#### HISTORICAL PERSPECTIVE OF SECURITIES LAWS

#### M 5 SAHOO"

The two exclusive legislations that governed the securities market till early 1992 were the Capital Issues (Control) Act, 1947 (CICA) and the Securities Contracts (Regulation) Act, 1936 (SCRA). The CICA had its origin during the war in 1943 when the objective was to channel resources to support the war effort. Control of capital issues was introduced through the Defence of India Rules in May 1943 under the Defence of India Act, 1939. The control was retained after the war with some modifications as means of controlling the raising of capital by companies and to ensure that national resources were channeled into proper lines, i.e., for desirable purposes to serve goals and priorities of the government, and to protect the interests of investors. The relevant provisions in the Defence of India Rules were replaced by the Capital Issues (Continuance of Control) Act in April 1947. This Act was made permanent in 1956 and enacted as the Capital Issues (Control) Act, 1947. Under the Act, the Controller of Capital Issues was set up which granted approval for issue of securities and also determined the amount, type and price of the issue. This Act was, however, repealed in 1992 as a part of liberalization process to allow the companies to approach the market directly provided they issue securities in compliance with prescribed guidelines relating to disclosure and investor provided they issue securities in compliance with prescribed guidelines relating to

Though the stock exchanges were in operation, there was no legislation for their regulation till the Bombay Securities Contracts Control Act was enacted in 1925. This was, however, deficient in many respects. Under the constitution which came into force on January 26, 1950, stock exchanges and forward markets came under the exclusive authority of the Central Government. The Government appointed the A. D. Gorwala Committee in 1951 to formulate a legislation for the regulation of the stock exchanges and of contracts in securities. Following the recommendations of the Committee, the SCRA was enacted in 1956 to provide for direct and indirect control of virtually all aspects of securities trading and the running of stock exchanges and to prevent undesirable transactions in securities. It has undergone several modifications since its enactment and even today an amendment is awaiting approval of the Parliament. It gives Central Government regulatory jurisdiction over (a) stock exchanges through a process of recognition and continued supervision, (b) contracts in securities, and (c) listing of securities on stock exchanges. As a condition of recognition, a stock exchange complies with conditions prescribed by Central Government. Organised trading activity in securities is permitted on recognised stock exchanges.

The authorities have been quite sensitive to requirements of the development of securities market, so much so that the last decade (1992-2003) witnessed nine special legislative interventions, including two new enactments, namely the Securities and Exchange Board of India (SEBI) Act, 1992 and the Depositories Act, 1996. The SCRA, the SEBI Act and the Depositories Act were amended six, five and three times respectively during the same period. The developmental need was so urgent at times, that the last decade witnessed five ordinances relating to securities laws. Besides, a number of other legislations (the Income Tax Act, the Companies Act, the Indian Stamps Act, the Bankers' Book Evidence Act, the Benami Transactions (Prohibition) Act etc.) having bearing on securities markets have been amended in the recent past to complement amendments in securities laws.

The legal reforms began with the enactment of the SEBI Act, 1992, which established SEBI with statutory responsibilities to (i) protect the interest of investors in securities, (ii) promote the development of the securities market, and (iii) regulate the securities market. This was followed by repeal of the Capital Issues (Control) Act 1947 in 1992 which paved way for market determined allocation of resources. Then followed the Securities Laws (Amendment) Act in 1995, which extended SEBI's jurisdiction over corporates in the issuance of capital and transfer of securities, in addition to all intermediaries and persons associated with securities market. It empowered SEBI to appoint adjudicating officers to adjudicate wide range of violations and impose monetary penalties

