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CYBERSPACE AS AN INSTRUMENT OF GLOBAL COMMUNICATION OR ADVANCED AMMUNITION: VARIOUS ASPECTS

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ABSTRACT

The electronic technologies that allow people to 'meet' and exchange information on them are based on radio, microcomputers, and electronic networks. The technologies are also defined by the information they carry and the categories of users they serve. This may be called as public cyberspace. Most people want the networks and systems to provide the world, business, and professional news, and needed technical information. If all people can do is send messages to each other via email, you will have a hard time getting off the ground. It is actually quite surprising how little people have to say to each other, outside the context of close colleagues separated by distance. In cultural isolation, the People are willing to pay a big chunk of money for having the privilege of watching how the more fortunate part of the world lives. This is Global Communication. Cyberspace is a method of communication and a source of information that is becoming more popular among those who are interested in and have the time to surf the information superhighway. The problem with this much information being accessible to this many people is that some of it is deemed inappropriate for minors. The government must control what information is accessible from its agencies. This material is not lawfully available through the mail or over the telephone, there is no valid reason these perverts should be allowed unimpeded on the Internet. Ever since our initiative, the industry has commendably advanced some blocking devices, but they are not a substitute for well-reasoned law. Because the Internet has become one of the biggest sources of information in this world, legislative safeguards are imperative. The government gives citizens the privilege of using the Internet, but it has never given them the right to use it.

Key Words: Cyberspace, Neuromancer, Communication, Advanced Ammunition.

Day by day cyberspace is becoming a more intricate part of our society. Cyberspace consists of transactions, relationship and thought itself, arrayed like a standing wave in the web of our communications. Ours is a world that is both everywhere and nowhere, but it is now where bodies live. With the blessings of Information and Communication Technology, the digital age is benefiting billions across the world. The entire world has become a global village. The Internet has proved to be the greatest invention of mankind. However, the transcendental jurisdiction of Internet has caused the major threat to the society in the form of cybercrimes. In today's dynamic environment, cybersecurity has become vital for individuals and families, as well as organizations (such as military, government, business houses, educational and financial institutions, corporations and others) that collect and store a wide range of confidential data on computers and transmit that to other computers across different networks. For families, protection of children and family members from cyber crime has become substantially important. For an individual, protecting information that could impact social life as well as personal finance is essential. The internet has provided a wide array of learning opportunities, but there are risks too.

ARTICLES 21 AND 22 : PERSONAL LIBERTY AND PREVENTIVE DETENTION

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Abstract:

According to Article 21 no person can be deprived of his life or personal liberty except according to procedure established by law. This means that a person can be deprived of his life or personal liberty provided his deprivation was brought about in accordance with the procedure prescribed by law.

Article 22 provides those procedural requirements which must be adopted and included in any procedure enacted by the legislature. If these procedure requirements are not complied with, it would then be deprivation of personal liberty which is not in accordance with the procedure established by law. Thus Article 22 prescribe the minimum procedure requirement that must be included in any law enacted by the legislature in accordance with which a person may be deprived of his life and personal liberty.

Key words: Article 21, Article 22, Personal Liberty, Preventive Detention, Deprived.

Article 21 says: "No person shall be deprived of his life or personal liberty except according to procedural established by law." According to the Supreme Court ruling in *Maneka Gandhi v. Union of India*,¹Article 21 envisages "reasonable, fair and just procedure". Domiciliary visit by the police without authority of law has been held to be violative of the right to privacy and freedom of movement oy Article 19 (1) (a).²

However, the aforesaid right is not absolute and is subject to reasonable restrictions. A provision for domiciliary visiting is not unreasonable, if it is confined to habitual criminals or persons having criminal antecedents.³

Right to transmit telephone message or hold telephone conversation in privacy has been held to be part of right to privacy protection by Article 21 as well as Article 17 of International Covenant on civil and political rights. It has been held that telephone tapping by Government under Section 5 (2) of Telegraph Act, 1885 amounts to infraction of Fundamental rights and hence it can be resorted to only in accordance with procedure established by law.⁴

Strange though it may seem, Constitution of India visualizes the possibility of preventive detention as a peace-time measure.⁵Preventive detention has not been unknown in other democratic countries like England and Canada, but their recourse has been had to it only in war-time. In India, however, with all the emphasis on individual liberty and Fundamental Rights, it has been found

¹ AIR 1978 SC 597 : (1978) 1 SCC 248

² *Kharak Singh v. State of U.P.*, AIR 1963 SC 1248

³ *Govind v. State of M.P.*, AIR 1975 SC 1378, para 28

⁴ *People's union for civil Liberties v. Union of India*, 1 SCC 301 para 18 :AIR 1997 SC 568

⁵ Preventive DETENTION means DETENTION of a person by an executive authority on suspicion without Any conviction by court of law .

