 2014).	Lecturing & case study method		* Explain banker's lein.
	iii. protection of bankers, customers	2		Lecturing followed by Small group discussion	POH Chu Chai, "Banking Law", (2009) 10 SAL Ann Rev 78.	Understand provision that protect interest of bankers & customers
Unit III (13 hrs)	iv. nature & type of accounts	2		Group Discussion		* state different type of accounts
	v. special classes of customers- lunatics, minor, partnership, corporation, local authorities	2		Lecturing & discussion with case studies	Paget, <i>Law of Banking</i> , 13 th Edition, (UK: Lexis Nexis, 2007)	* distinguish special classes of customers with of normal one. * List & evaluate rights & duties of bankers & customers.

Unit IV: Law relating to NI Act, 188 1 (12 hrs)	vi. rights & duties of banker & customer	2	Tannan, M.L., <i>Banking Law and Practice</i> , (Lexis Nexis, 2014).	Presentation & discussion		* comprehend -banking as service and
	vii. consumer protection – banking as service	1		Presentation		apply consumer protection laws.
	i. kinds of NI	12		* Lecturing	A K Bansal, "Cheque truncation in the Indian Scenario", (2008) PL Jan 9.	Classify kinds of NI.
	ii. holders & holder in due course	1		* Guest Lecture by other experts.		*restate meaning of holders & holder in due course
	iii. parties to NI	1		Student Presentation		* Recall parties to different NI.
	iv. negotiable- assignment- presentment- endorsement	1		Lecturing & discussion	Law Commission of India 11th Report	* understand the meaning of terms- presentment, endorsement, payment in due course, negotiable, material alteration, noting & protest
	v. liability of parties	1		Lecturing & discussion		* identify special rules of evidence.
	vi. payment in due course	1		Lecturing & discussion		* compare functions of paying banker & collecting banker
	vii. special rules of evidence	1		Lecturing & discussion		* Identify & employ penal provision under NI Act & other enactments.
	viii. material alteration	2		Group Discussion		
ix. noting & protest	1	Lecturing & discussion				
x. paying banker	1	Lecturing &				

<p>& collecting banker xi. bills in sets</p>		<p>M. S. Parthasarathy (Ed.), Khergannala, <i>Negotiable Instruments Act</i> (Bombay: N.M.Tripathi Pvt Ltd, 1955)</p>	<p>Lecturing & discussion</p>	
<p>*penal provision under NI Act, Banker's book Evidence Act</p>		<p>Singh, Avtar, <i>Laws of Banking and Negotiable Instruments</i>, (Eastern Book Co., 2007)</p>	<p>Lecturing & discussion</p>	
<p>Unit V: *Good lending principles-lending to poor masses * securities for advances-kinds-their merits & demerits * repayment of loans: rate of interest, protection against penalty-default & recovery- * DRT</p>	<p>11 6</p>	<p>Tannan, M.L., <i>Banking Law and Practice</i>, (Lexis Nexis, 2014).</p>	<p>*discussion, *PPT *Observance of DRT proceedings *role play of banker & customer.</p>	<p>Basu, Saroj Kumar and Alak Ghosh, <i>A Review of Current Banking Theory and Practice</i>, (Mc Millan, 1974) http://blog.seconline.com/post/2018/01/17/insolvency-bankruptcy-code-2016-ibcl/ Ashish Pathak, "A New Dimension to Debts Recovery Laws: The Securitisation Ordinance" (2002) 5 SCC J-17</p>
<p>*examine Good lending principles. * defend necessity of lending to poor masses. *identify kinds of securities and evaluate their merits & demerits. *Identify & criticize penalty and recovery measures, rate of interest. * Summarize functions of</p>				

ii. Recent trends of banking system in India *New technology, IT, automation & legal trends, ATM & use of internet, smart card, use of expert system, credit cards.	5	Tannan, M.L., <i>Banking Law and Practice</i> , (Lexis Nexis, 2014).	*Group discussion followed by small write up.	Ranjit Singh, "Efforts At the Global Level to Combat Cyber Crimes: An Analysis", (2017) 7 GILDP (April) 25.	DRT.
				*Sri T.R Mani, "The Information Technology Act, 2000 - An Analysis" (2005) 4 LW (JS) 9. *Vikrant Narayan Vasudeva, "Phishing: Deception in Cyberspace", 2010 PL November 10.	*Identify, employ & explain different online banking services.

No. of Teaching Hrs: 56

No. of Library Hrs: 1

No. of Assessment Hrs: 3

No. of Hrs for revision and question paper solving: 3

No. of Documentaries to be screened: 1

No. of Hand-Outs: 3

No. of student Presentations: 6

No. of Case Studies: 1

No. of documentaries to be screened: 4

No. of Lectures/presentations: 5

No. of writing exercises: 3

Any Links: <https://www.rbi.org.in/home.aspx>

Suggestion for Guest Lectures: 1

Course Outcome:

Academic Co-ordinator

Course Teacher: *Smt. Shanmuga K.S.*


Principal

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COURSE PLAN

Subject: **INSURANCE LAW**

Class: **IV BALLB/BBALLB/ ILLB**

Date of commencement of Classes- **Feb 2019**

Course Objectives: Insurance is an old institution of transactional trade. Operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law.