# **Securities Law In Perspective**

Michael I. C. Nwogugu

#### **Securities Law In Perspective:**

Securities Law in Perspective Harold S. Bloomenthal, 1977-01-01 Commercial Law in a Global Context:Some **Perspectives in Anglo-Japanese Law** Yutaka Tajima, Fiona Macmillan, 1998-07-20 This unique work consists of a selection of key papers presented at the first Anglo Japanese Comparative Law Conference held at Jesus College Cambridge in September 1996 The conference was organised under the auspices of the Institute of Advanced Legal Studies University of London the University of Tsukuba Japan and Murdoch University in Australia The conference brought together a number of leading business lawyers from around the world who discussed the impact of globalisation on commercial law If trhe internalisation of trade and business has produced problems for lawyers the impact of globalisation particularly in such areas as the capital markets has proved to be even more problematic. The implications for all those who operate in the commercial and financial sectors and for those who advise them of developments in the nature and character of the markets are increasingly significant The publication will be of particular interest to academics those involved in trans national business Perspectives in Company Law and Financial Regulation Michel Tison, Hans De Wulf, Christoph Van and legal practitioners der Elst, Reinhard Steennot, 2009-06-18 This collection of essays has been compiled in honour of Professor Eddy Wymeersch on the occasion of his retirement as professor at Ghent University His main international academic peers explore developments on the crossroads of company law and financial regulation in Europe and the United States providing a unique view on the dynamics of regulatory competition in an era of economic globalisation whether in the fields of rulemaking organising the mobility of capital or the enforcement of rules The deepening of European financial integration and the transatlantic regulatory dialogue has generated new paradigms of rule setting in a multinational framework and reinforced the need to develop adequate instruments for cooperation between regulators Regulators increasingly use concepts such as equivalence or mutual recognition to regulate cross border relations **European Perspectives on Behavioural Law and Economics** Klaus Mathis, 2015-02-09 This anthology highlights the theoretical foundations as well as the various applications of Behavioural Law and Economics in European legal culture By the same token it fosters the dialogue between European and American Law and Economics scholars The traditional neo classical microeconomic theory explains human behaviour by using Rational Choice According to this model people tend to maximize the difference between expected utility and cost expected utility theory This theory includes three assumptions 1 unbounded rationality 2 unbounded self interest and 3 unbounded willpower Behavioural Economics questions these assumptions and endeavours to render economic analysis more realistic by underpinning it with psychological insights In recent years the influence of Behavioural Economics on the Economic Analysis of Law has gained momentum Behavioural Law and Economics generates a better theoretical understanding of legal phenomena and offers a multitude of applications in legislation and legal adjudication This volume is testament to the growing and thriving Law and Economics movement in Europe The European Law and Economics

community has steadily grown and the yearly Law and Economics Conference at the law faculty of the University of Lucerne has successfully become a guiding star in the vast sky of Law and Economics British And Canadian Perspectives on International Law Christopher Peter Michael Waters, 2006 British and Canadian Perspectives on International Law examines the impact of public international law on the United Kingdom's and Canada's domestic legal systems It also analyses the contributions of British and Canadian practice to the development of international norms Topics addressed include international criminal law international humanitarian law human rights and human security asylum trade jurisdiction reception law and media portrayals of international law Whereas international law scholarship usually takes a global regional or national approach this book s chapters are written by leading scholars and practitioners from both countries and provide unique comparative views While there remains much in common between the two states understandings of international law recent developments have shown significant points of departure **Jurisdiction in International Law** Cedric Ryngaert, 2008-10-02 Introduction Public international law approaches to jurisdiction The territoriality principle The principles of extraterritorial criminal jurisdiction A reasonable exercise of jurisdiction A new theory of jurisdiction in Roles and Perspectives in the Law David Carter, Matthew Palmer, 2002 Contains papers presented at a international law conference entitled Roles and perspectives in the law held in April 2002 at Victoria University of Wellington Law School honouring Sir Ivor Richardson upon his retirement as President of the Court of Appeal Covers eight distinct and contrasting areas of law the juxtaposition of which illustrates the underlying principles tensions and values that run through the law Includes sections on taxes and commercial regulation United States Securities Law James M. Bartos, Jim Bartos, 2006-01-01 Capital raising mergers and acquisitions and securities trading around the world often involve some connection with the United States and implicate the US securities laws United States Securities Law A Practical Guide offers a concise overview of US securities laws from the perspective of a non US participant It is written not only for lawyers but for managers bankers and others with an interest in the topic This new edition has been significantly updated and expanded including for the SEC s recent offering reforms and corporate governance developments Praise for the Second Edition This book has been a valuable resource in effectively counselling my company in the intricacies of SEC regulation Jim with his many years of counselling foreign issuers out of his firms London office writes with a perspective that is particularly relevant to the needs of foreign companies listed on US exchanges George Miller Executive Vice President and General Counsel Novartis Corporation A well written and useful primer for those looking for quick practical answers to real life questions or who wish to understand better the background and rationale to US securities law and regulation Leland Goss Managing Director Credit Suisse This book really is a practical guide to the US securities laws It does a great job of explaining the rules and regulations in a way that can be understood by readers that are not themselves US securities lawyers Peter Castellon Director and amp Counsel Citigroup Corporate and amp Investment Banking Law Library Journal, 1987 Vols 1 include