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Vol. 1 AIDS (PREVENTION AND CONTROL) BILL, 2014: PROTECTION OF
HIV COMMUNITY FROM BIAS

Dr. Sudhir Kumar Vats*

AIDS is one of the biggest challenges faced by India. India has the third largest population in the world. India's socio-economic matrix, traditional social ills, cultural norms and sexuality and a huge population of marginalised people make it extremely vulnerable to the HIV/AIDS epidemic. People infected with HIV/AIDS are discriminated at all levels and are looked upon in the society. The worse kind of discrimination face by people with HIV/AIDS (PLWHA) has been in the area of employment. People are being forced out of schools to the denial of jobs to involuntary disclosure of their status. There's no end to discrimination that people living with HIV/AIDS face. Not just family members are also subjected to hostility, prejudice and stigma. Groups at risk include sex workers, men who have sex with men (MSM) and injecting drug users face discrimination in different spheres of their lives. However, only a few of these cases get reported.

India has 21.17 lakh persons living with HIV/AIDS. The National AIDS Control Organisation (NACO) says national HIV prevalence among adults (15 to 49 years) declined from 0.28 percent in 2007 to 0.28 percent in 2015.² The percentage of patient receiving antiretroviral therapy treatment currently stands at a mere 25.82 percent as against the global average of 41 percent, according to the Global Burden of Diseases.³ The Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Bill, 2014 was introduced in the Rajya Sabha on February 11, 2014 by the Minister for Health and Family Welfare, Mr. Ghulam Nabi Azad. The cabinet on 5 February 2014 approved important amendments to the HIV and AIDS Bill, 2014 in a meeting chaired by Prime Minister Sh. Narendra Modi.

AIDS
Acquired Immune Deficiency Syndrome is the term given to a combination of conditions which results from a breakdown of the immune system. It is the final stage of HIV infection which causes severe damage to the immune system and causes fatal infections. This condition in which the defense system of the human body is weakened and gives rise to a variety of symptoms leading to various disorders and set of diseases. AIDS is caused by a virus called Human Immunodeficiency Virus. The virus attacks the immune system and makes the body vulnerable to a variety of life-threatening infections and cancers. AIDS is transmitted primarily through sexual intercourse (including oral, vaginal, and anal), transfusion of infected blood, by use of non sterile, HIV infected or contaminated syringes and needles and from an infected mother to her unborn child.

The first known case of HIV was diagnosed by Dr. Suniti Solomon amongst sex workers in Chennai, Tamil Nadu.⁴ Later that year, sex workers began showing

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¹ <http://www.erscollective.org/updates/put-indignity.html>
² HIV+ Can Land You in Jail for 2 Years, By Aditi Tandon, The Tribune, 06-10-2016.
³ HIV Community from Bias Gets Approval, The Hindu. 06-10-2016.
⁴ HIV Scars India, USA Today. 23 February 2005.

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BANKING REGULATION (AMENDMENT) BILL, 2017: AN EVALUATION

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Dr. Sudhir Kumar Vats

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The Centre has empowered the Reserve Bank of India to get proceedings against defaulters, to address the growing volume of bad loans on their books.

The *Banking Regulation (Amendment) Bill, 2017*, seeks to amend the *Banking Regulation Act, 1949* to insert provisions for handling stressed assets. Stressed assets are loans where the borrower has defaulted in repayment or where the loan has been restructured (such as by changing the repayment schedule). It will replace the *Banking Regulation (Amendment) Ordinance, 2017*.

The central government may authorize the RBI to issue directions to banks for initiating proceedings in case of a default in repayment. These proceedings would be under the *Insolvency and Bankruptcy Code, 2016*.

The RBI may specify authorities or committees to advise banks on resolution of stressed assets. The members on such committees will be appointed or approved by the RBI.¹

The bulk of the non-performing assets (NPAs) are in sectors such as power, steel, road infrastructure and textiles.²

What is the Background?