Modules/Units	Topic	No. of Hours	Teaching method/ Tool	Prerequisites- Readings/Assignments	Supplementary Reading	Unit Outcomes
UNIT I	Discussion of syllabus	01	Lecture			Students will understand the growth of insurance sector and the law governing to regulate and develop insurance market in India.
	History of insurance	01	Lecture			
	History and development of Insurance Law in India Marine insurance Fire insurance Life insurance	02	Lecture	K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India		
Insurance Act, 1938		05	Lecture, case analysis	M.H.Srinivasan- Principles of Insurance Law and Insurance Act, 1938		

	<p>Insurance Regulatory and Development Authority Act, 1999</p>	05	<p>Lecture, PPT, presentation</p>	<p>Insurance Regulatory and Development Authority Act, 1999 and K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India</p>		
	<p>Re-Insurance</p>	02	<p>Lecture. discussion</p>			<p>Students will be able to understand general principles of insurance contract. Nature of insurance contract. And the types of insurance policies available to protect life and assets.</p>
	<p>Types of insurance</p>		<p>Lecture</p>			
	<p>Classification of contract of insurance Aleatory contract Contract of Indemnity Contract of Wager Parties to insurance contract Principles of utmost good faith Effects of non-disclosure Misinterpretation in insurance contract</p>	04	<p>Lecture, case analysis, discussion</p>	<p>K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India</p>		

UNIT II						
	Insurable interest Nature of insurable interest Time or duration of insurable interest Insurable interest and life insurance Insurable interest and marine insurance Insurable interest and fire insurance	04	Lecture, PPT, case analysis	K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India		
	Premium Method of payment Days of grace Forfeiture Return of the premium	02	Lecture, discussion, case analysis	K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India		
	Risk Meaning of risk Scope of risk The risk and the duty of the assured Alteration of risk	03	Lecture, case analysis			
	Assignment of insurance policy Assignment of life insurance Assignment of fire insurance Assignment of marine insurance	03	Lecture, PPT, discussion, case analysis	K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India		
	Warranties Kinds of warranty	02	Lecture, PPT			

<p style="text-align: center;">UNIT III</p>	<p>Life insurance Formation of life insurance contract Event insured Risk Types Persons entitled to claim Life insurance Act, 1956</p>	03	<p>Lecture, assignment, student presentation</p>	<p>♦ K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India And B.P.A.DAVIES- Houseman's Law of Life Assurance</p>	<p>Students will understand different types of life insurance policies and other non life insurance policies.</p>
	<p>General Insurance Act, 1972 Motor Vehicles Act, 1988 (sec 140-176) Purpose and object of the Act Liability -absolute liability/ no fault liability Third party insurance/ compulsory insurance Claims Tribunal</p>	04	<p>Lecture, case analysis, student presentation</p>	<p>Motor Vehicles Act, 1988 And K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India</p>	

UNIT IV	Fire Insurance Nature and scope of fire Meaning of terms 'Fire' and 'loss by fire' Conditions Rights, duties of parties Claims	03	Lecture, PPT, case study	<ul style="list-style-type: none"> ◆ K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India 	Students will be able to analyse legal provisions and other government schemes in crop insurance, agricultural insurance and cattle insurance.
	Special doctrines	02	Lecture, case analysis, assignment	K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India	
	Doctrine of Reinstatement				
	Doctrine of Subrogation				
	Doctrine of Contribution				
	Agriculture Insurance	02	Student presentation, discussion, assignment		
	Crop Insurance	02	Student presentation, discussion, assignment		
Cattle Insurance	01	Student presentation, discussion			

UNIT V	Marine Insurance Act, 1963(Sections 1-91)	02	Lecture, PPT	Marine Insurance Act, 1963 and K.S.N.MURTHY and K.V.SHARMA- Modern Law of Insurance in India		Students will study scope and object of marine insurance Act, 1963 . kinds of marine insurance policies to protect against perils of the sea.
	Nature and scope of the Act					
	Marine adventure					
	A slip in the marine insurance					
	Inchmaree Clause					
Perils of the sea and other perils	01	Lecture, PPT, discussion				
Classification of Marine policies	01	Lecture, PPT				
Voyage and deviation	02	Lecture, PPT, case analysis				
Kinds of Loss	01	Lecture, PPT, case analysis				
Warranties	01	Lecture, PPT				

No. of Teaching Hrs- 60

No. of Library Hrs- 01

No. of Assessment Hrs- 03

No. of Hrs. for revision and Question Paper Solving- 08

No. of Students Presentation- 05

No. of Hand-Outs: 03

No. of writing exercises 04

No. of Case Studies: 10

No. of documentaries to be screened- 02

Reference books: K.S.N.MURTHY and
K.V.SHARMA-Modern Law of Insurance in
India- Fifth edition

M.H.Srinivasan-Principles of Insurance Law

Service Learning – societal people to be made aware about the various types of insurance policies available to protect their lives and assets. Compilation of data - agricultural schemes by Central government and State government and sharing this information to Legal Services Authority.

Guest Lectures - 01

Course Outcome: To acquire specialized knowledge on insurance law. To know how the policy regulations with respect to insurance originated and best practices followed today. By studying concepts, students will gain knowledge relating to various insurance schemes launched by Central government and State government. Insurance regulatory and development authority (IRDA) is regulating and developing insurance market in India.


Industry/Professional Skills: Students will get learn insurance subject from the stand point of the insurer and the insured and they will also learn the legal precedents of the insurance Laws and about the regulatory body IRDA.

Human Values:


Ms. Soumya N.M

Course Teacher

Academic Co-ordinator


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