

LL.M. 2ND SEMESTER

OPTIONAL PAPER **LAW OF CORPORATE GOVERNANCE**

BANKING LAW AND NEGOTIABLE INSTRUMENTS

Paper: 204 – F

Max.Marks:100.

Credits: 5.

Time: 3 Hours.

Note:

1. There shall be total Five Units in the question paper.
2. Unit -I shall contain one compulsory question having four parts of five marks each. This question shall be from entire syllabus.
3. There shall be two questions in each Unit i.e. Unit II to V.
4. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit II to Unit V. Each question shall carry twenty marks.

COURSE OBJECTIVES:

- To provide the student an understanding of legal and regulatory aspects of Banking
- Make the students to understand the conceptual and legal parameters including the judicial interpretation of banking law
- Make the students aware about new emerging dimensions in banking system including E-Commerce and E-banking
- Understand meaning, essential characteristics and types of negotiable instruments
- Describe the meaning and marketing of cheques, crossing of cheques and cancellation of crossing of a cheques
- To explain capacity and liability parties to a Negotiable Instrument
- Understand various provisions of Negotiable Instrument Act, 1881 regarding negotiation, assignment, endorsement, acceptance etc. of Negotiable Instruments

UNIT 1

Historical Overview of Banking System

- Nature, Development and Historical Background of Banking Institution
- Nationalization in Banking hierarchy
- Social Control and Privatisation in Banks
- Present realm of Banking system
- Overview of Banking Legislation
- Winding Up Banking Companies
- Legal realm of Banking Ombudsman
- International Perspective in Banking era

UNIT II

Contemporary Banking

- RBI; Composition, Organization, Power and its Promotional role
- E-Banking-Internet Banking and Mobile Banking
- Regulatory and Supervisory issues of E-Banking
- SBI-Incorporation, Composition and Working

UNIT III

Legal framework of Recovery of Debts and Bankruptcy

- **Debt Recovery Tribunal**
 - a) Establishment of Tribunal and Appellate Tribunal
 - b) Jurisdiction, Powers and Authorities
 - c) Procedure of Tribunal
 - d) Recovery of Debts by Tribunal
- **Insolvency and Bankruptcy**
 - a) Role of Insolvency and Bankruptcy in debt financing
 - b) Institutional Infrastructure
 - c) Process for Legal entities
 - d) Process for Individuals
 - e) Liquidation Process

UNIT IV

Legal Technique of Negotiable Instruments

- Historical background, Features and Types of NI
- Parties to Negotiable Instruments
- Delivery and Presentation
- Payment and Interest perspective
- Discharge of Liability
- Legal aspects of Dishonor of Cheques

COURSE OUTCOME:

- The learning outcome will make the students aware about new emerging dimensions in banking system including E-commerce and E-banking.
- Learning of the course will help the students to understand various provisions of Negotiable Instrument Act, 1881 regarding negotiation, assignment, endorsement, acceptance, etc. of Negotiable Instruments.

SUGGESTED READINGS:

1. R.N. CHAUDHARY : Banking Law
2. R.K Bangia : Banking Law & Negotiable Instruments
3. Tannan : Banking Law (students Edition) Paperback
4. Singhal : Banking Law and Insurance, Leading Cases and
5. S.N. Gupta : Supreme Court on Banking Law, 6th Edition
6. Dr. S.R. Myneni : Law of Banking and Negotiable Instruments, Asia Law