The *Banking Regulation (Amendment) Ordinance* was promoted on May 4 to address the reportedly high levels of stress faced by the banking sector at the time.

The RBI had, in June, identified 12 'defaulters' who account for around 25% of India's non-performing assets (NPA) and informed banks to take up insolvency proceedings against them. A NPA is a loan or advance for which the borrower has failed to repay the principle or interest for a period of 90 days. Union Finance Minister Arun Jaitley told the Parliament earlier this month that the '*proceedings had been initiated in the 12 cases*' and the RBI is expected to refer more cases to the banks.

Mr Jaitley said that the NPAs had begun during the UPA regime and that the sectors that had the most NPAs were Steel, Infrastructure, Power and Textiles. Public sector banks were hit the most as big

¹<http://www.thehansindia.com/posts/index/Education-&-Careers/2017-08-15/Banking-Regulation-Amendment-Bill/319168>

²<http://www.thehindubusinessline.com/money-and-banking/govt-notifies-changes-in-banking-regulation-act/article9832272.ece>

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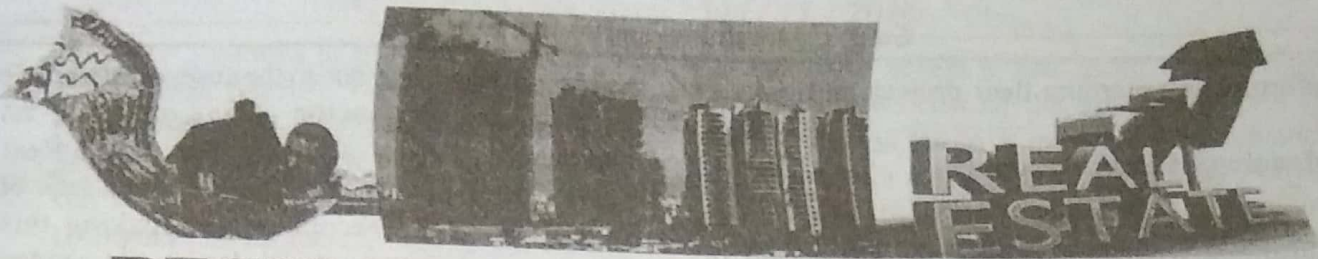
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REGULATION OF REAL ESTATE SECTOR IN INDIA

Introduction:

The real estate sector plays a catalytic role in fulfilling the need and demand for housing and infrastructure in the country. While this sector has grown significantly in recent years, it has been largely unregulated. There is, thus, absence of professionalism, standardization and lack of adequate consumer protection (*RERA to bring transparency*”, *The Tribune*, 27-08-2016). The real estate transactions include sale and purchase of immovable property for residential, development and industrial purposes. Currently, the real estate transactions are governed by various laws such as Transfer of Property Act, 1882 and several state laws. Despite there are several laws regulating Real Estate sector, they are inadequate. Project delays are one of the major issues currently facing by the home buyers. The real estate market is largely non-transparent. Presently, both the developer and the home buyer emanate from the agreement for sale. But generally these agreements are in favour of the promoter like home buyers have to pay high interest on late payments but compensation paid by the developers for project delay is very nominal.

To regulate all these issues, the Indian Parliament passed the Real Estate (Regulation & Development) Bill, 2016 which amends the original Real Estate (Regulation and Development) Bill, 2013. It will regulate the contracts between

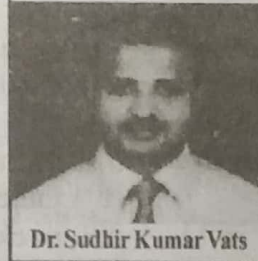
buyers and sellers and will protect the interest of the consumer, ensure efficiency in property transactions and accountability of the developers.

History:

Real Estate Regulatory Authority (RERA) Bill was introduced by the Indian National Congress government in 2013. In December 2015, the Union Cabinet of India had approved 20 major amendments to the bill based on the recommendations of a Rajya Sabha committee that examined the Bill. The Bill had been referred to a select committee, which had given its report in July 2015. However, Congress, Left and AIADMK expressed their reservations on the report through dissent notes. The bill got approval of the *Rajya Sabha* on 10 March 2016 and by the Lok Sabha on 15 March 2016 (*The Economic Times*, 15 March 2016).