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**Swedish Perspectives on Private Law Europeanisation** Annina H Persson, Eleonor Kristoffersson, 2017-01-12 As part of the European integration an ambitious programme of harmonisation of European private law is taking place This new edition in the Swedish Studies in European Law series the work of both legal scholars and politicians aims to create a modern codification in the tradition of the great continental codifications such as the BGB and the Code Civil A significant step towards this development was taken in 2009 with the creation of the Draft Common Frame of Reference which contains

model rules for a large part of central private law The process raises a number of questions What are the advantages and disadvantages of such an intensive process of harmonisation Are there lessons to be learnt from the Europeanisation of private law through history Are there any further steps which have been taken in order to create a European private law What is the future of European private law These crucial questions were discussed at a conference in Stockholm sponsored by the Swedish Network of European Legal Studies This important volume includes the answers offered by leading scholars The Evolution of Legal Business Forms in Europe and the United States Erik M. Vermeulen, 2003-01-01 The evolution of partnership forms is stimulated by powerful economic forces that can lead to widespread prosperity and wealth creation for a society Given the importance of closely held firms in the United States and Europe The Evolution of Legal Business Forms in Europe and the United States argues that partnership law should trouble itself less with historical and descriptive arguments about the legal rules and structure of the partnership form and focus much more on the new analytical apparatus of the economics of organizational form as well the fundamental economic learning that informs the debates on limited liability partnership rules regarding management and control conflict resolution and fiduciary duties Introducing and extending the best available theories from law and economics particularly those from the theory of the firm This book s analysis demonstrates that the patterns of European partnership law and its recent history are best understood from an economic and comparative law perspective By examining the economic theories of the firm and the economics of organization choice The Evolution of Legal Business Forms in Europe and the United States conceives partnership type business forms as contractual entities. The key feature of the modern partnership form is that partners have significant flexibility and power to limit their liability transfer all of their rights and to freely exit the firm Another key feature of partnership law is the insight that lawmakers should provide the rules and enforcement mechanisms to regulate the important relationships within the partnership This book applies an efficiency test to determine which sets of default rules are likely to resolve the main problems in partnerships Having identified partnership law with the economic theory of organization The Evolution of Legal Business Forms in Europe and the United States then goes to argue that most of partnership law is directed at offering bundles of legal rules for different types of firms Lawmakers should promote partnership rules that attract investors and can be expected to be efficient if they allow entrepreneurs to freely select the bundle of rules that best match their priorities In a modern vision of partnership law lawmakers promote economic welfare through creating non mandatory rules that allow multiple businesses to switch to a favourable business form without significant costs Jurisdictions plagued by falling incorporations and low levels of small and medium business activity should abandon the mandatory and standardized framework and the lock in effect that it promotes and focus on the mechanisms of legal evolution and rules that tend to mimic the market This innovation work will have ramifications felt across European jurisdictions and will be debated by a large audience of policymakers and academic lawyers involved in law reform Moreover

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The implications of decentralised norm making the proliferation of dispute settlement mechanisms and the rising backlash against global legal interdependence in the form of demands for preserving state legal autonomy are also examined European Sovereign Debt Crisis Phoebus L. Athanassiou, Angelos T. Vouldis, 2021-08-23 The European Sovereign Debt Crisis Breaking the Vicious Circle between Sovereigns and Banks explains why the euro area's progress towards reining in the risks arising from the well documented bi directional financial contagion transmission mechanism that links sovereigns to commercial banks has been more prominent compared to the channel of contagion moving from banks to sovereigns Providing an analysis of the legal and regulatory measures that Europe and the euro area have taken to mitigate the exposure of sovereigns to financial crises generated by commercial banks this book draws attention to areas where improvements to the arsenal of tools hitherto introduced are either desirable or necessary Chapters further explain with recourse to economic and legal arguments why the channel of contagion moving from sovereigns to commercial banks has proven harder to close and explores ways in which progress could be made in the direction of closing it so as to avert the risk of future banking sector crises This work provides essential reading for students researchers and practitioners with an interest in sovereign debt crises and the euro area banking system Perspectives on Commercializing Innovation F. Scott Kieff, Troy A. Paredes, 2011-11-21 Intellectual property is a vital part of the global economy accounting for about half of the GDP in countries like the United States Innovation competition economic growth and jobs can all be helped or hurt by different approaches to this key asset class where seemingly slight changes in the rules of the game can have remarkable impact This book brings together diverse perspectives from the fields of law economics business and political science to explore the ways varying approaches to intellectual property can positively and negatively impact our economy and society Employing approaches that are both theoretically rigorous and grounded in the real world Perspectives on Commercializing Innovation is well suited for practising lawyers managers lawmakers and analysts as well as academics conducting research or teaching in a range of courses in law schools business schools and economics departments at either the undergraduate or graduate level

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