Prof. (Dr.) Rajpal Sharma



Dr. Sudhir Kumar Vats

Objective:

The primary objective of the Act is to protect the interest of the purchasers by promoting transparency, accountability and efficiency in the construction and execution of real estate projects by promoters/builders. The Act provides for provisions relating to registration of their projects by the promoters/builders. It also holds the promoters accountable for not registering their projects with the Real Estate Regulatory Authority (Regulatory Authority) or for providing insufficient

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THE SURROGACY (REGULATION) BILL, 2016: ROBUST MORAL SUPPORT FOR INDIAN ETHOS

Introduction:

India has emerged as a surrogacy hub for couples from different countries and there have been reported incidents concerning unethical practices, exploitation of surrogate mothers, abandonment of children born out of surrogacy and rackets of intermediaries importing human embryos and gametes. Widespread condemnation of commercial surrogacy prevalent in India has also been regularly published in different print and electronic media since last few years highlighting the need to prohibit commercial surrogacy and allow ethical altruistic surrogacy. (*Press Information Bureau Government of India Cabinet released on 24-August-2016*)

The Union Cabinet chaired by the Prime Minister Shri Narendra Modi has given its approval for introduction of the 'Surrogacy (Regulation) Bill, 2016'. The 228th report of the Law Commission of India has also recommended for prohibiting commercial surrogacy and allowing ethical altruistic surrogacy to the needy Indian citizens by enacting a suitable legislation.

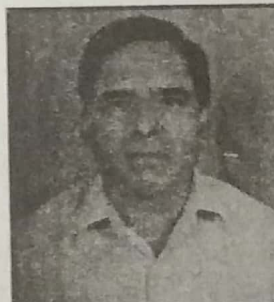
The proposed legislation ensures effective regulation of surrogacy, prohibit commercial surrogacy and allow ethical surrogacy to the needy infertile Indian couples. The Surrogacy (Regulation) Bill, 2016 proposes to regulate surrogacy in India by establishing National Surrogacy Board at Central level, State Surrogacy Boards and Appropriate Authorities in States and Union Territories.

Objectives of the Bill

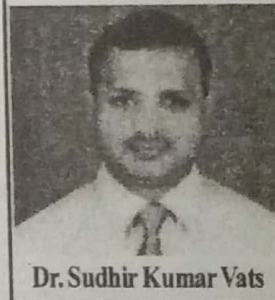
The major objectives of the Bill are to regulate surrogacy services in the country, to provide altruistic ethical surrogacy to the needy infertile Indian couples, to prohibit commercial surrogacy including sale and purchase of human embryo and gametes, to prevent commercialization of surrogacy, to prohibit potential exploitation of surrogate mothers and protect the rights of children born through surrogacy.

What is surrogacy?

The definition is fairly simple – when a couple wants a baby but is unable to have a child because either or both partners are medically unfit to conceive, another woman is artificially inseminated with the sperm of the father. She then carries the child full term and delivers it for the couple. In such a case, the surrogate mother is the biological mother of the child. In instances when the father's sperm cannot be used, a donor sperm can also be used. This is traditional surrogacy. There is also gestational surrogacy, wherein eggs from the mother are fertilised with the father's/donor's sperm and then the embryo is placed into the uterus of the surrogate, who carries the child to term and delivers it. In this case, the biological mother is still the woman whose eggs are used, while the surrogate is called the birth mother. (*'What is surrogacy? Everything you need to know', The Indian Express, 25 August, 2016*)



Prof. (Dr.) Rajpal Sharma



Dr. Sudhir Kumar Vats

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NATURE AND SPECIAL FEATURES OF THE FIRE INSURANCE IN INDIA: AN EVALUATION

Dr. Rajpal Sharma & Dr. Sudhir Kumar Vats***

I. Introduction

The fire insurance policy offers protection against any unforeseen loss or damage to destruction of property due to fire or other perils covered under the policy. In fire insurance, insurance is not against fire but against the loss caused by fire. There is no statutory enactment governing fire insurance. The Insurance Act, 1938 mainly dealt with the regulation of insurance business as such but not with any general or special principles the law relating to fire or other insurance contract.¹ In the absence of any legislative regulation on fire insurance, the courts have relied on the general laws of contract and the decisions given by Indian and English courts.

In India also, prior to nationalisation, general insurance business was conducted by life insurance companies also but after nationalisation in 1972, consequent upon passing of the General Insurance Business Nationalisation Act (GIBNA), the General Insurance Corporation of India was formed and was conferred the exclusive power to regulate and conduct the business of General Insurance in India. Since 1973 the GIC and its four subsidiary companies namely New India Assurance Co. Ltd., National Insurance Co. Ltd., Oriental Insurance Co. Ltd., and United India Insurance Co. Ltd. had been the sole players in the field until the passing of the Insurance Regulatory and Development Authority Act, 1999 which allowed the entry of private players.

Over the past few years a few private players have entered the arena. The new players have entered the general insurance field but are playing cautiously. These are still early days but the field is wide open, the future is bright and the customer is the one who will be benefited the most by the growing competition. We hope to see international level of service and products in the country soon and a multiple choice to select from.

II. Meaning of 'Fire'

Fire insurance is an insurance against the loss or damage caused by fire. So indemnity of loss is confined to loss caused by fire. Thus the meaning 'fire' and "loss by fire" is significant to appreciate the fire insurance. 'Fire' is not defined in policy nor there is any statutory definition, hence it must be understood in its popular, primary or ordinary sense. In that sense, to constitute fire, there must be ignition or combustion. Chemical action generating heat not resulting in actual ignition is not fire. A loss or damage may be said to be by fire when there has been ignition of insured property which was

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1 *Vijay Kumar v. New Zealand Ins. Co.*, AIR 1954 Bom. 347.



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LL.M (Previous)
Indian Constitutional Law And
The New Challenges
Paper: II (102)
Volume: I
Lesson No.: 1-11



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INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

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INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

Paper : II (102) DE

Writer: Prof. Sunil Deshta *

Lesson No. : 1

Updated by: Dr. Sudhir Kumar Vats**

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INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

Paper : II (102) DE

Writer: Prof. Sunil Deshta *

Lesson No. : 2

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The Present pattern of government established under the Constitution is basically a blended brew of the British Parliamentary system and the *Government of India Act, 1935*. Therefore, it has been considerably influenced by the political background in India as it evolved during the British rule. The founding fathers of the Constitution were desirous of

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Writer: Prof. Sunil Deshta *

Lesson No. : 3

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Paper : II (102 - DE)

Lesson No. : 5

Writer: Prof. Sunil Deshta*

Revised, Updated and Edited by: Dr. Sudhir Kumar Vats**

JUDICIARY IN INDIA - QUALIFICATIONS, SALARIES & ALLOWANCES, TENURE AND PROMOTIONS, REMOVAL AND TRANSFER OF THE JUDGES, CODE OF CONDUCT FOR JUDGES

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Paper : II (102 - DE)

Lesson No. : 5 - A

Writer : Dr. Sudhir Kumar Vats*

Vetter : Prof. Rajpal Sharma**

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Paper : II (102) DE

Lesson No. : 7

Writer: Prof. Sunil Deshta*

Updated by: Dr. Sudhir Kumar Vats**

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Writer: Prof. Sunil Deshta *

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Lesson No. : 9

Writer: Prof. Sunil Deshta *
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Paper : II (102) DE

Writer: Prof. Sunil Deshta *

Lesson No. : 11

Updated by: Dr. Sudhir Kumar Vats**

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Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 12

Vetter: Prof. Rajpal Sharma**

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INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

Paper : II (102) DE

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 13

Vetter: Prof. Rajpal Sharma**

**SOCIO-ECONOMIC RIGHTS, DIRECTIVE PRINCIPLES OF STATE POLICY -
ENFORCEMENT BY THE STATE, RELATIONSHIP BETWEEN DIRECTIVE PRINCIPLES &
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The Directive Principles of State Policy contained in Part IV of the Constitution set out the aims, ideals and objectives to be taken up by the States in the governance of India a Social Welfare State. At one time, it was thought that the State was mainly concerned with the maintenance of law and order and the protection of life, liberty and property of the

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Writer: Dr. Sudhir Kumar V

Lesson No. : 14

Vetter: Prof. Rajpal Sharma

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1. INTRODUCTION

In Independent India, no Fundamental Right has caused so much trouble, and has given rise to so much litigation between the government and the citizens, as the right to

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LL.M - I

INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

Paper : II (102) DE

Writer: Dr. Sudhir Kumar Va

Lesson No. : 15

Vetter: Prof. Rajpal Sharm

PARLIAMENTARY, PRIVILEGES & FUNDAMENTAL RIGHTS

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6. SELF - ASSESSMENT QUESTIONS

1. INTRODUCTION

The constitutional provisions regarding privileges of the State Legislature and Parliament are identical. Articles 105 and 194 provide for privileges of the Legislature in India. While Article 105 deals with Parliament Article 194 deals with State Legislature

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LL.M - I

INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

Paper : II (102) DE

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 16

Vetter: Prof. Rajpal Sharma**

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4. SUMMARY

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Eleven Fundamental Duties of the citizens are incorporated in Article 51 A, Part IVA of the constitution. Inserted by the Constitution (Forty-second Amendment) Act, 1976 it was part of a large number of changes brought about during the emergency. But after the end of the emergency, when the new Parliament reviewed the whole position and in most cases restored the pre-emergency position, Article 51 A was one that emerged unscathed because it was considered by all parties to be an unexceptionable charter of principles which citizens

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LL.M – I

INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

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Lesson No. : 17

Vetter: Prof. Rajpal Sharma**

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Federalism is one of the most important aspects of modern constitutionalism. It is established all over the world and an admirable device by which national unity can be harmonized with local autonomy. The word federalism owes its origin from Latin word

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LL.M – I

INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

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INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

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Lesson No. : 19

Vetter: Prof. Rajpal Sharma**

**DISTRIBUTION OF FINANCIAL RESOURCES, INTER-STATE TRADE AND
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LL.M - I

INDIAN CONSTITUTIONAL LAW AND THE NEW CHALLENGES

Paper : II (102) DE

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 20

Vetter: Prof. Rajpal Sharma**

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BUSINESS LEGISLATION

MBA - FINAL

Paper MBA D : 202

Lesson No. : 1 to 11

Writer: Dr. Sudhir Kumar Vats

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MBA D – 202

Paper : MBA D – 202

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Lesson No. : 1 Business Legislation

Vetter: Dr. R.C.Dalal**

**BUSINESS LEGISLATION: MEANING, RATIONALE AND SCOPE OF
LAWS PERTAINING TO BUSINESS IN COUNTRY LIKE INDIA**

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6. SELF-ASSESSMENT QUESTIONS
 1. INTRODUCTION

No society can exist without law. It is essential for the up keeping of peace the society. It is often found that law changes with a change in the society. Law is

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Lesson No. : 2 Business Legislation

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 - 3.10 Breach of Contract
 - 3.10.1 Remedies for Breach of Contract
 - 3.11 Quasi – Contract

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MBA D – 202

Paper : MBA D – 202

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 3 Business Legislation

Vetter: Dr. R.C.Dalal**

THE SALE OF GOODS ACT, 1930: FORMATION OF CONTRACT,
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 - 3.1.6 Sale Distinguished from other Similar Contracts
 - 3.1.7 Formalities of Contract of Sale
 - 3.1.8 Subject Matter of Contract of Sale
 - 3.1.9 Ascertainment of Price (Sections 9 & 10)

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MBA D – 202

Paper : MBA D – 202

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 4 Business Legislation

Vetter: Dr. Sudesh**

**THE NEGOTIABLE INSTRUMENT ACT, 1881: AS AMENDED BY THE
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MBA D – 202

Paper : MBA D – 202

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 5 Business Legislation

Vetter: Dr. Sudesh**

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Paper : MBA D – 202

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 6 Business Legislation

Vetter: Dr. Sudesh**

ARTICLES OF ASSOCIATION, PROSPECTUS – LIABILITY FOR MIS-
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4. SUMMARY

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MBA D – 202

Paper : MBA D – 202

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 7 Business Legislation

Vetter: Dr. R.C.Dalal**

**DIRECTOR'S POWERS, AGM'S, PREVENTION OF OPPRESSION AND
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Mismanagement and Oppression (Sec. 397-399 and 402)**

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MBA D – 202

Paper : MBA D – 202

Lesson No. : 8 Business Legislation

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MBA D – 202

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Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 9 Business Legislation

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MBA D – 202

Paper : MBA D – 202

Writer: Dr. Sudhir Kumar Vats*

Lesson No. : 10 Business Legislation

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Lesson No. : 11 Business Legislation

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